

**PLACER COUNTY GRAND JURY
FINAL REPORT
2023-2024**



**STATE OF CALIFORNIA
June 27, 2024**

Cover Photo Credit: Placer County Public Affairs



PLACER COUNTY GRAND JURY

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The Honorable Alan V. Pineschi
Presiding Judge, Superior Court
County of Placer
PO Box 619072
Roseville, CA 95661-9072

The Honorable Trisha Hirashima
Advising Grand Jury Judge, Superior Court
County of Placer
PO Box 619072
Roseville, CA 95661-9072

Subject: 2023-2024 Grand Jury Final Report

Dear Judge Pineschi, Judge Hirashima, Placer County Board of Supervisors, and Citizens of Placer County:

As foreperson it is my honor to present the 2023-2024 Placer County Grand Jury Final Consolidated Report. The report contains thirteen individual reports on our investigations and required inspections completed during our term. Some of the key topics investigated were election integrity, a county contract, missile silos, water rate increases, and the escape of an inmate.

The Placer County Grand Jury consists of nineteen civic-minded individuals who dedicated their time and efforts this past year to identify areas of improvement within Placer County for the benefit of its residents and governmental organizations. Each member of the grand jury has devoted hundreds of hours of hard work in connection with the investigations, inspections, tours, research, and the writing required to prepare this final report. The results of their dedication, knowledge, and experiences are evident in this year's reports. Their dedication and accomplishments cannot be overstated.

The Placer County Grand Jury receives complaints from citizens throughout the year. Each complaint is carefully reviewed by the grand jury to determine jurisdiction and the relevance and impact of the complaint topic to the citizens of the county. After completion of the initial review, complaints are moved to the appropriate committee for further exploration. Committees examine each topic with

oversight by the full grand jury. Due to time constraints, not every complaint received by the grand jury is investigated. A written report of the grand jury's findings and recommendations regarding any specific complaint may or may not be included in this year's final report.

The grand jury acknowledges and thanks the advice and guidance provided by our Presiding Judge, the Honorable Alan V. Pineschi, and Advising Judge, the Honorable Trisha Hirashima. We also recognize Renju Jacob, Supervising Deputy County Counsel, Rosalinda Cruz, the Court Executive Assistant, and our Office Manager, Shane Campbell-Kaslin, for their invaluable guidance and support throughout the year.

Sincerely,



Barbara Ferguson, Foreperson
2023-2024 Placer County Grand Jury

Placer County Grand Jury 2023-2024



Photo credit: Jim Ferguson

Wendy Biel
Roseville

Margo Cave
Roseville

Bob Conley
Rocklin

Linda Cook
Granite Bay

Tim Denly
Roseville

Barbara Ferguson
Roseville

Marie Fleischhacker
Meadow Vista

Wayne Hogrefe
Auburn

Sue Kukrall
Newcastle

Lee Lawson
Foresthill

Patrick Madden
Roseville

Tim Robertson
Roseville

Lisa Rose
Ophir

Emily Travis
Auburn

Suezy Tucker
Auburn

Tim Wallace
Roseville

Courtney Weidmann
Rocklin

Norma Worley
Rocklin



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Introduction to the Grand Jury

What is a Grand Jury?

The grand jury is an investigatory body with the authority to act as a watchdog over local government, to investigate citizen complaints, and to assist in criminal matters at the request of the district attorney.

The grand jury is part of the county judicial system as authorized by the California State Constitution. It is advised by the Placer County Superior Court and is not accountable to elected officials or government employees. Its findings and recommendations are unbiased and impartial. Grand jurors are sworn to secrecy and, other than final reports, their work is kept strictly confidential.

History

The jury system is rooted in English common law and dates to the eleventh century. In 1635, the Massachusetts Bay Colony impaneled the first grand jury in North America to consider cases of murder, robbery, and wife beating. The U.S. Constitution's Fifth Amendment and the California Constitution Article 1 call for grand juries. Grand juries were established throughout California during the early years of statehood. As constituted today, criminal and civil grand juries are a part of the judicial branch of government and function as arms of the court system.

The grand jury is an investigatory body created for the protection of society and the enforcement of the law. The grand jury in California is unusual because its duties include investigation of local and county governments as provided by statutes passed in 1880.

Investigations

The primary duty of the grand jury is to evaluate local government entities through a systematic fact-finding process. The objective of the investigations is to produce beneficial reports that persuade local officials to run agencies more effectively and efficiently. The final report of the grand jury is the result of investigative efforts and is a public record of their endeavor.

Anyone may ask a grand jury to investigate a civil issue that falls within the grand jury's jurisdiction. Whether it chooses to investigate such a complaint is entirely in the jury's discretion and may be affected by workload, resource limitations, or jurisdiction.

By law, all proceedings of a grand jury are confidential. Findings and recommendations are published in its final report. Per California law, elected officials must respond within sixty days. Governing bodies of public agencies must respond within ninety days. The following year's grand jury publishes the responses to the final report.

Upon occasion, the district attorney can ask a grand jury to hold hearings in criminal investigations to determine whether evidence presented by the district attorney is sufficient to indict an individual, who would then stand trial in court. A minimum of twelve grand jurors must vote for an indictment in any criminal proceeding.

Placer County Grand Jury Committees

The 2023-2024 Placer County Grand Jury served a one-year term from July 11, 2023, through July 9, 2024. In performing its duties, the grand jury examined county government, special districts, school districts, city governments, and inspected jails, holding facilities, and the juvenile detention facility.

Grand jury reports are done by committees. A juror typically serves on three committees and may be an officer on two of those committees. Committees meet at least twice each month.

Audit and Finance

This committee may audit Placer County Government offices, departments, agencies, and districts.

Cities

This committee may investigate incorporated cities and towns within Placer County. The committee investigates the operations or functions of one or more city departments or functions. The six cities and towns are Auburn, Colfax, Lincoln, Loomis, Rocklin, and Roseville.

Continuity and Editorial

This committee is responsible for ensuring the written reports of the grand jury are factual, clear, concise, and readable. Editing includes proper punctuation, spelling, grammar, and formatting. This committee also leads the ongoing task of updating the Placer County Grand Jury Handbook so subsequent grand juries may make a smooth transition into a new term.

County Administration

This committee concerns itself with the investigation of the offices, departments, and functions of county government. It includes, but is not limited to, all appointed boards and commissions not under the purview of the Special Districts Committee.

Criminal Justice

This committee is mandated to inspect jails and holding facilities in Placer County each year. It also may investigate matters concerning criminal justice. This committee also considers matters concerning law enforcement and public safety.

Health and Welfare

This committee investigates issues related to the social services of Placer County. In addition, it is responsible for the annual Juvenile Detention Facility inspection.

Schools and Libraries

This committee investigates public educational institutions and public libraries. It has no jurisdiction over school policies or personnel.

Special Districts

This committee investigates special districts, agencies, boards, commissions, and joint powers agencies serving Placer County. Examples of these special districts include water agencies, hospitals, cemetery, utility, airport, and fire districts.

Jurisdiction

The areas within the investigatory jurisdiction of the Placer County Grand Jury include:

- persons imprisoned in the county jail on a criminal charge and not indicted,
- the condition and management of the public jails within the county,
- willful or corrupt misconduct in office of public officers of every description within the county,
- county government, city government, special districts, school districts, agencies, and authorities, and
- criminal hearings upon request of the district attorney.

The areas which are not within Placer County Grand Jury jurisdiction include:

- federal agencies,
- state agencies,
- superior court system, and
- school district personnel records, curriculum, and policy.

Grand Juror Qualifications

Prospective grand jurors must possess the following qualifications per California Penal Code § 893:

- applicant is a citizen of the United States, 18 years or older, who has been a resident of Placer County for one year immediately before being selected and sworn in,
- applicant is in possession of his or her natural faculties, of ordinary intelligence, of sound judgment, and of fair character, and
- applicant possesses sufficient knowledge of the English language.

A person is not allowed to serve as a grand juror if:

- serving as a trial juror in any California court,
- discharged as a grand juror in any court of this state within one year,
- convicted of malfeasance in office, any felony, or other high crime, or
- serving as an elected public officer.

Desirable qualifications for a grand juror include:

- computer and internet communication skills,
- good health,
- open-minded with concern for the views of others,
- ability to work with others,
- genuine interest in community affairs,
- investigative skills, and
- ability to write reports.

Juror Selection

In the spring of each year, the Placer County Superior Court solicits applications from citizens of the county. Applicants should expect that a criminal records check will be conducted. Applications are reviewed and an interview is scheduled with the presiding and advising judges as well as the foreperson of the outgoing grand jury.

After the interview process, prospective applicants are required to appear for the final selection which is held in a Placer County Superior Court courtroom. With outgoing grand jurors in attendance, the court clerk draws nineteen names at random. A minimum of ten names are drawn to form a list of alternate jurors. The presiding judge swears in the new nineteen grand jury members and gives the jurors a description of their duties and responsibilities.

Commitment

Persons selected for grand jury service can expect to serve forty or more hours per month for a period of one year, generally from July 1 through June 30. Jurors may opt to serve a second consecutive year, if approved by the court.

Remuneration

Grand jurors receive a nominal payment for meetings they attend and are reimbursed for mileage to attend meetings and training.

Orientation

Jurors attend a two-day orientation program provided by the Civil Grand Jury Association about grand jury functions, duties, and responsibilities. The jurors also receive onboarding training from the IT department.

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 to learn more about the administration and operation of Placer County government. Serving as a grand juror requires many hours and serious effort and reflects a generous commitment to public service.

How to Apply to Serve as a Grand Juror

Apply to be a grand juror online at:

https://www.placercourts.org/grand_jury/general-grandjury-application-form.html

Grand Jury Reports

The Placer County Superior Court maintains webpages for the grand jury on its website. Past and present final reports, and responses to those final reports, may be found at: <https://www.placer.courts.ca.gov/general-information/grand-jury/grand-jury-reports-resolutions>

How to Submit a Confidential Citizen Complaint

All complaints must be submitted in writing. A confidential citizen complaint form is available online at: <https://www.placer.courts.ca.gov/general-information/grand-jury/grand-jury-confidential-citizen-complaint-form> and may be submitted electronically. The form may also be mailed, faxed, or hand-delivered to the grand jury office at the address below. The citizen will receive a letter acknowledging receipt of the complaint.

All grand jury documents, including citizen complaints, are secret and cannot be subpoenaed in court or revealed to the public. Complainants' names are held in strictest confidence.

How to Contact the Grand Jury

By Mail: Placer County Grand Jury
11532 B Ave
Auburn, CA 95603

In Person: Materials can be placed in a drop box located by the entrance door at the above address.

Online: info@placergrandjury.org **OR**
forepersonprotm@placergrandjury.org

By Phone: (530) 886-5200

By Fax: (530) 886-5201



INSTRUCTIONS FOR RESPONDENTS

The legal requirements affecting respondents and responses to Grand Jury findings and recommendations are contained in California Penal Code § 933.05. The full text of the law is provided at the end of this document.

Two different time periods for responses, and to whom you must respond to, are defined in California Penal Code § 933(c). They are as follows:

| Type of Agency | Time Frame | To Whom |
|--------------------------------|------------------|--|
| Government Boards | Ninety (90) Days | <ul style="list-style-type: none">• Presiding Judge of the Superior Court |
| Elective Office or Agency Head | Sixty (60) Days | <ul style="list-style-type: none">• Presiding Judge of the Superior Court• Information copy to Board of Supervisors |

An original signed copy of the response must be provided to both of the following:

1. Presiding Judge of the Placer County Superior Court at the address listed below:

The Honorable Alan V. Pineschi
Presiding Judge of the Superior Court
County of Placer
PO Box 619072
Roseville, CA 95661-9072

2. Placer County Grand Jury at the address listed below:

Placer County Grand Jury
11532 B Ave
Auburn, CA 95603
Attention: Foreperson

When responding to more than one report, respondents must respond to each report separately.

Respondents are encouraged to use the Response to Grand Jury Report Form, included in this report, to help format and organize your response. An electronic version of the form is available upon request from the Grand Jury.

RESPONSE TO PLACER COUNTY GRAND JURY REPORT FORM

Report Title: _____

Response Provided by: _____

What is a Compliant Response?

Penal Code § 933.05 is very specific in what is required in a response. First, a respondent must address the findings listed in the report. There are only two responses allowed by the penal code. However, additional information is required if the respondent disagrees with a finding. If a report only lists findings and there are no recommendations, a response agreeing or disagreeing with each finding is not necessary.

FINDINGS

For purposes of subdivision (b) of Penal Code § 933.05, the respondent shall report one of the following two actions regarding each finding.

| |
|---|
| <p>The respondent agrees with the finding.</p> |
| <p>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(s) therefore.</p> |

- I (we) **agree** with the finding(s) numbered: _____.
- I (we) **disagree** wholly or partially with the finding(s) numbered: _____.

Describe any portions of the finding(s) that are disputed or not applicable; include an explanation of the reason(s).

RECOMMENDATIONS

For purposes of subdivision (b) of Penal Code § 933.05, the respondent shall report one of the following four actions regarding each recommendation.

| |
|---|
| The recommendation <u>has been implemented</u> with a summary regarding the implemented action. |
| The recommendation <u>has not yet been implemented</u> , but will be implemented in the future, <i>with a timeframe for the implementation.</i> |
| The recommendation <u>requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe</u> for the matter to be prepared for discussion. <i>This timeframe shall not exceed six months from the date of publication of the grand jury’s report.</i> |
| The recommendation <u>will not be implemented</u> because it is not warranted or is not reasonable, <i>with an explanation</i> , therefore. |

- Recommendations numbered _____ **have been** implemented.
(Describe the implemented actions.)
- Recommendations numbered _____ **have not yet been** implemented but will be implemented in the future, with a targeted completion date of _____.
Per Penal Code § 933.05(b)(2), a time frame for implementation must be included.
- Recommendations numbered _____ **require further analysis.** The further analysis will be completed by _____.
Describe the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six (6) months from the date of publication of the grand jury report.
- Recommendations numbered _____ **will not be** implemented because they are not warranted or are not reasonable.
Provide an explanation.

Signature: _____ Date: _____

Number of pages attached _____.

CALIFORNIA PENAL CODE

Section 933.05

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- (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 reasons therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (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 timeframe for implementation.***
 - (3) The recommendation 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 agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe 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, therefore.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of the public agency shall disclose any contents of the report prior to the public release of the final report.

Final Report Summaries

Inmate Escape and Subsequent Actions Taken The Escape of Eric Abril July 9, 2023

In the early morning hours of July 9, 2023, an inmate in the custody of the Placer County Sheriff's Office escaped from the Sutter Roseville Medical Center. This report details the Placer County Grand Jury's investigation of the escape, Placer County Sheriff's Office policies and procedures, and the events which caused the escape to happen.

Ensuring Integrity in Placer County Elections

There have been many changes in elections processes over the past years, and a national focus on the conducting of fair and impartial elections perseveres. The 2023-2024 Placer County Grand Jury investigated the Placer County Elections Office to review its procedures for ensuring integrity in elections. The grand jury found the Elections Office to be professional and cooperative throughout its investigation and is pleased to report its findings and recommendations to the citizens of Placer County.

From Missiles to Meadows: Restoring Nature's Balance Concern of Trichloroethylene Contamination

The Lincoln, California Titan 1-A Missile site was part of the Cold War-era defense system. It housed intercontinental ballistic missiles designed to carry nuclear warheads. The site gained attention in 1991 due to the discovery of trichloroethylene southwest of the site during groundwater sampling. Trichloroethylene is a volatile organic compound that has infiltrated the site's soil and groundwater, raising concerns about its impact on human health and the environment.

Subsequent investigations focused on understanding the extent of the trichloroethylene plume and its movement, crucial for implementing remediation measures. Cleanup efforts will require soil remediation and groundwater monitoring to mitigate environmental impacts.

To date, no remediation efforts have been completed, resulting in health and environmental concerns from the community. Without cleanup efforts, the contamination poses a risk to the surrounding environment and public health. It is essential for proper authorities to prioritize and initiate cleanup efforts to address these potentially serious hazards. This remediation project underscores the importance of monitoring and managing environmental contamination at former military sites to ensure public safety and environmental preservation.

A Fiscal Evaluation of the Contract for Jail Services Between Placer and Nevada Counties

Since 2001, the Placer County Sheriff's Office has contracted with Nevada County Sheriff's Office for jail services due to inadequate facilities at Burton Creek Tahoe Substation for housing detainees. While annual contract renewals indicate this is a favorable agreement, the fiscal demands show the complete opposite. As written, this contract has an automatic annual increase of 3 percent every fiscal year, resulting in a cost of detaining offenders more than twenty times higher than Placer County's Daily Jail Rate and costs taxpayers over \$500,000 dollars per year.

Recently, the Placer County Board of Supervisors approved authorizing staff to begin land use consulting and project planning and entitlements to facilitate the design of the project to replace the facilities. The approved contract for the consultant work is to not exceed \$500,000. The goal being a building completion in 2030. The completion of a new facility, which includes a Type II jail, should eliminate the need for the contract.

Department of Public Works County Garage Fleet-Assigned Vehicles

The Placer County Department of Public Works provides vehicle services to all Placer County departments. One of its main services is providing management and maintenance of fleet-assigned county vehicles consisting of various cars, trucks, and vans. The fleet is recognizable as the familiar white vehicles with the Placer County logo the public sees throughout the county. This report focuses on the county garage and how it operates.

Municipal Advisory Councils - What is a MAC?

The Municipal Advisory Councils in Placer County originally were originally intended as outreach facilitators between the public and the Planning Commission. Currently they are underutilized and do not align with their original purpose. Following redistricting, Municipal Advisory Councils no longer match Placer County Board of Supervisor boundaries leading to some being overseen by multiple supervisors. Furthermore, Municipal Advisory Councils board members lack adequate training on zoning laws, land use regulations, and Brown Act rules, contributing to a perception that citizen and board members' concerns are not taken seriously.

As most of the grand jurors were unaware of these councils and their role, the 2023-2024 Placer County Grand Jury decided to investigate how Municipal Advisory Councils function. Through their investigation, grand jurors learned Municipal Advisory Councils are different in each supervisorial district ranging from how the councils are utilized to how often meetings are held.

A Review of the 2023 Water Rate Increase by the City of Lincoln

The 2023-2024 Placer County Grand Jury received a citizen's complaint regarding the newly established water rate increases, indicating continued concern over the City of Lincoln's financial management. The grand jury has reviewed and investigated the history involving the 2023 water rate increases. The water rate increase was introduced October 1, 2023, to ensure water utility funds are stabilized to provide continued and reliable water utility services to City of Lincoln residents. This report gives a brief history of Lincoln's water rate changes since 2013, and describes the processes used to determine the rate increase, resident notification, and implementation.

Cemetery Districts in Placer County - A Review of Current Operations, Finances, and Future Plans

Placer County has six cemetery districts that administer fifteen individual cemeteries. The earliest burial sites in some of the cemeteries date back to the early to mid-1800s and are of local historical significance. This report encompasses a review of the financial standing, operations, maintenance, and future plans within each district. The diverse age and locations of the individual cemeteries present different resource requirements, especially for maintenance and upkeep in the older, historical cemeteries. All the districts do a commendable job with upkeep and appearance, but the historical cemeteries have family plots that are abandoned, which poses maintenance challenges.

The larger cemetery districts are financially sound with significant property tax revenues and reserves at the four larger cemeteries. The two smallest cemetery districts have very limited tax income revenue and financial reserves, yet they maintain their balance sheets well. Finally, all the cemetery districts have sufficient developed and undeveloped land to accommodate their anticipated space needs into the future. Cemeteries in western Placer County, the largest area of population growth, have the most undeveloped land to accommodate growth and the largest financial reserves for future land purchases.

Special Districts' Compliance with Form 700 and Ethics Training

Individual board members of Placer County Special Districts are required to submit a Form 700 on an annual basis and complete ethics training biannually if any board member of the special district receives any financial compensation (salary, stipend, or reimbursement for expenses). The 2023-2024 Placer County Grand Jury investigated the thirty-seven special districts in Placer County to ensure all special districts were compliant with the submission and training requirements. The Placer County Grand Jury verified that 97 percent of special district board members were compliant with the Form 700 submission and 91 percent were compliant for biannual ethics training as of December 31, 2023.

Placer County Jails, Holding Facilities, and Coroner's Office Annual Inspections

This report summarizes the 2023-2024 Placer County Grand Jury's inspections of the three Placer County jails and three holding facilities. The grand jury conducted inspections at each of these facilities and found most to be clean and well-maintained. Findings for each facility are noted within their respective sections. The grand jury also visited the Placer County Sheriff's Coroner's Office.

Placer County Juvenile Detention Facility Annual Inspection

The Placer County Grand Jury inspects the Placer County Juvenile Detention Facility annually. On October 31, 2023, eight Placer County Grand Jurors toured and inspected the facility. They found the facility to be clean, well maintained, and well designed for efficient functionality, seamlessly integrating public areas with the juvenile court and locked holding units.

The Placer County Probation Department oversees the operations of the Juvenile Detention Facility. The inspection tour was led by two high level probation staff assigned to the Placer County Juvenile Detention Facility. In addition to a visual inspection, the grand jurors were informed of the various programs and services available within the facility. These programs and services include educational opportunities, medical and mental health, religious, exercise, counseling, and enrichment programs.

Five-Year Follow-Up to the 2018-2019 Placer County Grand Jury Final Report

Every year the Placer County Grand Jury publishes a final report. The reports provide citizens of the county an insight into county and city governments, special districts, schools, libraries, the juvenile detention facility, jails and holding facilities. These reports may offer recommendations to the different entities for possible improvement in their procedures or operations. This year the grand jury looked back five years to the recommendations from the 2018-2019 final report and investigated the updated status of those recommendations.

Compliance with Penal Code § 933.05 and Accountability - Studying the Responses to the Placer County Grand Jury 2022-2023 Final Report

The primary duty of the Placer County Grand Jury is to investigate the functions of city and county government, school districts, and special districts. Each year the grand jury conducts inspections of the jails, holding facilities, and the juvenile detention center in the county. Additionally, the grand jury investigates different aspects of city and county government. Reports are written on the inspections and investigations conducted during the term with each report listing the grand jury's

findings and recommendations. These documents are combined into a final report published each June.

A Response Report is published in the fall of each term. The report contains the responses from the investigative entities to their respective recommendations. The current grand jury verifies responses are Penal Code § 933.05 compliant.

Inmate Escape and Subsequent Actions Taken

THE ESCAPE OF ERIC ABRIL

July 9, 2023

Inmate Escape and Subsequent Actions Taken Escape of Eric Abril July 9, 2023

Summary

In the early morning hours of July 9, 2023, an inmate in the custody of the Placer County Sheriff's Office escaped from the Sutter Roseville Medical Center. This report details the Placer County Grand Jury's investigation of the escape, Placer County Sheriff's Office policies and procedures, and the events which caused the escape to happen.

Glossary

Ad-Sep: Administrative separation is the highest classification level of an inmate in jail, requiring a higher level of security than is usual and requires a two-officer escort for inmate movement both within and outside of the jail.

Attending Deputy: A sworn peace officer employed by the Placer County Sheriff's Office as a sheriff's deputy, responsible for the security of the inmate at the time of the subject escape occurring at Sutter Roseville Medical Center.

Body-worn camera: These wearable cameras are widely used by state and local law enforcement agencies in the United States, and create an audio, video, and photographic record.

California Board of State and Community Corrections: This state board provides services to the county adult and juvenile systems through inspections of county jails and juvenile detention facilities, technical assistance on local issues, promulgation of regulations, and training standards for local correctional staff.

California Office of Emergency Services: Serves as the state's leadership hub during all major emergencies and disasters.

California Peace Officer's Bill of Rights: A California state law that specifies basic procedural rights and protections which must be afforded to all public safety officers by the agencies that employ them when the employees are subject to investigation or discipline.

Classification decision tree: A graphic algorithm used by Placer County Sheriff's Office Corrections Division staff to determine the level of security any inmate should be subject to, based on several factors listed in the tree.

Electroencephalogram machine: A machine which performs a test that measures electrical activity in the brain. All models utilize electrodes, attached to the patient and some also have cameras to visually monitor the patient. Generally, electroencephalogram feeds are not monitored by medical staff at the nursing station, nor are alarms sounded if leads are removed.

Everbridge/Placer Alert: A community notification system which informs residents of emergency events and other important public safety information.

Law Enforcement Mutual Aid Assistance Fund: On July 1, 2022, the fund became available to reimburse law enforcement agencies that respond to disasters and emergencies outside their jurisdictions. The fund is \$25 million annually.

Load-bearing vest: Worn by law enforcement officers for penetration protection and usually has multiple pieces of equipment including the officer's radio and body-worn camera affixed to it.

Placer County Deputy Sheriff: Placer County sworn officer employed by the Sheriff's Office.

Placer County Main Jail: Located at the Government Center in Auburn, this jail consists of three medium security dorms, and one maximum-security module with a capacity of thirty-two inmates. With Board of State and Community Corrections approval, most of the cells have been doubled-bunked.

Placer County Sheriff's Office: The county law enforcement agency responsible for all corrections facilities, staff, and transportation of inmates.

Placer County Sheriff's Office Corrections Division Policy Manual: Official Placer County Sheriff's Office manual setting forth routine policy and procedures to which all correctional officers and deputies are required to conform and carry out during their contact with inmates.

Placer County Sheriff's Office General Orders Manual: Official policy document of the Placer County Sheriff's Office specifying policy and procedures to be followed by employees under a wide range of conditions staff may encounter in the course of their employment. The General Orders Manual also includes general standards of conduct which apply to all employees of the Sheriff's Office, both on and off duty. All members of the Placer County Sheriff's Office are required to be familiar with these rules and regulations and are required to conform to them.

Sutter Roseville Medical Center: Sutter Roseville Medical Center in Roseville, California, is a general medical and surgical facility, and a Level II trauma center.

Background

The primary purpose of a civil grand jury is to inquire into and review the conduct of local government, for the purpose of generally assuring that honest, efficient government is conducted in the best interests of the citizens of the county. Grand Jury reports are generally the result of citizen complaints or requests to investigate county government officials, county agencies, or situations or incidents involving either. At the beginning of their term, the 2023-2024 Placer County Grand Jury received a citizen's complaint that ultimately led to the investigation and creation of this report.

On April 6, 2023, California Highway Patrol (CHP) officers attempted to execute a felony search warrant from Sacramento County on Eric James Abril at Mahany Park in Roseville, CA for an alleged freeway shooting. That attempt led to the now notorious and extremely violent incident at Mahany Park, during which three persons were shot, one of whom died from his injuries. Abril was also shot, sustaining non-life-threatening injuries in the shootout.

As a result of the Mahany Park shootout, Abril became an inmate at the Placer County Main Jail in Auburn facing charges of:

- murder,
- two counts of attempted murder,
- kidnapping,
- using a human shield to avoid arrest,
- possession of a firearm by a felon,
- carrying a loaded firearm for the purposes of committing a felony,
- assault with a deadly weapon,
- assault with a deadly weapon, a firearm, and
- escape from the hospital.

All criminal charges against Eric Abril are still pending (People vs Abril case number 62-191073) as of the date of this report.

California Penal Code § 919¹ states in pertinent parts:

(a) The grand jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted.

(c) The grand jury shall inquire into the willful or corrupt misconduct in the office of public officers of every description within the county.

The grand jury determined during their investigation of the escape, there was willful misconduct and negligence. The grand jury is not alleging that there was intended willful corrupt misconduct by any individual.

The misconduct and negligence, which resulted in Abril's escape, was committed by a public officer within the meaning of Penal Code § 919(c), since the Attending Deputy (AD) was appointed to his position by the elected sheriff of Placer County,² and that appointment was for the purpose of exercising a governmental function, namely, to enforce the laws of the state and Placer County.

¹ Powers and Duties of Grand Jury.

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=919.&lawCode=PEN.

Accessed March 27, 2024.

² Public Officer. (n.d.). *Dictionary*. Retrieved April 2, 2024, from

<https://www.merriamwebster.com/dictionary/public%20officer>. Accessed April 2, 2024.

Based upon the citizen's complaint received by the grand jury and the law, the grand jury determined it was reasonable to investigate into the facts of the inmate's escape on July 9, 2023, insofar as they pertain to the policies and procedures of the Placer County Sheriff's Office, in place at that time, regarding prisoner classification and transportation as well as the conduct, actions and/or inactions of the AD on that day. The grand jury also made a determination as to what duties and conduct should have been reasonably expected of the AD under same or similar circumstances. Therefore, the policies and procedures regarding the classification and transportation of prisoners and the AD's conduct, actions and/or inactions leading up to and during the escape, are legitimate areas of inquiry by the grand jury.

Methodology

The Placer County Grand Jury conducted interviews with PCSO staff and other sources familiar with the escape, and reviewed:

- PCSO's policies and procedures.
- Various video recordings.
- Scott Jones, Esq. report titled, "Final Report and Recommendations, Escape from Custody, July 9, 2023."³

Discussion

On April 6, 2023, Eric James Abril was arrested and initially charged with having committed numerous serious felony violations of the California Penal Code in connection with his criminal conduct at Mahany Park in the City of Roseville. Abril was thereafter housed at the Placer County Main Jail in Auburn in the custody of the PCSO.

Abril was known to law enforcement, having previously been convicted of multiple crimes in Santa Clara and San Luis Obispo Counties and having an open warrant in Sacramento County.

Santa Clara County Crimes

- 2008 – Larceny, burglary, possession of deadly weapons.
- 2010 – Second-degree burglary conviction.
- 2013 – Conviction for carrying a concealed knife.

San Luis Obispo County Crimes

- 2014 – Intimidating/threatening a witness, burglary, robbery, assault with a deadly weapon, assault causing great bodily injury, resisting arrest, and possession of a switchblade knife. Served two years of a six-year sentence.

³ Final Report and Recommendations, Escape from Custody, July 9, 2023. <https://www.placer.ca.gov/DocumentCenter/View/73520/July-9-2023-Inmate-Escape-from-Custody-Report>. Accessed October 17, 2023.

Sacramento County Pending Charges

- 2023 – Felony warrant for attempted murder after a freeway shooting in February 2023.⁴

Placer County Sheriff's Office Policy - Classification of Inmates

After initially being medically cleared by SRMC, the inmate was classified by PCSO staff as Ad-Sep per the criteria set forth in the California Board of State and Community Corrections manual, Title 15 § 1050.⁵ Ad-Sep is the highest inmate classification level requiring a higher level of security than is usual. This classification level typically requires a two-officer escort for inmate movement inside the custodial facility and for transportation outside the custodial facility. This initial classification was the direct result of the seriousness of the charges the inmate was initially arraigned on.

Thirty-three days after his initial incarceration, for reasons within the discretion of the PCSO, the inmate's classification was modified to allow a downgrade from a two-officer to a one-officer escort/transportation security status. Consistent with the terms contained within the classification decision tree, this downgrade was primarily due to the inmate not having had any notable disciplinary issues since being initially incarcerated.

This classification was never meant for use outside the jail including transportation to other outside locations. Strict adherence contained in the classification decision tree, has led to the practice of officers applying this internal classification to transportation outside of the custodial setting, including Abril's transportation to SRMC.

The error in judgement of this security status downgrade meant any time Abril spent outside the jail would only require a single deputy to ensure he would not escape. This possibility existed for the duration of time he was outside the jail, be it during transportation, or in this case, the several days the inmate was at SRMC under medical observation immediately prior to his escape.

The grand jury was told during an interview, inmate classification is a routine task for the Corrections Division of the PCSO, and "there was no policy for classification because each circumstance and inmate were different." However, PCSO exercised a standard application of this policy as a rule. A review of the documentation provided shows weekly evaluation of the inmate's classification and security status was regularly performed.

⁴ CBS News Sacramento. <https://www.cbsnews.com/sacramento/news/failed-policies-part-3-the-escape/>. Accessed April 1, 2024.

⁵ Title 15 Minimum Standards for Local Detention Facilities. <https://www.bscc.ca.gov/wp-content/uploads/Attachment-C-Title-15.pdf>. Accessed March 27, 2024.

The primary tool in making this assessment is a classification decision tree: a flowchart routinely utilized by PCSO which requires consideration of several objectively relevant factors when determining what level of supervision an inmate required. The classification decision tree used by the PCSO at the time of the escape revealed there was no factor in the decision tree that required weighing the seriousness of the charges an inmate was facing.

The classification tree did not include, as a factor, the seriousness of the pending criminal charges as a threat factor as it could relate to an inmate's motivation to attempt an escape. Since the Mahany Park incident was exceptionally notorious for its violence, public nature, and the rash of media coverage it generated, it was obvious to the public that Abril faced the possibility of being convicted for crimes which could result in several life sentences in prison.

Placer County Sheriff's Office Deputy Training for Hospital Duty

The PCGJ was told in several interviews that the PCSO provides no formal training for transporting an inmate to the hospital. Additionally, no training is provided for guarding and observing a hospitalized inmate.

Abril Transport and Admission to Sutter Roseville Medical Center

Corrections officers documented Abril having several seizure-like episodes in the jail over his ninety-day period of incarceration. On July 6, 2023, Abril was transported from the Placer County Main Jail to SRMC for observation and to monitor him for potential seizure activity.

When Abril was transported, per the classification tree, it was by ambulance under the supervision of a single sheriff's deputy. The single-deputy low-level supervision continued from the time Abril was admitted, over a period of approximately three days, until Abril managed to escape custody of the PCSO in the early hours of July 9, 2023.

While at SRMC Abril was guarded in a single-bed room, wearing a belly chain that was not attached to the bed, and was required to have at least one hand always handcuffed to the frame of the bed. A video camera was trained on Abril for the entire time he was under medical observation at SRMC until the time of his escape.

Abril's Escape from Sutter Roseville Medical Center – July 9, 2023, 3:00 a.m.

Investigation and video evidence has shown that on July 8, 2023, a shift change occurred in the early evening with the outgoing deputy conducting a briefing to the incoming deputy. The investigation also found the AD spent extended periods of time outside Abril's room, with no line of sight on the inmate. During one instance, a nurse entered the room and one minute later the AD exited the room for over six minutes, leaving the nurse alone with an unguarded and dangerous inmate. The AD took a total of twelve trips outside the room to make phone calls, pace the halls, and chat with nurses and other patients. Another two trips were to the inmate's hospital room bathroom where the AD can be seen closing the door the first time. On the

second bathroom break, the AD was not wearing his LBV, so can only be seen entering the bathroom. When the AD exited the bathroom, Abril had escaped. During the eight hours he served as the sole attending deputy in charge of guarding Abril, the AD was out of the room more than twenty-seven minutes.

Video Evidence of Escape

Hospital EEG video taken during the evening of July 8, 2023, until approximately 3:00 a.m. on July 9, 2023, shows Abril removing the small metal EEG leads attached to his head. In this case, EEG feeds were not monitored by medical staff at the nursing station, nor were alarms activated when the leads were removed. He eventually removed all of them. When the deputy left the room, Abril slowly worked to remove his only handcuff. Once he got his right hand free, there were no other restraints to keep him in his bed.

The AD whose responsibility was to see this inmate was physically secured failed to do so, violating several PCSO policies and procedures. Once the inmate’s hands were no longer restrained, there was nothing to keep him from escaping. Videos show that Abril waited for the AD to lose line of sight again while the AD was in the bathroom. When this opportunity presented itself, for the fourteenth time, Abril walked out of his room and escaped the SRMC campus.

The first law enforcement officer to notify dispatch of a possible escape was a CHP officer, who was on the SRMC campus at the time. The highway patrol officer advised CHP dispatch, who in turn advised PCSO dispatch of “subject in orange jumpsuit, possibly escaped.” The grand jury was unable to verify whether the AD failed to ask medical staff to call 911.

The table below details video evidence taken from July 8, 2023, to July 9, 2023, observed by the Placer County Grand Jury.

| Video Evidence Sequence of Events July 8, 2023 to July 9, 2023 | |
|---|--|
| Time (24-hour clock) | Event |
| 21:36 | Attending Deputy removes his LBV. |
| 22:00 | Attending Deputy adjusts body-worn camera on LBV, causing the body-worn camera to not capture the inmate or immediate area. |
| 23:15 | Inmate succeeds in manipulating his right hand out of the single handcuff. When the inmate’s right hand is free, he covers it up with his blanket. |

| Video Evidence Sequence of Events (continued) July 8, 2023 to July 9, 2023 | |
|---|---|
| Time (24-hour clock) | Event |
| 03:00 | Attending Deputy exits into hallway leaving LBV including his radio, handgun magazines with live ammunition, impact weapon, body-worn camera, his badge, and phone unattended near inmate. Inmate seen standing up from bed and sitting back down while AD is outside the room. |
| 03:02:02 | Attending Deputy returns to inmate's room and goes into the bathroom without checking inmate restraints. |
| 03:02:13 | Inmate stands up from bed and walks out of the room. Inmate is out of sight of any video surveillance. |
| 03:02:45 - Official Time of Escape | |
| 03:02:45 | Inmate approaches and enters a stairwell from the second floor through a security door leading to the first floor. |
| 03:02:50 | Attending Deputy emerges from bathroom, notices inmate gone and dashes out of the room leaving his LBV, which included the handgun magazines, impact weapon, body-worn camera, badge, radio, and phone behind. |
| 03:08 | California Highway Patrol notifies dispatch of possible escaped inmate attempting to leave SRMC campus. |
| 03:10:22 | Attending Deputy returned to the inmate's hospital room to pick up his LBV and cell phone. Notifies PCSO dispatch of escape two minutes after CHP's notification. |
| 03:12 | Attending Deputy puts on his LBV, causing the body-worn camera to begin capturing his movements. |

Attending Deputy's Failures

Based on the grand jury's investigation of documents, videos, and interviews the grand jury has determined the AD committed a multitude of PCSO policy violations. The actions and inactions of the AD, constituting willful misconduct, led to the escape.

Policy Dictating Proper Conduct of Attending Deputy at Time of Escape

The grand jury also reviewed the PCSO jail policies and procedures to inform the public there were, at the time, official policies in place setting standards for deputies' conduct while supervising inmates in all situations, prior to the escape. It also shows that any misconduct committed by the AD was not due to a lack of standards required by the PCSO.

The most relevant written PCSO policies to which all sheriff's deputies assigned to corrections are required to adhere to are contained in the following two documents: the General Orders Manual and the Placer County Corrections Division Policy Manual. All corrections officers and patrol deputies are required to know and swear to uphold the policies and procedures relevant to their positions as listed in these manuals.

Placer County Sheriff's Office General Orders Manual

The following sections of the PCSO General Orders Manual⁶ applied to the actions of the AD on July 8-9, 2023:

Conduct II, B: Procedure

- A. Exercising discretionary judgment: Sheriff's Office members will exercise discretionary judgment in a reasonable manner and remain within the limits of their authority as defined by statutory law, court decisions, and Sheriff's Office regulations, policies, and procedures.

Conduct III, C: Attention to Duty

3. Inattention to duty: Members shall not waste time or fail to be attentive to their duties.

Conduct III, J: Conduct Unbecoming of a Member of the Sheriff's Office

Conduct unbecoming of a member of the Sheriff's Office: Personal Conduct or Behavior, either on or off duty, which is of such a nature that it causes discredit to the Sheriff's Office, or the County of Placer, is conduct unbecoming of a member of the Sheriff's Office. Such conduct is subject to disciplinary action.

Operations IX, Section II: Handcuffs

- D. In most situations, handcuffs should be applied with the hands behind the person unless there are medical, or disability needs of the arrested/detained person. If deciding to not handcuff an arrestee, or to handcuff in front, officers should carefully balance officer safety concerns with factors including, but not limited to the following:
 1. Age.
 2. Apparent or known health conditions.
 3. Apparent or known disabilities.
 4. Known pregnant females.

⁶ Placer County Sheriff's Office General Orders Manual.

<https://www.placer.ca.gov/DocumentCenter/View/41952/General-Orders->. Accessed April 23, 2024.

Operations XXVI, Section III: Digital Evidence Capture System

B. Recording

1. Unless an exemption is listed in Section III. § C: Restrictions or other exceptional circumstances exist, operators utilizing digital evidence capture systems shall record the following incidents using all audio and video capabilities of their device as soon as safe to do so:
 - a. Law Enforcement-related encounters and activities that occur while on duty, including, but not limited to; on-view crimes in progress, traffic and pedestrian stops, pursuits, detentions, arrests, searches, interrogations, interviews, and the transportation of any person in the rear seat of the patrol vehicle.

Operations XXVI, Section V: Body Worn Cameras

A. Responsibilities of the Operator

1. All employees issued a BWC are required to wear (powered on) and use their BWCs per this policy while working in uniform unless an exemption exists. For the purpose of this order, a uniform shall be defined as any apparel that visibly identifies the wearer as a peace officer or correctional officer of the Placer County Sheriff's Office, regardless of rank. The wearing of the BWC may be waived by the Sheriff or their designee for special events or circumstances.

Placer County Sheriff's Office Corrections Division Policy Manual Changes

Significant changes were made to the PCSO Corrections Division Policy Manual⁷ after Abril's escape incident on July 9, 2023. Comparison of the relevant sections of the pre-escape and post-escape versions of the PCSO manual titled, *Guarding of Inmates Admitted to Hospitals*, shows substantial changes have been made. Based on the revision dates, these changes appear to have been made in response to the escape on July 9, 2023. Key changes to these sections are shown below:

Placer County Sheriff's Office Corrections Division Policy Manual No. 1-18 (revised 1/1/20)

The pre-escape version of policy No. 1-18 states:

1. A deputy shall remain with the inmate at all times...Deputies will secure inmates during deputy restroom breaks. The deputy will have available restraint devices (extra handcuffs, leg shackles, soft restraints, belly chains) to secure the inmate as needed.

⁷ Placer County Sheriff's Office Corrections Division Policy Manual. https://www.placer.ca.gov/DocumentCenter/View/74727/Corrections-Manual10162023_R. Accessed April 23, 2024.

Placer County Sheriff's Office Corrections Division Policy Manual No. 1-18 (revised 8/21/23)

The post-escape version of Policy No. 1-18 states:

4. All inmates under guard will be considered a high escape risk. Deputies shall use the maximum level of restraints without compromising the need for medical care.
5. **Unless otherwise directed by the Watch Commander with Jail Commander Approval, two deputies shall remain with the inmate at all times** and maintain visual contact with the prisoner at all times, excluding medical procedures requiring the deputies to a hospital/professional protocol.
 - a. Deputies shall call dispatch for the on-duty patrol sergeant to send a patrol deputy prior to taking any breaks.
 - b. At no time shall a deputy not maintain visual contact with the inmate.

Reviewing the AD's actions and/or inactions and the PCSO's policies indicates the AD failed to exercise required discretionary judgment in a reasonable manner, and violated multiple policies and procedures required of a PCSO Deputy Sheriff. Abril had escaped for thirty-three hours before being captured by Rocklin Police Department on July 10, 2023, at 12:35 p.m. Any action regarding the AD's job performance is within the discretion of the Placer County Sheriff.

Changes Made at Placer County Sheriff's Office After the Escape

- Policy changes were made to the Corrections Division Policy Manual and the General Operations Manual due to the escape incident on July 9, 2023, and have been detailed in the body of this report.
- All inmate transport situations, such as when an inmate is taken to SRMC, are now two-officer transport regardless of underlying inmate status factors or expense.

Authority to Impose Changes to Policy

The contracted report by Scott Jones, Esq., and several knowledgeable PCSO staff cited institutional complacency as contributing to the inmate escaping custody of the Placer County Sheriff's Office in the early morning hours of July 9, 2023.

The grand jury has also seen substantial evidence from which to conclude that while complacency may have been a factor, the AD's actions and/or inactions contributed to Abril's escape from SRMC. While guarding Abril, it appears the AD's actions were inconsistent with foundational policies defining procedures required of all PCSO staff.

These policies were intended and designed to prevent incidents such as escape or other unexpected events, which can put the community in danger. They also serve as a basis, and are within the authority and discretion of the Placer County Sheriff, to address any conduct which could reflect negatively on the reputation of the PCSO and the County of Placer.

This resulted in a multi-agency manhunt for the next thirty-three hours. Command staff told PCGJ that direct costs to the Placer County Sheriff's Office were over \$109,000. California Office of Emergency Services (Cal OES) provides reimbursement to law enforcement officers and agencies who respond to emergencies outside their jurisdictions. Incidents eligible for Law Enforcement Mutual Aid (LEMA) funds are linked to a fact sheet on the Cal OES webpage for responders to apply for aid. The Eric Abril manhunt was one such incident.⁸ The cost the State of California paid responding officers from outside jurisdictions through the LEMA fund for mutual aid is unknown.

Everbridge/Placer Alert Mass Notification System

The lack of public notification, and updates, of the escape of a highly dangerous convicted felon was a concern of the public. Placer County is partnered with Sacramento and Yolo Counties to provide a "community notification system to alert residents about emergency events and other important public safety information."⁹ Through this system, Everbridge, notifications were sent out to the public on July 9, 2023, but only to those enrolled in Placer Alert.

The original alert was sent out at 3:39 a.m. to citizens living within a ¾ mile radius from SRMC. It was later updated to include the Sierra College campus. Several hours later the Everbridge alert was expanded again to a three-mile radius of Ranier Court in Rocklin. Within an hour the alert was again updated to a five-mile radius.

Conclusion

Preventing escapes is an essential duty of the Placer County Sheriff's Office and required by the deputy sheriff assigned to guard and supervise inmates outside of county custodial facilities. The attending deputy's failure to maintain visual contact of the inmate, to exercise common sense, and to conform to written policy and procedures, substantially contributed to the escape of the inmate, and represented a significant failure to meet one of the essential duties expected of a deputy sheriff.

It is crucial to have safe and common-sense policies, procedures, and protocols in place and that all deputies be properly trained in them. The transportation and surveillance of inmates, who are outside of the jail facility, should be a vital part of every deputy's training. The grand jury believes the inadequate training of the Placer County's Sheriff's Office uniformed staff, coupled with the failure of the policies, procedures, and protocols, contributed to the escape. In addition, relying upon a security status reclassification protocol which fails to consider any given inmate's incentive to escape based on the seriousness of criminal charges he or she

⁸ Eric Abril Man Hunt. <https://www.caloes.ca.gov/wp-content/uploads/Eric-Abril-Man-Hunt-Fact-Sheet.pdf>. Accessed March 27, 2024.

⁹ Placer Alert. <https://www.placer.ca.gov/2426/Placer-Alert>. Accessed March 27, 2024.

is facing, or the length of an imposed sentence, are believed to have been substantial factors leading to the inmate's escape.

As an elected official of county government, the Placer County Sheriff is ultimately responsible for actions involving Placer County Sheriff's Office personnel, and is the ultimate authority when it comes to changes needing to be made to Placer County Sheriff's Office policies and procedures. The numerous failures surrounding the escape put the citizens of Placer County at risk and may have resulted in a significant loss of the public's confidence in the Placer County Sheriff's Office.

The Placer County Grand Jury has found the escape of Eric James Abril on July 9, 2023, to be a result of insufficient training and policies by the Placer County Sheriff's Office, as well as a sequence of serious violations of Placer County Sheriff's Office policies and procedures by sheriff's office personnel.

Findings

The grand jury found:

- F1.** The classification decision tree does not consider the charges filed against the inmate.
- F2.** The one-deputy escort of Abril was based on the classification decision tree, which did not consider the seriousness of the charges or the potential sentence those charges carried.
- F3.** The Placer County Sheriff's Office provides no formal training for transporting an inmate to a location or for observing a hospitalized inmate.
- F4.** The expense to taxpayers of Placer County was over \$109,000.
- F5.** The deputy's complacency and violations of policies and procedures, which allowed a violent felon to escape, put the public, fellow law enforcement, medical staff, and patients at risk.
- F6.** The radius of Everbridge/Placer Alert system notifications did not cover the entire south Placer region.

Recommendations

The grand jury recommends:

- R1.** By October 1, 2024, the classification decision tree be modified to include additional factors as set forth in the Scott Jones, Esq. report. This should include charges an inmate is facing and the potential sentence range assuming conviction, including sentencing enhancements, and pending out-of-county charges.
- R2.** By October 1, 2024, the Placer County Sheriff's Office will require command staff approval prior to any reclassification of any inmate currently charged with an aggravated felonies pursuant to Penal Code § 1192.7(c).

R3. By January 1, 2025, the Placer County Sheriff's Office will develop a curriculum and commence a formal training program for Placer County deputies for out of custodial facility transportation and monitoring duties, prior to deputy assignment, which includes hands-on, practical training.

Required Responses

Pursuant to Penal Code § 933.05, the Placer County Grand Jury requires a response from the following governing body:

| <u>Responding Entity</u> | <u>Findings Requiring Response</u> | <u>Recommendations Requiring Response</u> | <u>Due Date</u> |
|--|---|--|------------------------------|
| Sheriff Wayne Woo Placer County Sheriff's Office 2929 Richardson Dr Auburn, CA 95603 | F1, F2, F3, F4, F5, F6, | R1, R2, R3 | September 3, 2024 |

Copies sent to:

Chief Troy Bergstrom
Roseville Police Department
1051 Junction Blvd
Roseville, CA 95678

Chief Rustin Banks
Rocklin Police Department
4080 Rocklin Rd
Rocklin, CA 95677



Ensuring Integrity in Placer County Elections



Photo Credits: Placer County Elections Office

Ensuring Integrity in Placer County Elections

There have been many changes in elections processes over the past years, and a national focus on the conducting of fair and impartial elections perseveres. The 2023-2024 Placer County Grand Jury investigated the Placer County Elections Office to review its procedures for ensuring integrity in elections. The grand jury found the Elections Office to be professional and cooperative throughout its investigation and is pleased to report its findings and recommendations to the citizens of Placer County.

Glossary

Adjudicate: To settle or determine an issue judiciously.

Anti-malware: A type of software program created to protect information technology systems and individual computers from malicious software.

California Secretary of State: California's chief elections officer, overseeing all federal and state elections in the state and maintaining a database of registered voters.

California Voter's Choice Act: Established in 2016 by Senate Bill 450, the Act modernizes elections in California by allowing counties to conduct elections under a model which provides greater flexibility and convenience for voters.

Cybersecurity: The practice of protecting systems, networks, and programs from digital attacks.

Dominion Voting Systems: An American company that produces and sells electronic voting hardware and software, including voting machines and tabulators.

Election Administration Plan: Describes how a county will administer an election under the Voter's Choice Act.

End-to-end process: Refers to a full process from start to finish; most common in the Information Technology sector, it is used during the planning, implementation, and evaluation stages.

Firewall: A network security system used to establish a barrier between a trusted network and an untrusted network, such as the Internet.

GPS tracking device: A navigation device normally on a vehicle, asset, person, or animal that uses satellite navigation to determine its movement and its geographic position to determine its location.

Internal controls: The mechanisms, rules, and procedures implemented by an organization to ensure the integrity of reporting and regulatory compliance.

Placer County Elections Office: Responsible for conducting all federal, state, judicial, county, city, special district, and school district elections in the County of Placer.

Thumb drive: Also known as a flash drive, is a data storage device commonly used for storage, supplementary back-ups, and transferring of computer files.

Tolerable error: The maximum amount of error in a population that is deemed acceptable.

Two-Person Rule: A control mechanism designed to achieve a high level of security for especially critical operations. Under this rule, access and actions require the presence of two or more authorized persons.

Voter rolls: Also called electoral rolls, is a compilation that lists persons who are entitled to vote for elections in a particular jurisdiction.

Voting technology: Refers to the device or process in which votes can be placed and tabulated.

Background

In recent years public trust in the integrity of elections and the voting process has eroded, with concerns over voter registration, ballot handling, and the reporting of election results. Challenges have arisen from charges about the reliability of elections, changes that were implemented in the 2020 cycle because of the COVID-19 pandemic, increases in mail-in ballots, and early voting. Given that 2024 is another important election year, the current grand jury decided to examine the procedures and measures that are employed by the Placer County Elections Office to ensure integrity throughout the process.

Methodology

To conduct their investigation, the 2023-2024 Placer County Grand Jury:

- Reviewed prior year Placer County and other counties' grand jury reports.
- Toured the new Rocklin Placer County Elections Office several times.
- Conducted interviews with the Placer County Elections officials and other key county personnel.
- Reviewed documents used throughout the election process.
- Observed live election procedures during the March 5, 2024, primary election.

Discussion

The passage of the Help America Vote Act (HAVA)¹ in 2002, and California Senate Bill 423² in August 2020, brought many changes to the voting process. Previous Placer County Grand Juries had reviewed and reported on the county's election procedures in 2016³ and in 2020.⁴

On August 23, 2023, the Placer County Clerk-Recorder-Elections Office relocated its offices from Auburn to Rocklin, and all elections services are conducted solely at the new location.

In June 2023, the Placer County Board of Supervisors voted to transition to the Voter's Choice Act (VCA) in administering the county's election process, joining twenty-nine other participating California counties.⁵ The Placer County Clerk-Recorder-Registrar of Voters then filed the required Election Administration Plan (EAP),⁶ which was approved by the California Secretary of State (SOS) on October 24, 2023.⁷ The March 2024 primary election was the first time the VCA model was administered in the county.

While the adoption of VCA did indeed result in changes in the administration of the election process, the scope of the current grand jury's investigation was focused on the physical and cyber security controls that the Elections Office has in place to ensure the integrity of the election. Accordingly, plans and procedures to minimize, with the goal to eliminate, risk were reviewed.

The Placer County Elections Office information system is a closed network system, has its own stand-alone servers, and does not rely in any way on the county's other servers. In this closed system, only authorized personnel are granted access to the system. System access is controlled by Elections Office personnel responsible for the content of electronic records stored in the system.

As the closed network system of the Elections Office does not reside on the county's network backbone, a Defense in Depth (DiD) structure is in place. A DiD approach is a strategy that leverages multiple security measures to protect an organization's assets and

¹ Federal Help America Vote Act (HAVA) – October 2002 https://www.eac.gov/about/help_america_vote_act.aspx. Accessed March 3, 2024.

² California Senate Bill 423, <https://www.counties.org/csac-bulletin-article/governor-signs-sb-423-allowing-changes-november-election-procedures>. Accessed March 10, 2024.

³ Placer County Grand Jury Reports 2016-2017, [2016-2017 complete final report.pdf \(ca.gov\)](https://www.placer.ca.gov/2016-2017-complete-final-report.pdf). Accessed March 3, 2024.

⁴ Placer County Grand Jury Reports 2020-2021, [elections-report-final-9-30.pdf \(ca.gov\)](https://www.placer.ca.gov/2020-2021-elections-report-final-9-30.pdf). Accessed March 3, 2024.

⁵ Placer Board of Supervisors, <https://www.placer.ca.gov/9043/BOS-votes-on-Voters-Choice-Act>. Accessed March 3, 2024.

⁶ Placer County Election Administration Plan, <https://elections.cdn.sos.ca.gov/vca/eap/placer-eap.pdf>. Accessed March 3, 2024.

⁷ California State Attorney General Letter, <https://elections.cdn.sos.ca.gov/vca/eap/placer-letter.pdf>. Accessed March 3, 2024.

mission. If one line of defense is compromised, additional layers exist as a backup to ensure threats are stopped along the way. Elements of a DiD include use of firewalls as network security control and installation of antivirus software to protect against malicious software. County officials confirmed to the grand jury a security breach has never occurred in Placer County.

To test the closed system of the Elections Office, in 2022 a penetration testing was conducted by a third-party contracted specialist. Penetration testing (or “pen testing”) is a security exercise where a cybersecurity expert attempts to find and exploit vulnerabilities in a computer system. The pen testing which was performed in 2022 was a two-pronged approach to test cybersecurity as well as physical security of the Placer County Elections Office. The conclusion drawn from the 2022 test is that the Elections Office is well protected from attacks. Penetration testing will continue to be performed as a security best practice.

Placer County’s Elections Office employs fifteen full-time employees, including a highly qualified and dedicated Information Technology (IT) staff of four individuals. During election time, approximately 600 temporary workers are brought onboard to staff countywide voting centers and the central office facility in Rocklin. Background checks are performed on all individuals prior to their employment, and required training is provided.

California Elections Code § 19202⁸ specifies that no voting system technology may be purchased or used in a California election until the SOS approves that system. In addition, California Elections Code § 19281⁹ requires the SOS to review and approve all Remote Accessible Vote by Mail (RAVBM) systems before they can be bought or used in a California election. Of the SOS-approved vendors, the Placer County Elections Office uses Dominion Voting Systems, as well as Runbeck Election Services¹⁰ for ballot printing and DFM Associates¹¹ for electronic pollbooks. There are no electronic ballots used in California; all ballots are cast on paper. For detailed technology used by Placer County in the March 5, 2024 election, refer to the SOS website at:

<https://www.sos.ca.gov/elections/ovsta/frequently-requested-information/voting-systems-used-counties>.

⁸ California Elections Code, <https://codes.findlaw.com/ca/elections-code/elec-sect-19202/>. Accessed March 10, 2024.

⁹ California Election Code, https://california.public.law/codes/ca_elec_code_section_19281. Accessed March 10, 2024.

¹⁰ Runbeck Election Services, <https://runbeck.net/election-services/ballot-printing-on-demand-sentio-2/>. Accessed March 10, 2024.

¹¹ DFM Associates, <https://dfmassociates.com/>. Accessed March 10, 2024.

The biennial and semiannual election is an end-to-end process, starting with the voter rolls and voter registration and culminating in an undertaking of the election itself.

Voter Registration

In the County of Placer, a person is eligible to vote if they are:

- A United States citizen and a resident of California and Placer County.
- Eighteen years-old on Election Day.
- Not currently serving a state or federal prison term for the conviction of a felony.
- Not currently found mentally incompetent to vote by a court.

Going into the March 2024 primary election, Placer County had 281,255 registered voters.

Voter registration in Placer County can occur in several ways: by applying online, in person at the Elections Office, via the Department of Motor Vehicles (DMV), and other public assistance offices. Upon registration, an applicant is required to sign, under penalty of perjury, a Voter’s Declaration affirming that the applicant is a U.S. citizen and at least 18 years of age.

With the passage of the National Voter Registration Act of 1993¹², also known as the “motor voter law,” opportunities for voter registration became available at state motor vehicle agencies as well as certain public assistance and disability offices. While voter registration cards are provided to other Placer County public agencies such as Medi-Cal and CalFresh, the Elections Office rarely, if ever, receives any registrants from these sources. Because an individual does not have to be a U.S. citizen to obtain the benefits of these agencies, the Elections Office does review available information received from other agencies.

The Elections Office receives voter registration information from a variety of sources every day. Although three Elections Office staff work full time on voter registration, all permanent Elections Office staff have received training in forensic examination and comparison of signatures. Specialized software is used in the signature validation process. Validation of signatures during the live elections process is another means of voter fraud prevention.

The Help America Vote Act requires states to develop a single uniform statewide voter registration list, however, the Placer County Elections Office does not rely on the state for validation of voter credentials. Maintenance of the Placer County voter rolls is a continuous



Photo credit: Lisa Rose

¹² National Voter Registration Act, https://en.wikipedia.org/wiki/National_Voter_Registration_Act_of_1993. Accessed March 4, 2024.

year-round process, and access to its database by authorized personnel requires two-factor authentication.

The Placer County Elections Office staff takes every possible precaution to avoid voter fraud. Previous Placer County Grand Jury reports have noted there has been no identified cases of voter fraud within Placer County. The Placer County Registrar of Voters has publicly noted in his thirty years of experience, active fraud has never been observed in Placer County.

Registration is necessary before an individual is permitted to vote. The voter rolls are used to generate ballots for the election process. In preparation for an upcoming election, a mailing is sent to all registered voters on record to verify the existence of the voter and any changes of address. Next, ballots with instructions and voter information guides are mailed twenty-nine days prior to the election.

Election Process

Preparation for the Election

All physical apparatus used by the Elections Office is stored at their Rocklin site; nothing is maintained offsite. All IT-related work is done solely by the Elections Office dedicated IT staff, and nothing is outsourced to third-party vendors. In preparation for the election process, several measures are undertaken and administered by the IT team.



Photo credit: Lisa Rose

Having been wiped clean of all data from the previous election, the Dominion voting machines are reprogrammed. Dominion Voting Systems, an SOS-approved vendor, provides a guidance document, however all programming is done solely by Placer County IT personnel. To preserve the integrity of its closed system, although the Dominion machines come equipped with modem adaptor capability, Placer County has elected not to use this option. Validation protocols and documentation are in place to confirm the programming of the machines has been done correctly.

While Dominion does conduct an annual site visit to deal with any mechanical issues on the machines, they are not present when the election process goes live. In fact, there are no third-party vendors, consultants, or agencies in attendance once the elections process is underway.

After the programming has been completed, a simulation of the election process is conducted to check the system's throughput. The grand jury was onsite to observe the final stages of this testing, called "logic and accuracy testing" (L&A). When conducting this test, the IT team adopts a standard of zero tolerable error. The final stage of the L&A test is conducted in the Elections Office Ballot Count room.

The Ballot Count room is a secure room within the Rocklin facility, where ballots are counted, and results are transmitted to the office of the SOS. No cell phones or electronic devices are permitted in this room, and a scanning device is used to detect any electronic presence. Computer hardware in the room, including desktop workstations and scanners using voting technology software, is used to scan and tabulate ballots. All such devices are subject to the same rigorous security protocols as is used for Dominion. A separate server is used for the storage of tabulation results.



The transmission of election results to the SOS occurs via a secure direct connection with the SOS office. As part of the advance preparation for an upcoming election a state transmission test is performed.

All paperwork used in the L&A testing procedure, including test ballots, is retained for twenty-three months. Secretary of State personnel had been onsite the week before the grand jury's visit to observe the L&A process.



Photo credits: Lisa Rose

During the Election

Embedded throughout the Election Office's practices and procedures is the employment of the Two-Person Rule. For example:

- Advance preparation activities such as programming and conducting of logic and accuracy testing are carried out in teams.
- In the Election Count Room, the processing of all ballots, whether test or live ballots, is performed by teams of two.
- Daily vote center pickups and deliveries are carried out by teams of two.
- During the adjudication process personnel work in teams to address issues with questionable ballots.

Vote-by-Mail vs. Voting Centers

All active registered voters are mailed a vote-by-mail (VBM) packet no later than twenty-nine days before an election. The postage-paid return envelope is specially designed to accommodate the voter's signature, and detailed instructions to the voter are provided on who, where, and how the signature should be handled. The signature is critical because without its presence and a validation of authenticity, the enclosed ballot is rejected.

Each voting center is staffed by five to ten election officers who have undergone background checks prior to receiving paid training in their position. Utilizing a secure connection, all vote centers have a live connection to the Placer County Elections Management System (EMS) via secured laptops. Data is available in real time for elections officers to look up and determine whether a voter is a confirmed Placer County voter who

has not already voted in the election. Using EMS, elections officers can also determine if a ballot has been received from a voter.

For the voting machines in use at the voting centers, there is a daily count validation. Each time a vote is cast the machine automatically records it and advances to the next count sequence. At the close of each day the count is recorded and signed off by a minimum of two staff members. When the voting center opens the next morning, the onsite elections officer is required to check the machine count and make sure it matches the previous evening's ending count. If there is any discrepancy, the machine is suspended from further voting activity and leadership in the Elections Office is immediately notified. A detailed transaction log is maintained with each machine, and at the conclusion of the election process, is retained along with other election documentation. No discrepancies occurred in the March primary election.

Teams of two couriers are dispatched daily to pick up ballots from drop boxes and voting centers. Drop box pickups begin the day after ballots are mailed to voters. Voting center pickups commence on the opening day of the centers. When inclement weather in the Sierra Mountains interferes with the daily pickup service in the Tahoe region, Placer County Sheriff's deputies assist by locking ballot bags overnight under 24-hour surveillance. With the move to the Rocklin campus, there is no longer a need to pick up ballots at U.S. post offices, as the postal service now delivers directly to the Elections Office.

Each of the courier teams uses specialized security bags equipped with tamper-evident security seals to transport ballots back to the Elections Office. Precautionary measures are followed throughout the entire process to ensure no tampering with the bags occurs. GPS tracking devices are embedded with each team to monitor movement, eliminating phone-in protocols that were used in the past.



Photo credits: Norma Worley

Scheduling and dispatching courier teams is managed by a full-time Elections Office manager. When ballot bags are delivered to the Elections Office they are held in the warehouse in locked, caged carts while they await processing.

Ballot Processing

The Elections Office Ballot Room is staffed with teams of temporary workers who are supervised by a full-time Elections Office employee. Within the ballot processing rooms, there are cameras operating continuously. Storage lockers are located immediately outside the room, as personal effects are not allowed inside processing and tabulating areas. Within the ballot processing rooms, only red pens are used in the marking process; historically because notations in red do not photocopy well, but also as another means of a security check.



Sorting and processing of the envelopes is highly automated, using specialized machinery to carry out the work. Before a ballot can be extracted from an envelope, due diligence is performed on the signature on the envelope itself. Every single envelope is checked, not just a sampling of envelopes.



Photo credits: Norma Worley

An image of the signature on the incoming envelope is scanned and compared with the signature on file in the voter rolls. If a match, the envelope then enters a queue for removal of the ballot from the envelope. If the signature is questionable, it will be first reviewed by election staff, with a second level of review by an Elections Office manager. A final review is personally performed by the Registrar of Voters. If, at the end of the review process the authenticity of the signature is still in doubt, or the signature is missing, the Elections Office will reach out to the voter to resolve the issue.

All envelopes that are rejected as “exceptions” are sorted into categories for further follow up. In addition to signature issues, an envelope would be rejected if undeliverable by the post office for any reason. Every instance of rejection is used to perform updating maintenance on the voter rolls.

Once a VBM envelope has been validated, it is returned to the mechanized process for extraction of the ballot. These ballots, along with the ballots that have been retrieved from the voting machines, are then reviewed for suitability as entrants into the ballot counting process. Suitability would mean that the ballots must be in machine-readable condition (e.g., properly flattened) and free of potentially confusing marks. Any ballots that are questionable are set aside to be entered into the adjudication process.

Ballots are submitted for management review anytime the voter’s intent cannot be determined. This is called the adjudication process and its purpose is to decide on the validity of a questionable ballot. Reasons for entering the adjudication process may be:

- Ballot is marked to vote for multiple candidates in a single race.
- Ballot is marked by the voter to indicate a subsequent correction to a voting choice.
- Ballot contains a write-in candidate.
- Ballot contains any kind of graffiti or stray markings.

The adjudication process is conducted by teams of two temporary workers overseen by a full-time Elections Office manager. Working in teams of two, each individual independently

assesses the ballot in question. If the same conclusion is reached by both, the ballot is rectified. If they do not agree, the ballot is escalated to the manager for review and remediation.

Ballots ready for counting are boxed, sealed with tape, initialed by the person who has assembled and counted them as qualifying ballots, and marked for entry into the Election Count Room. Each box holds 200 ballots. As with the logic and accuracy simulation, there is a team of two working in the room to scan the ballots into the tabulation system, powered by Dominion software. Again, a standard of zero tolerable error is followed; if the scanned number of ballots does not match this count, the entire scan of that lot is voided, and the box is returned to the Ballot Room for a recount.

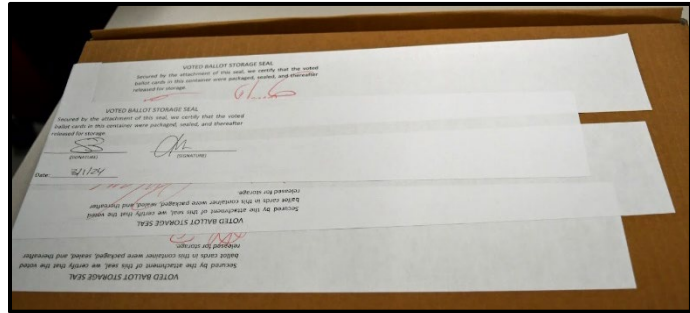


Photo credit: Norma Worley

Precisely at 8:00 p.m. after the polls close on Election Day, the first wave of results is transmitted to the SOS. Data from the ballot tabulating desktop workstations is downloaded onto a thumb drive and then uploaded to a desktop computer that is dedicated to the SOS transmission process. That computer is password-protected, and only Elections Office IT personnel have access to it.

Data is transmitted via a secure direct connection to the SOS, using an application that encrypts the file. To update ballot counting results, this process is repeated every two hours. Each transmission is time-stamped. After the final transmission is sent, the SOS will reply with an email acknowledging receipt of data and completion of the process.

No one other than election personnel are permitted inside the Ballot Counting room during this process and in the presence of live ballots. However, the public is invited to observe any phase of the Elections Office processes. There are windows for public observation into secure rooms where only election workers are allowed.

Post-election

California state law requires the Registrar of Voters to complete and certify election results within thirty days.¹³ This period is known as the Election Canvass. Once certified, the county is required to stop hand-counting votes. Generally, certification takes place on or about the thirtieth day to allow for additional counting of these votes. The thirty-day window acknowledges the complexities of the ballot count and allows the Elections Office to conduct a thorough audit of election results to ensure accuracy. The Election Canvass is

¹³ Certification of County Elections Official, <https://casetext.com/regulation/california-code-of-regulations/title-2-administration/division-7-secretary-of-state/chapter-1-voter-registration/article-25-statewide-voter-registration-system/section-19098-certification-of-county-elections-official>. Accessed March 26, 2024.

utilized to guarantee that every vote is counted and included in the official final election tally.

The Elections Office made all internal documentation, including Dominion manuals, available to the grand jury during their investigation. Documentation consists of detailed procedural checklists, calendars, and flow charts for conducting the election process. After the election has taken place, these documents are reviewed and updated for any lessons learned during the previous election.

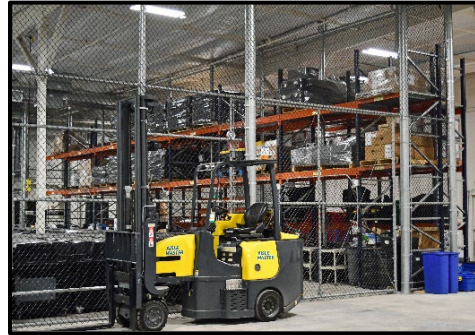


Photo credits: Norma Worley

Federal law¹⁴ requires that all records and papers used in an election be retained for a period of twenty-two months. In Placer County, the retention period spans twenty-three months since county officials view the certification of the election results as the first day of the required period. Documents are catalogued, bundled, placed on pallets, and shrink-wrapped, with the Contents and Destroy Date affixed to the outside. Destruction is performed onsite by shredding, with Elections Office personnel overseeing and participating.

¹⁴ Federal Code §20701, <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title52-section20701&num=0&edition=prelim#:~:text=Every%20officer%20of%20election%20shall,of%20Representatives%2C%20or%20Resident%20Commissioner>. Accessed March 26, 2024.

Conclusion

The Placer County Grand Jury concluded that every conceivable effort is being made by the Placer County Elections Office to preserve the integrity of Placer County's elections. Elections Office staff and leadership were open, courteous, and professional in response to the grand jury's inquiries.

In conducting its investigation, the grand jury noted that multiple layers of electronic security are in place throughout the Elections Office information technology system. Also noted are well-documented procedures and strong internal controls which are in place. Quality-control steps, including security measures and use of checklists, are used extensively throughout the election process. Finally, there is no tolerable error allowed in any of the office's processes and sub-processes, thereby reducing, if not eliminating, the risk of fraud or error in election results.

The Placer County Grand Jury wishes to commend the Elections Office for its open, honest, and transparent operations. The Elections Office has adopted active transparency and outreach initiatives that are intended to have the public scrutinize the voting system so they can learn about the safeguards embedded in it.

Findings

The grand jury found:

- F1.** In 2022, the Placer County Information Technology Department engaged a contractor to perform a penetration testing of the cyber and physical security of Placer County Elections Office in Auburn.
- F2.** Placer County Elections Office data, infrastructure and system applications are housed in a closed network system with multiple levels of security in place.
- F3.** Placer County Elections Office procedures are well documented and processes for internal controls include the use of checklists and documented procedures.
- F4.** Placer County Elections Office operates as a transparent organization.
- F5.** Placer County Elections Office has a dedicated staff of four information technology specialists.
- F6.** All Elections Office personnel, permanent and temporary, are subject to a background check prior to employment.
- F7.** Placer County Elections Office is compliant with all state and federal laws and regulations.

Recommendations

The grand jury recommends:

- R1.** By October 1, 2024, the Placer County Chief Information Officer will engage with a contractor to perform a penetration testing of the cyber and physical security of Placer County Elections Office in Rocklin, California.

Required Responses

Pursuant to Penal Code § 933.05, the Placer County Grand Jury requires a response from the following governing body:

| <u>Responding Entity</u> | <u>Findings Requiring Response</u> | <u>Recommendations Requiring Response</u> | <u>Due Date</u> |
|---|------------------------------------|---|-------------------|
| Jarrett Thiessen, Placer County Chief Information Officer 2986 Richardson Dr Auburn, CA 95603 | F1 | R1 | September 3, 2024 |

Requested Responses

The Placer County Grand Jury requests a response from the following entities:

| <u>Responding Entity</u> | <u>Response Requested to Findings</u> | <u>Response Requested to Recommendation</u> | <u>Date</u> |
|---|---------------------------------------|---|-------------------|
| Ryan Ronco, Placer County Clerk-Recorder-Registrar of Voters 3715 Atherton Rd Rocklin, CA 95765 | F1, F2, F3, F4, F5, F6, F7 | R1 | September 3, 2024 |

From Missiles to Meadows: Restoring Nature's Balance

Concern of Trichloroethylene Contamination



Photo Credit: David Lightfoot YouTube Titan-1 Missile Base Documentary



Photo Credit: Stock Photo



Photo Credits: Lincoln Community Member

From Missiles to Meadows: Restoring Nature's Balance Concern of Trichloroethylene Contamination

Summary

The Lincoln, California Titan 1-A Missile site was part of the Cold War-era defense system. It housed intercontinental ballistic missiles designed to carry nuclear warheads. The site gained attention in 1991 due to the discovery of trichloroethylene southwest of the site during groundwater sampling. Trichloroethylene is a volatile organic compound that has infiltrated the site's soil and groundwater, raising concerns about its impact on human health and the environment.

Subsequent investigations focused on understanding the extent of the trichloroethylene plume and its movement, crucial for implementing remediation measures. Cleanup efforts will require soil remediation and groundwater monitoring to mitigate environmental impacts.

To date, no remediation efforts have been completed, resulting in health and environmental concerns from the community. Without cleanup efforts, the contamination poses a risk to the surrounding environment and public health. It is essential for proper authorities to prioritize and initiate cleanup efforts to address these potentially serious hazards. This remediation project underscores the importance of monitoring and managing environmental contamination at former military sites to ensure public safety and environmental preservation.

Glossary

Comprehensive Environmental Response, Compensation, and Liability Act: Codified in 42 U.S.C. Chapter 103, is a large piece of legislation passed in 1980 that gives the Environmental Protection Agency the ability to intervene in managing land contaminated with high levels of hazardous materials.

Formerly Used Defense Sites: Locations used by the military during the Cold War which are no longer active.

Intercontinental Ballistic Missiles: Long-Range missiles capable of delivering nuclear warheads across continents. They are designed for strategic military purposes and are among the most powerful weapons in a nation's arsenal.

Lincoln Titan 1-A Missile Site: One of the important sites of the United States Cold War defense strategies. It was one of numerous missile sites constructed during that era to deter potential adversaries. These sites were significant components of the country's nuclear deterrent posture.

Remedial Investigation/Feasibility Study: A remedial investigation/feasibility study is a comprehensive process used to evaluate and address environmental contamination at a site. The remedial investigation phase involves gathering data to characterize the nature and extent of contamination at the site. This typically includes sampling and analysis of soil, groundwater, surface water, sediment, and air to identify contaminants and determine their distribution within the site's environmental media. Once the remedial investigation is completed and the extent of contamination is understood, the feasibility study phase begins. During this phase, various remediation options are evaluated to determine which method, or combination of methods, is most suitable for addressing the contamination. Factors such as effectiveness, feasibility, cost, and potential impacts on human health and the environment are considered when selecting a remedial action. Overall, the remedial investigation/feasibility study process provides a scientific basis for making informed decisions about how best to remediate environmental contamination and protect human health and the environment.

Restoration Advisory Board: A group composed of community members, government agencies, and other stakeholders involved in the environmental restoration of a contaminated site such as a former military base or industrial facility. The Restoration Advisory Board provides a forum for stakeholders to discuss cleanup plans, share information, and provide input on the restoration process. They play a role in ensuring community concerns are addressed and cleanup is conducted in a transparent and inclusive manner.

Rocket Propellant-1 or Refined Petroleum-1: A highly refined form of kerosene outwardly similar to jet fuel, used as rocket fuel. Rocket Propellant-1 provides a lower specific impulse than liquid hydrogen, but is cheaper, stable at room temperature, and presents a lower explosion hazard. Refined Petroleum-1 is far denser than hydrogen, giving it a higher energy density, though its specific energy is lower.

State Water Resources Control Board GeoTracker: A data management system for sites that impact, or have the potential to impact, water quality in California, with an emphasis on groundwater.

Subject Matter Expert: Subject matter experts have specialized knowledge in a specific area of expertise.

Trichloroethylene: Trichloroethylene is a volatile, colorless, liquid, organic chemical. Trichloroethylene does not occur naturally and is created by chemical synthesis. It is used primarily to make refrigerants and other hydrofluorocarbons and as a degreasing solvent for metal equipment. Trichloroethylene is also found in some household products and is used by commercial dry cleaners as a spot remover.

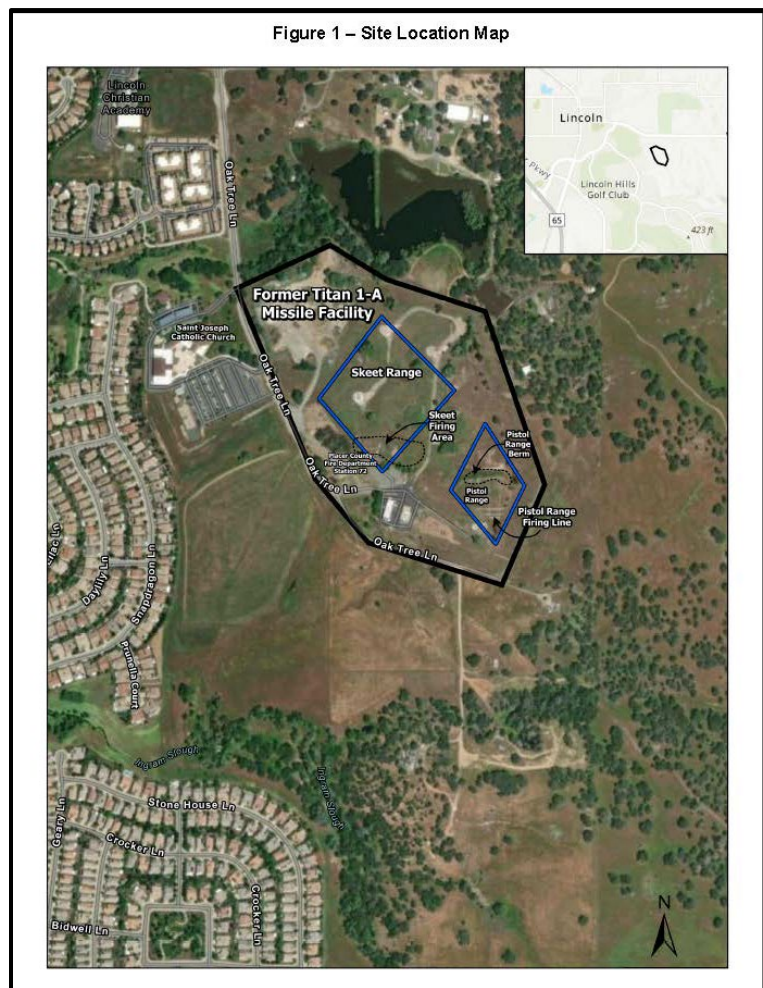
Trichloroethylene Plume: A trichloroethylene plume refers to a dispersion of trichloroethylene, a volatile organic compound, in groundwater or soil.

U.S. Army Corps of Engineers: A federal agency within the Department of Defense responsible for providing engineering services and capabilities to the U.S. military and the nation. They handle a wide range of tasks including construction, infrastructure development, environmental restoration, disaster response, and flood control.

Volatile Organic Compounds: Volatile organic compounds are organic chemicals that have high vapor pressure at ordinary room temperature. This high vapor pressure causes them to evaporate easily into the air, where they can contribute to air pollution. Volatile organic compounds are emitted from a variety of sources, including vehicle exhaust, industrial processes, solvents, paints, and household products such as cleaners and disinfectants. Some common volatile organic compounds include benzene, toluene, xylene, formaldehyde, and trichloroethylene.

Background

The 2023-2024 Placer County Grand Jury (PCGJ) investigated the Lincoln Titan 1-A Missile Site (LT1AMS). With recent citizen concerns of trichloroethylene (TCE) contamination, the PCGJ believes it is important to educate the citizens of Placer County about this issue. Cleanup of former military sites contaminated with toxic chemicals such as TCE is a lengthy process. The process typically involves assessments, cleanup plans, and implementation, with involvement from multiple stakeholders. It is crucial to prioritize safety and effectiveness in these cleanup efforts. The map on the right shows the original Titan 1-A Missile Site in 2009.



California Water Board's Public Notice Fact Sheet

Methodology

The Placer County Grand Jury interviewed multiple city and county officials, a subject matter expert (SME) in TCE contamination, and numerous concerned citizens. They also reviewed the State Water Resources Control Board GeoTracker (GeoTracker) website to confirm the movement of the trichloroethylene plume (TCEP). Additionally, the PCGJ attended a community meeting and the first Restoration Advisory Board (RAB) meeting held by the U.S. Army Corps of Engineers (USACE) and their consultants. The consultants provided the history of the site, timelines for new monitoring well installations, cleanup of the site, and introduction to the RAB.

The Placer County Grand Jury reviewed the City of Lincoln website for information on the Lincoln Titan 1-A Missile Site and was unable to find a dedicated page. The City of Lincoln does reference the missile site in the Village 1 Specific Plan¹ document located on their website.

Discussion

History

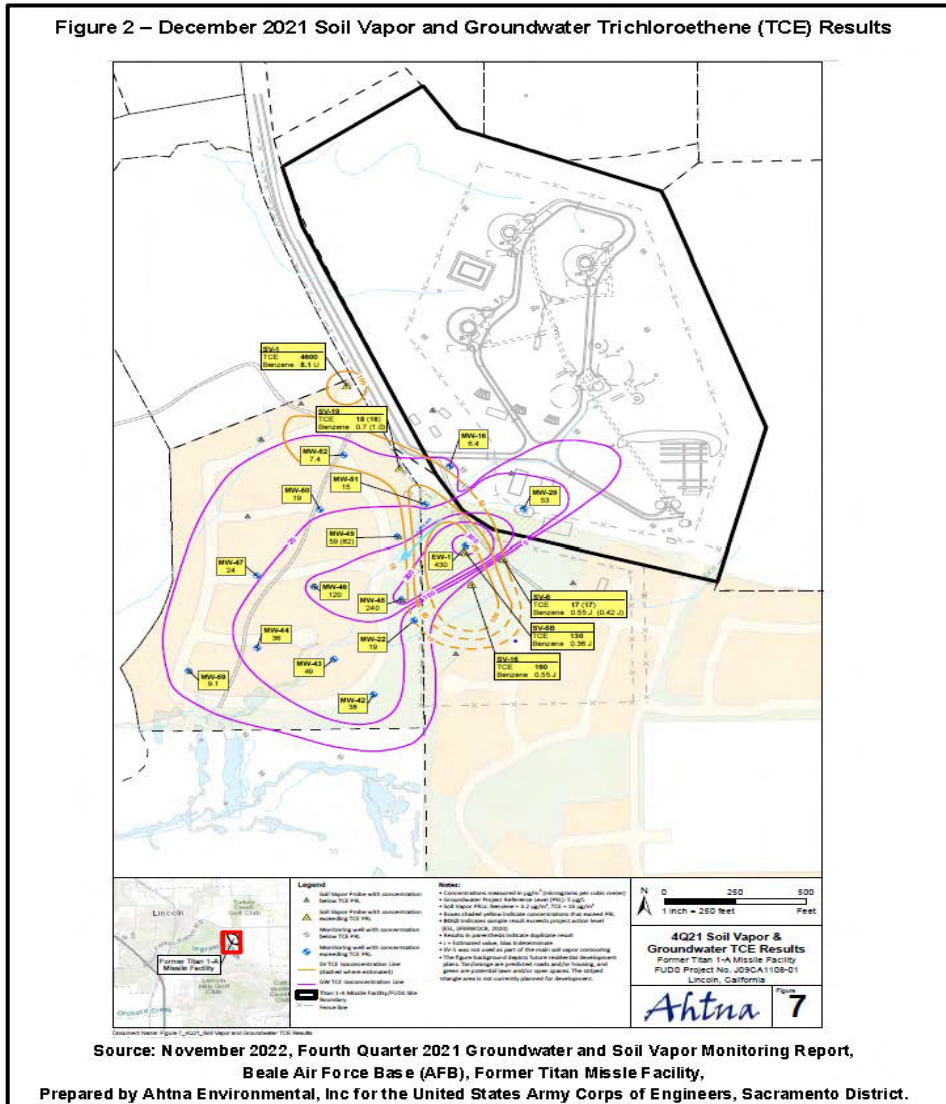
The Lincoln Titan 1-A Missile Site² sits on forty-six acres and is part of a Cold War-era ballistic missile defense system constructed by the United States Air Force that went operational in 1962. In 1962, to deter the Soviet Union from sending missiles to the United States, the government constructed fifty-four Titan 1 missile silos at twenty sites throughout the country. These sites include Colorado, Idaho, South Dakota, Washington, and California. The three sites under the command of Beale Air Force Base in California were located in Lincoln, Live Oak, and Chico. These sites were strategically located across the country to provide a deterrent against potential nuclear threats from the Soviet Union. The Titan 1-A Missile Site in Lincoln was one of many such installations, designed to house and launch intercontinental ballistic missiles (ICBMs). Following the completion of construction in 1962, the site featured multiple subterranean and aboveground features, in addition to three 160-foot-deep missile silos.

This site was decommissioned in 1965 as technology advanced and geopolitical tensions shifted. The facility was deactivated in 1968 after only three years of operation and dismantled once it was no longer needed. In the same year, Placer County purchased a portion of the former missile site. Former missile sites are being repurposed for various uses, ranging from private residences to historical landmarks.

¹ Final Environmental Impact Report for the Village 1 Specific Plan. <https://www.lincolncalifornia.gov/en/business-and-development/resources/Documents/Village-1-FEIR.pdf>. Accessed April 22, 2024.

² United States Army Corps of Engineers Sacramento District Website. [Titan 1-A Missile Site \(army.mil\)](https://www.usace.army.mil/locations/lincoln-titan-1-a-missile-site/). Accessed September 26, 2023.

On September 23, 1994, the USACE declared this a Formerly Used Defense Site (FUDS).³ The LT1AMS has thirty-three ground water and twenty-four soil vapor wells to monitor the hydrocarbon and TCE contaminated groundwater and soil vapor plumes.



California Water Board's Public Notice Fact Sheet

In 2001, the plume was approximately three acres in size. In the last twenty-three years, the ground water plume moved southwest over eighteen hundred inches, an average of seventy-nine inches per year. From 2000 to 2022, the groundwater plume has moved south from the original missile site an average of eighty-seven inches per year. The movement of a trichloroethylene plume spreads through the subsurface, influenced by factors like

³ United States Army Corps of Engineers Formerly Used Defense Site. [U.S. Army Corps of Engineers Headquarters > Missions > Environmental > Formerly Used Defense Sites](https://www.usace.army.mil/Portals/0/docs/Environmental/Formerly%20Used%20Defense%20Sites/). Accessed September 26, 2023.

groundwater flow, soil characteristics, and the behavior of trichloroethylene. The movement of a plume depends on various factors such as water currents, terrain features, temperature gradients, and the properties of the substances in the plume. For example, in the atmosphere, wind plays a significant role in carrying and dispersing pollutants. In water bodies, currents and diffusion govern the spread of contaminants. Additionally, the density and volatility of the substances in the plume affect how they disperse and migrate through the environment.

In 2022, the soil vapor plume extended southwesterly of the Placer County Yards with an average movement of ninety-three inches per year.⁴ Volatile organic compounds can have harmful effects on human health and the environment, contributing to respiratory problems, ozone formation, and the formation of smog. Controlling volatile organic compounds emissions is important for protecting air quality and public health.

From 2009 through the 2018-2019 timeframe, USACE field activities related to the Lincoln Titan 1-A Missile Site FUDS project stopped in order to investigate other potential sources of TCE contamination at the site. In 2018-2019, USACE re-initiated the Titan 1-A Missile Site FUDS project and remedial investigation activities.⁵ The LT1AMS sits in limbo as residents and builders await the start of TCE contamination remediation by the USACE.

History

- **1962 – 1965:** Missile facility operational
- **1968:** Placer County acquired a parcel of the complex. Adjacent parcels acquired by private owners since 1968
- **1991:** Presence of TCE discovered southwest of the site during groundwater sampling
- **1994:** USACE authorized to begin remedial investigations of soil, soil vapor, and groundwater through the FUDS program
- **2001 - 2004:** USACE conducted small scale groundwater extraction and treatment system; approx. 10 pounds of TCE removed from groundwater
- **2002:** Soil vapor extraction test performed at 4 wells to test soil permeability/vacuum radius of influence
- **2005:** Performed two bench scale studies testing chemical oxidation and enhanced bioremediation effectiveness on site contamination
- **2007 - 2008:** Feasibility Study Report complete; addendum adds remedial alternative for consideration
- **2009:** Work stopped to investigate other potential sources of TCE contamination
- **2018:** Restart remedial investigation activities
- **2019:** 19 new groundwater monitoring wells and 24 new soil vapor probes installed; began collecting data quarterly to assess status across varying conditions
- **2023:** Informational public meeting and approval of Restoration Advisory Board (RAB) formation



U. S. Army Corps of Engineers Presentation, January 31, 2024

⁴ Geo Tracker Website Site Map Documents. [GeoTracker \(ca.gov\)](https://www.geotracker.ca.gov). Accessed March 21, 2024.

⁵ United State Army Corps of Engineer Informational Public Meeting Slides. [USACE Titan1-A PublicMeeting_31May2023_FINAL.pdf \(army.mil\)](https://www.usace.army.mil/Portals/0/docs/USACE_Titan1-A_PublicMeeting_31May2023_FINAL.pdf). Accessed January 31, 2024.

The former Beale Air Force Base LT1AMS is classified as a Formerly Used Defense Site. This location was used by the military and is no longer active, having been decommissioned thirty-two years ago. This site poses environmental health risks due to past activities, including chemical use, chemical spills, and unexploded ordnance (military supplies such as weapons, rockets, or armor). The source of contamination is trichloroethylene (TCE), a solvent which was used to clean the liquid oxygen Rocket Propellant-1 piping and was discharged into the ground. The TCE contamination on the LT1AMS, and the movement of its plume, has caused concern among the residents of Lincoln.

Effects of TCE Exposure

According to subject matter experts, TCE exposure can lead to various health issues depending on the level and duration of exposure.⁶ These health issues may include:

1. Cancer: TCE is classified as a human carcinogen, with long-term exposure increasing the risk of various cancers, including kidney and liver cancer, and non-Hodgkin lymphoma.
2. Neurological Effects: TCE exposure has been linked to neurological problems such as headaches, dizziness, confusion, and impaired concentration.
3. Liver Damage: Prolonged exposure to TCE may cause liver damage, leading to conditions such as hepatitis or liver cancer.
4. Kidney Damage: TCE exposure can harm the kidneys, potentially leading to kidney cancer or renal dysfunction.
5. Reproductive Effects and Developmental Effects: TCE exposure may affect reproductive health, causing infertility, miscarriages, or birth defects. Exposure to TCE during pregnancy may harm the developing fetus, leading to developmental delays, cognitive impairment, preterm birth, low birth weight, or cardiac defects.
6. Respiratory Issues: Breathing in TCE vapors can irritate the respiratory system, leading to coughing, shortness of breath, and chest pain.
7. Immune System Suppression: TCE exposure may weaken the immune system, making individuals more susceptible to infections and illness.
8. Cardiovascular Effects: Some studies suggest TCE exposure may be associated with cardiovascular problems such as heart palpitations and elevated blood pressure.
9. Skin Irritation: Direct contact with TCE or its vapors can cause skin irritation, dermatitis, or chemical burns.
10. Parkinson's Disease: Research has suggested a possible link between TCE exposure and an increased risk of Parkinson's disease, a neurodegenerative disorder. TCE is believed to interfere with dopamine-producing neurons in the brain, which are also affected in Parkinson's.⁷

It is important to note the severity of these health effects can vary depending on factors such as the concentration levels of TCE, duration of exposure, individual susceptibility, and

⁶ Trichloroethylene Data Sheet. [trichloroethylene.pdf \(epa.gov\)](https://www.epa.gov/trichloroethylene). Accessed March 1, 2024.

⁷ Meglio, Marco. [Exposure to Trichloroethylene Linked With Increased Risk of Parkinson Disease. Cancer. \(neurologylive.com\)](https://www.neurologylive.com). Accessed April 22, 2024.

route of exposure (inhalation, ingestion, or skin contact). Exposure to TCE during pregnancy can potentially lead to various adverse effects on both the mother and the developing fetus. It is essential pregnant women minimize their exposure to TCE and other harmful chemicals to protect the health and development of both the mother and their unborn child.⁸

The City of Lincoln has pondered the possibility of purchasing part of the land from the County for a proposed park site location, but they have been hesitant due to the lengthy process and cleanup of the contamination site. This park would be expected to attract children and families from the community, visitors from other local cities, and potential pregnant mothers. Therefore, ensuring thorough cleanup is essential to safeguard everyone's health and well-being before any permanent plans are implemented.

Environmental sampling south of LT1AMS in 1991 revealed the presence of TCE in groundwater. In 1993, the USACE started environmental investigations to determine whether soil, groundwater, and soil vapor on and around LT1AMS were being affected by previous TCE activities. From 2001-2008 the Remedial Investigation/Feasibility Study (RI/FS)#1 was conducted on the groundwater, soil, and soil vapor sampling.

During 1973-1999, Placer County leased gun ranges to the Placer County Sheriff's Department and the Placer Foothills Shooters Club, which stopped remediation planning efforts. Attorneys became involved to determine cleanup responsibility. It took nearly a decade to ascertain that the U.S. Army Corps of Engineers bore responsibility for the TCE contamination. A small-scale testing of ground water and soil vapor extraction revealed trichloroethylene was found in soil, soil vapors, and groundwater, according to data gathered from these investigations. Between 2009 and 2018-2019, the remediation operation at the LT1AMS abruptly ceased due to concerns as to the source of TCE contamination.

Per the USACE, the investigation continues, and information was gathered for the RI/FS #2 from 2019 through today. The USACE continues to claim there is no personal risk to those who live or work near the former missile complex because the soil vapor is contained within undeveloped land to the southwest and groundwater is not used for drinking. At the time of this report, the contaminated groundwater is not being pumped for any use.⁹

A subject matter expert on TCE wrote a report, Remember the Titan,¹⁰ on TCE contamination at the former missile site in Lincoln. This report delved into the environmental and health impacts of TCE on the surrounding community.

⁸ ADVERSE BIRTH OUTCOMES AND MATERNAL EXPOSURE TO TRICHLOROETHYLENE. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3339451/>. Accessed March 21, 2024.

⁹ United States Army Corps of Engineer Administrative Records. [Titan_1-A_Admin_Record_May2023.pdf \(army.mil\)](#). Accessed March 21, 2024.

¹⁰ Remember the Titan, TCE Contamination from the Former Missile Site in Lincoln, California. Siegel, Lenny, May 1, 2023. [RememberTitan \(cpeo.org\)](#). Accessed December 12, 2023.

Overall, the movement of a plume in soil is a complex interplay of the following processes: influenced by factors such as soil type, porosity, permeability, groundwater flow rates, and the properties of the contaminants involved.

Volatile Organic Compounds and Their Movements

Trichloroethylene can move through soil via several mechanisms:

1. **Advection:** This is the movement of the contaminant with the flow of groundwater. If the soil is saturated and there is groundwater flow, contaminants can be carried along with the flowing water. Trichloroethylene can be carried through soil by the flow of groundwater. If there is groundwater contamination, TCE can move with the flowing water, spreading the contamination in the direction of groundwater flow.
2. **Dispersion:** Dispersion refers to the spreading out of the contaminant due to variations in flow velocity and direction within the soil matrix. This process causes the plume to widen as it moves through the soil and disperses.
3. **Diffusion:** Diffusion involves the movement of contaminants from areas of higher concentration to areas of lower concentration, driven by concentration gradients in the soil. This process is slower than advection but can still contribute to the overall movement of the plume and soil. The TCE will diffuse through the soil matrix from areas of higher concentration to areas of lower concentration.
4. **Sorption:** Sorption is the process by which contaminants are retained or adsorbed onto the soil particles. This can temporarily immobilize contaminants, slowing their movement through the soil and affecting the shape and extent of the plume. This process can temporarily immobilize TCE, slowing its movement through the soil and affecting the extent of contamination.
5. **Volatilization:** The process of converting a chemical substance from a liquid or solid state to a gaseous or vapor state. Other terms used to describe the same process are vaporization, distillation, and sublimation. Trichloroethylene is a volatile organic compound, meaning it can vaporize from soil into the air. This process depends on factors such as soil temperature, moisture content, and TCE concentration, and it can contribute to TCE movement from soil to the atmosphere.

The movement of TCE in soil is influenced by various factors and understanding these mechanisms is crucial for assessing and managing TCE contamination in soil and groundwater.

The SME conducted research on the history of the LT1AMS, its operations, and the disposal practices of TCE at the site during its active years. Their findings highlighted the extent of contamination in the soil, groundwater, and potentially even the air in the vicinity of the site.

Furthermore, the SME examined the response of regulatory agencies and the responsible parties to address the contamination, including cleanup efforts and measures to mitigate exposure to affected residents. They also assessed the adequacy of communication and transparency surrounding the issue, as well as any legal or policy implications. Overall, the SME's report served to raise awareness about the environmental and public health risks

associated with TCE contamination from the former missile site and to advocate for more robust cleanup efforts and preventative measures to protect the community.

A local citizens' group, The Titan 1-A Missile Site Environmental Contamination and Remediation Committee, City of Lincoln officials, and members from Congressman Kevin Kiley's Office have been involved in research and communication with the USACE and Central Valley Regional Water Quality Control Board in the last two years to develop a timeline and remediation plan to clean up the LT1AMS. In June 2023, Congressman Kiley introduced language in the 2024 Annual Department of Defense Appropriations Bill and Report.¹¹ The language directed USACE to complete their assessment of the former LT1AMS in a timely manner and share those results with the public. On January 31, 2024, the USACE held a public meeting at Sun City Lincoln Hills updating the community with a timeline for moving towards remediation of the LT1AMS.

Several interviews conducted by the PCGJ revealed that homes in the Del Webb Sun City Lincoln development along Snapdragon Lane and Prunella Court, which line the plume, purportedly have soil vapor barriers installed beneath their slabs. However, the PCGJ was unable to confirm this information through available documented sources. Vapor barriers for slabs are materials, typically made of plastic or other impermeable substances, installed beneath concrete slabs to prevent the intrusion of harmful vapors, such as TCE, from the soil into the building above. They act as a protective layer, reducing the risk of indoor air contamination and potential health hazards associated with exposure to TCE and other volatile organic compounds. The grand jury was informed this helps mitigate the risk of harmful vapor intrusion indoors.

Restoration Advisory Board

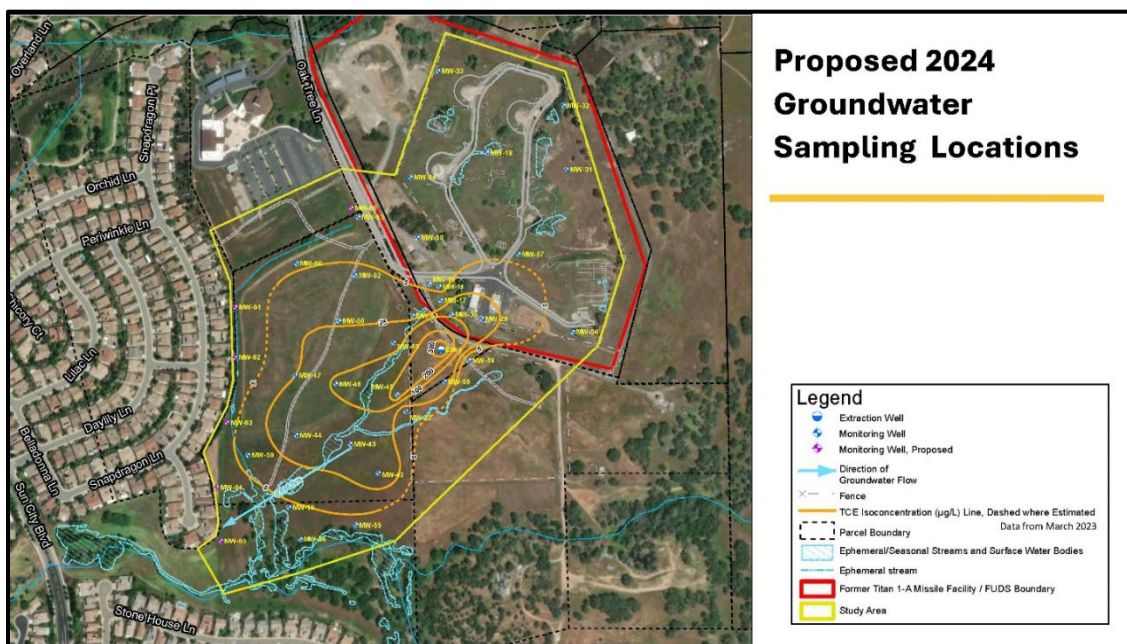
Citizen involvement is the cornerstone of a thriving democracy and community. When individuals feel empowered to contribute, they develop a deeper connection to their surroundings and are more invested in their collective well-being. Therefore, a Restoration Advisory Board (RAB) is crucial to the implementation of the restoration project.

Moreover, citizen involvement promotes accountability and transparency in governance. By holding elected officials and institutions accountable, citizens ensure decisions reflect the needs and desires of the community, rather than the interests of a select few. This oversight helps prevent corruption and promotes fair and equitable policies that benefit the greater good. Citizen involvement strengthens social cohesion and resilience. By working together towards common goals, communities become more united and resilient in the face of challenges.

The USACE hosted their first RAB meeting on March 26, 2024, which consisted of eleven community members, several representatives from the USACE, the Central Valley Regional Water Quality Control Board, and Parsons Corporation, the USACE's consulting firm. The Environmental Protection Agency was also invited to this meeting but there was not a

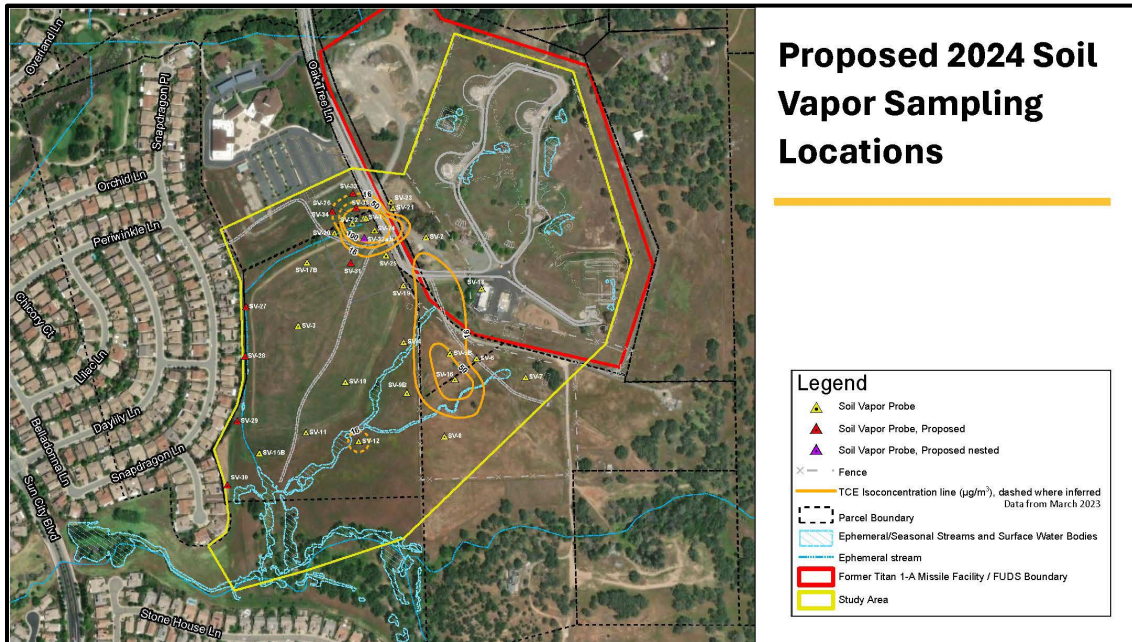
¹¹ Department of Defense Appropriations Bill, 2024. [HMKP-118-AP00-20230622-SD002.pdf \(house.gov\)](https://www.house.gov/imo/media/doc/HMKP-118-AP00-20230622-SD002.pdf). Accessed February 19, 2024.

representative present. This meeting was not recorded or livestreamed. A citizen attending the meeting requested future meetings be livestreamed and recorded for future viewing. Citizens asked several questions and were told someone would get back to them. The USACE discussed the timeline for finalizing their sampling work plan, installing new soil vapor probes and groundwater monitoring wells, and collecting samples semiannually during 2024, to better define the lateral and vertical extent of contamination. By using this data, they will develop remedial plan objectives, which will define the conditions to complete remediation. Additionally, the USACE will identify and evaluate potential technologies and mechanisms to meet remedial action objectives, which includes finalizing a treatability study work plan and conducting field investigations, to produce a finalized RI/FS. Below are the proposed 2024 groundwater and soil vapor sampling locations with the proposed timeline.¹²



U. S. Army Corps of Engineers Presentation, January 31, 2024

¹² Former Beale Air Force Base Titan 1-A Missile Facility. [Former Beale AFB Titan 1-A Missile Facility \(constantcontact.com\)](https://www.constantcontact.com). Accessed January 31, 2024.



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Lastly, the City of Lincoln has included the remediation of the LT1AMS in their strategic plan within Goal Fourteen, which reads:

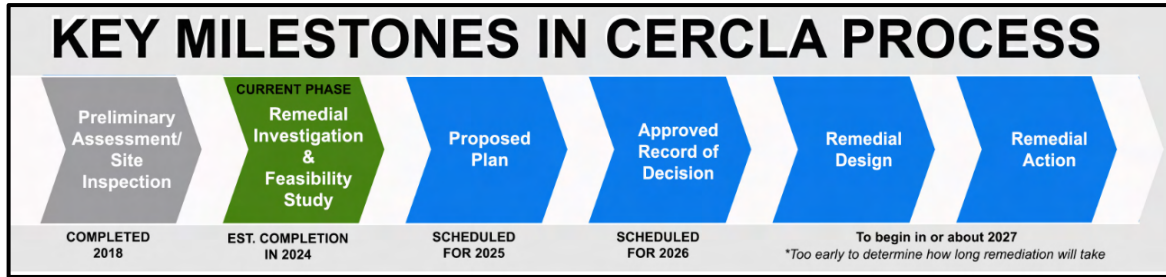
Staff to create a Master Calendar for required reporting, scheduled contractual renewals, and needed updates for consideration and review by Council. Staff continue to monitor Titan Missile Site remediation efforts, continue to provide City support to those efforts, and keep the Council updated. Note: This is an ongoing goal that will span both Year 1 and Year 2 of the Strategic Plan.¹³

The entities listed in this report do not fall within the grand jury’s purview; therefore, a definitive time span regarding the TCE contamination clean up at the LT1AMS could not be reconciled by the Placer County Grand Jury.

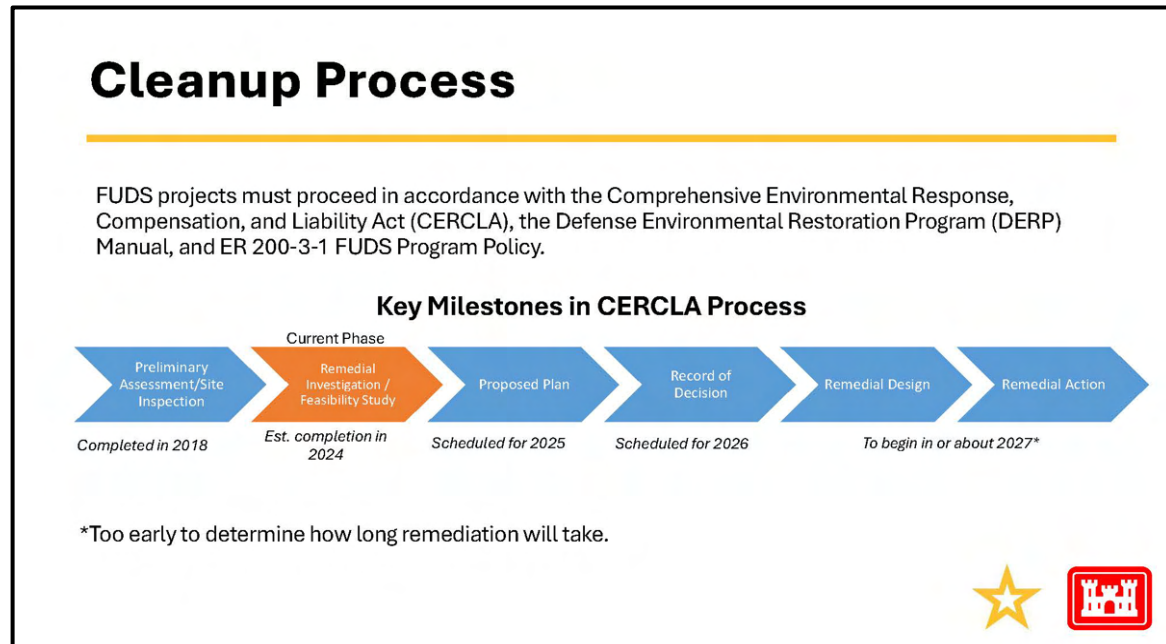
¹³ Lincoln City Council 2023-2025 Lincoln City Council Strategic Plan. <https://www.lincolnca.gov/en/our-government/resources/Documents/CityClerk/10C-Final.pdf>. Accessed February 19, 2024.

Project Status

For this project, the USACE is adhering to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Under CERCLA, the project is presently in the RI/FS phase of the remedial investigation. To ascertain the type and degree of contamination, samples of soil, soil vapor, and groundwater are gathered and examined during this phase. This data is then used to assess whether cleanup or remediation efforts are required. The USACE is gathering data for the RI/FS stages, including historical environmental sample results, and plans to make these reports available to the public by the end of 2024.¹⁴



U. S. Army Corps of Engineers Presentation, January 31, 2024



¹⁴ Former Beale Air Force Base Lincoln Titan 1-A Missile Site.
<https://www.spk.usace.army.mil/Missions/Military-Projects/FUDS/Titan-1-A-Missile-Site/>
Accessed February 19, 2024.

Conclusion

Full remediation of the Lincoln, California missile site will include a U.S. Army Corps of Engineers summary of remediation efforts, any remaining challenges or risks, and the overall success in reducing trichloroethylene contamination to safe levels. These dates were provided to the public at a Sun City Lincoln Hills Town Hall meeting on January 31, 2024. There are plans for additional testing. Remediation may also include plans for ongoing monitoring and maintenance to ensure continued environmental protection.¹⁵

2024 Schedule

FUDS projects must proceed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Defense Environmental Restoration Program (DERP) Manual, and ER 200-3-1 FUDS Program Policy.

| Activity | Date |
|--|-------------------------------------|
| Public Meeting | January 2024 |
| RAB Meeting | March 2024 and quarterly thereafter |
| Finalize Sampling Work Plan | April 2024 |
| Install soil vapor probes/groundwater monitoring wells and collect semi-annual samples | May 2024 |
| Prepare Semi-Annual Sampling Report | July 2024 |
| Finalize Remedial Investigation Report | August 2024 |
| Finalize Treatability Study Work Plan | September 2024 |
| Finalize Feasibility Study | October 2024 |
| Collect semi-annual soil vapor/groundwater samples and conduct treatability study | October 2024 |
| Prepare Semi-Annual Sampling Report | November 2024 |
| Public Meeting | December 2024 |



U. S. Army Corps of Engineers Presentation, January 31, 2024

¹⁵ Lincoln Titan 1-A Missile Facility video. [FUDS Project Lincoln Former Titan 1 A Missile Facility \(youtube.com\)](https://www.youtube.com/watch?v=...). Accessed January 31, 2024.

Findings

The grand jury found:

- F1.** The City of Lincoln does not have a dedicated Lincoln Titan 1-A Missile Site webpage on the on their website.
- F2.** The residents in the immediate vicinity of the trichloroethylene contamination at the former Lincoln Titan 1-A Missile Site are well-informed on this issue.
- F3.** It is unclear how aware residents outside Sun City Lincoln Hills are about the Lincoln Titan 1-A Missile Site contamination.
- F4.** There is a new Restoration Advisory Board coordinated by United States Army Corps of Engineers which includes Lincoln residents. Those meetings are not livestreamed or recorded.
- F5.** At the first Restoration Advisory Board meeting, several questions from the community went unanswered.
- F6.** Health issues associated with trichloroethylene include birth defects, respiratory illness, several types of cancers, and Parkinson's Disease.
- F7.** Local Congressional offices, the City of Lincoln, and a community awareness group have been encouraging the U.S. Army Corps of Engineers to begin remediation of the trichloroethylene contamination.
- F8.** The City of Lincoln has included Lincoln Titan 1-A Missile Site remediation in their 2023-2025 Strategic Plan.
- F9.** The U.S. Army Corps of Engineers has been aware of trichloroethylene contamination at the Lincoln Titan 1-A Missile Site since 1991 and has assumed responsibility for remediation.
- F10.** The U.S. Army Corps of Engineers is installing additional monitoring wells bordering Snapdragon Lane and Prunella Court in the Sun City Lincoln Hills Community.
- F11.** The U.S. Army Corps of Engineers abruptly ceased this project for nearly a decade to determine the source of contamination and responsibility for the cleanup from 2009 to 2018-2019.

Recommendations

The grand jury recommends:

- R1.** By October 1, 2024, the Lincoln City Council will create a dedicated Titan 1-A Missile Site page on the City of Lincoln’s website to include a link to the U.S. Army Corps of Engineers’ website, to disseminate information to the public, including a point of contact.
- R2.** Beginning October 1, 2024, the Lincoln City Council will provide a quarterly status update report on the Lincoln Titan 1-A Missile Site at Lincoln City Council meetings.
- R3.** By October 1, 2024, through completion of full remediation, the Lincoln City Council will request the United States Army Corps of Engineers, or their consultants, to livestream, record, publish, and archive Restoration Advisory Board meetings for full transparency.
- R4.** By September 1, 2024, the Lincoln City Council will appoint a city representative to attend quarterly Restoration Advisory Board meetings.

Required Responses

Pursuant to Penal Code § 933.05, the Placer County Grand Jury requires a response from the following governing body:

| <u>Responding Entity</u> | <u>Findings Requiring Response</u> | <u>Recommendations Requiring Response</u> | <u>Due Date</u> |
|--|---|---|-----------------|
| Lincoln City Council Attention: Dan Karleskint, Mayor 600 6 th St Lincoln, CA 95648 | F1, F3, F4, F5, F6, F7, F8, F9, F10, F11 | R1, R2, R3, R4 | October 1, 2024 |

Requested Responses

The Placer County Grand Jury requests a response from the following entities:

| <u>Responding Entity</u> | <u>Response Requested to Findings</u> | <u>Response Requested to Recommendations</u> | <u>Due Date</u> |
|---|--|--|-------------------|
| Sean Scully, Lincoln City Manager 600 6 th St Lincoln, CA 95648 | F1, F3, F4, F5, F6, F7, F8, F9, F10, F11 | R1, R2, R3, R4 | September 3, 2024 |

Copies sent to:

Central Valley Regional Water Quality Control Board

Project Geologist

11020 Sun Center Dr, Room 200

Rancho Cordova, CA 95670-6114

U.S. Army Corps of Engineers

FUDS Project Manager, Project #J09CA1108-01

1325 J St, Room 1640

Sacramento, CA 95814

A Fiscal Evaluation of the Contract for Jail Services Between Placer and Nevada Counties



Photo credit: Placer County Sheriff's Office Website

A Fiscal Evaluation of the Contract for Jail Services Between Placer and Nevada Counties

Summary

Since 2001, the Placer County Sheriff's Office has contracted with Nevada County Sheriff's Office for jail services due to inadequate facilities at Burton Creek Tahoe Substation for housing detainees. While annual contract renewals indicate this is a favorable agreement, the fiscal demands show the complete opposite. As written, this contract has an automatic annual increase of 3 percent every fiscal year, resulting in a cost of detaining offenders more than twenty times higher than Placer County's Daily Jail Rate and costs taxpayers over \$500,000 dollars per year.

Recently, the Placer County Board of Supervisors approved authorizing staff to begin land use consulting and project planning and entitlements to facilitate the design of the project to replace the facilities. The approved contract for the consultant work is to not exceed \$500,000. The goal being a building completion in 2030. The completion of a new facility, which includes a Type II jail, should eliminate the need for the contract.

Glossary

Environmental Impact Report: A document required by the state to comply with California Environmental Quality Act. Its purpose is to analyze and disclose a project's potential effects on the environment.

MGT Consulting: Consulting firm contracted by Placer County Sheriff's Office to calculate administrative fees associated with jail services.

Type I Jail Facility: Used for the detention of persons for not more than ninety-six hours, excluding holidays, after booking.

Type II Jail Facility: Used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment. These are typically referred to as "county jails."

Background

The 2017-2018 Placer County Grand Jury conducted a thirty-year review of the Burton Creek Tahoe Substation. They found many issues of concern with the facility including fire safety and compliance with The Americans with Disabilities Act (ADA). Additionally, there have been significant issues with the back-and-forth decisions made by the Board of Supervisors to replace the building despite their consistent position that the aging facility needs to be replaced.

As part of its mandate to conduct annual jail facilities inspections, the 2023-2024 Placer County Grand Jury inspected the Burton Creek Tahoe Substation and its processes for booking and transporting detainees. A contract between the Placer County Sheriff's Office (PCSO) and the Nevada County Sheriff's Office (NCSO) to book and house detainees in the Tahoe region was established in 2001. The grand jury investigated the contract to

determine the value taxpayers are receiving through its utilization. The scope of this report is limited to the contract.

Methodology

The 2023-2024 Placer County Grand Jury:

- Reviewed:
 - Original contract dated 2001, between Placer County Sheriff's Office and Nevada County Sheriff's Office, and contract amendments.
 - Arrest booking totals for Burton Creek Substation.
 - Board of Supervisors meeting agenda and minutes involving Burton Creek contract and amendments.
 - 2017-2018 Placer County Grand Jury Report and responses.
 - Nevada County Grand Jury Reports.
 - Placer County website.
 - News media including newspapers and websites.
- Inspected:
 - Burton Creek Substation.
- Interviewed:
 - Burton Creek staff.
 - Placer County Sheriff's Office staff.
 - Nevada County Sheriff's Office staff.
 - Placer County Juvenile Detention Facility staff.

Discussion

Placer County Sheriff's Office Tahoe Substation is located in Tahoe City on State Highway 28. The facility, known as the Burton Creek Substation, provides 24/7 patrol coverage, specialized search and rescue teams, a courtroom, and holding cells. It was built in 1959 as a temporary sheriff's substation for the 1960 Winter Olympics.

The Burton Creek Substation is sixty-five years old, non-ADA compliant, too small to adequately house the department's offices or necessary jail cells, and long overdue for replacement. The Burton Creek Substation jail is a Type I facility.¹ Its four cells are not equipped for overnight housing, but rather, used as holding cells for the courtroom during business hours. The substation has repeatedly been the subject of grand jury reports recommending the complete replacement of the facility over the past thirty years. To remedy these issues, PCSO has contracted with the NCSO to house detainees overnight at the nearby Truckee Jail.

¹ California Code of Regulations. Title 15 § 1006. [https://govt.westlaw.com/calregs/Document/IC0E2A7406CA011EDB5569A0BCCCD916B?%20viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IC0E2A7406CA011EDB5569A0BCCCD916B?%20viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)). Accessed March 3, 2024.

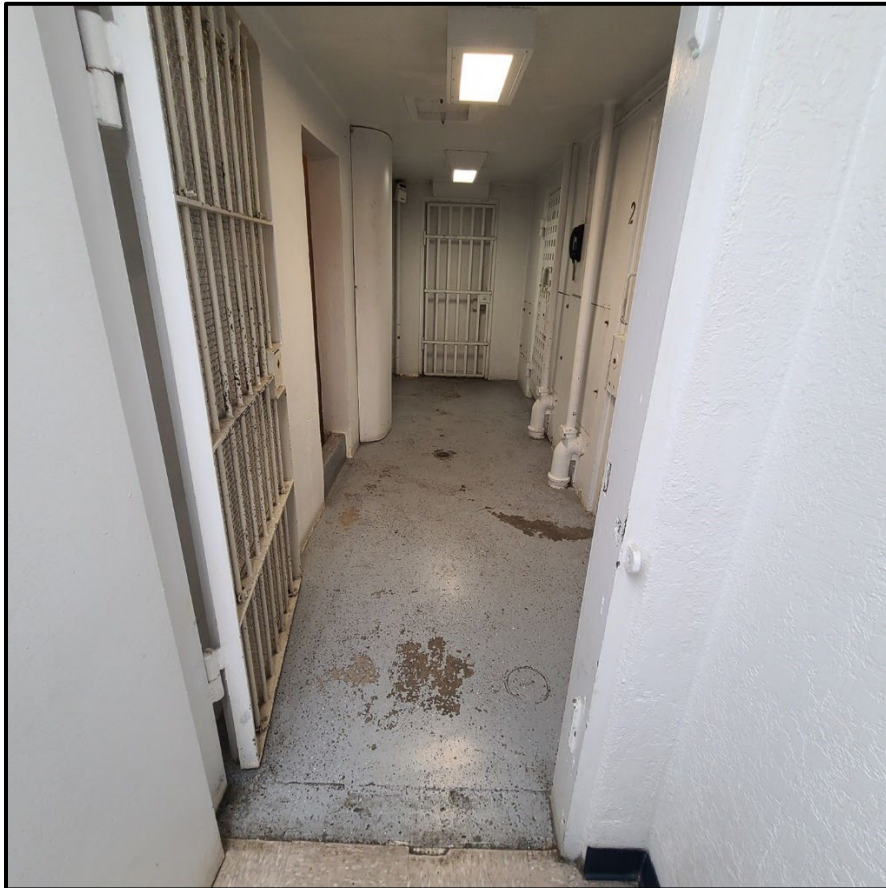


Photo credit: Emily Travis

The photo above illustrates the dilapidated conditions of the Burton Creek Substation jail facility.

Contract For Jail Services

A one-year, renewable contract totaling \$200,000 was established in 2001 for jail services, which provides booking and overnight arrest holds. The contract has been renegotiated several times since its inception, with the current version in place since 2017. At present, the contracted amount is adjusted 3 percent annually and is paid in equal, quarterly payments to Nevada County. The current 2023-2024 contracted amount has grown to \$517,727, with the contract service agreement remaining the same as the original contract from 2001. To date, the contract has cost taxpayers over \$8.1 million for fewer than one hundred overnight holds per year at the Truckee Jail.

The chart below shows the contract growth from its origination to the present day.

| Placer County Sheriff's Office FY Jail Services Contract Totals | |
|--|-----------|
| 2001-2002 | \$200,000 |
| 2002-2003 | * |
| 2003-2004 | * |
| 2004-2005 | \$277,031 |
| 2005-2006 | \$285,342 |
| 2006-2007 | \$297,808 |
| 2007-2008 | \$312,698 |
| 2008-2009 | \$350,369 |
| 2009-2010 | \$358,369 |
| 2010-2011 | \$361,654 |
| 2011-2012 | \$376,120 |
| 2012-2013 | \$380,633 |
| 2013-2014 | \$385,220 |
| 2014-2015 | \$396,800 |
| 2015-2016 | \$408,700 |
| 2016-2017 | \$420,961 |
| 2017-2018 | \$433,590 |
| 2018-2019 | \$446,598 |
| 2019-2020 | \$459,996 |
| 2020-2021 | \$473,796 |
| 2021-2022 | \$488,008 |
| 2022-2023 | \$502,648 |
| 2023-2024 | \$517,727 |

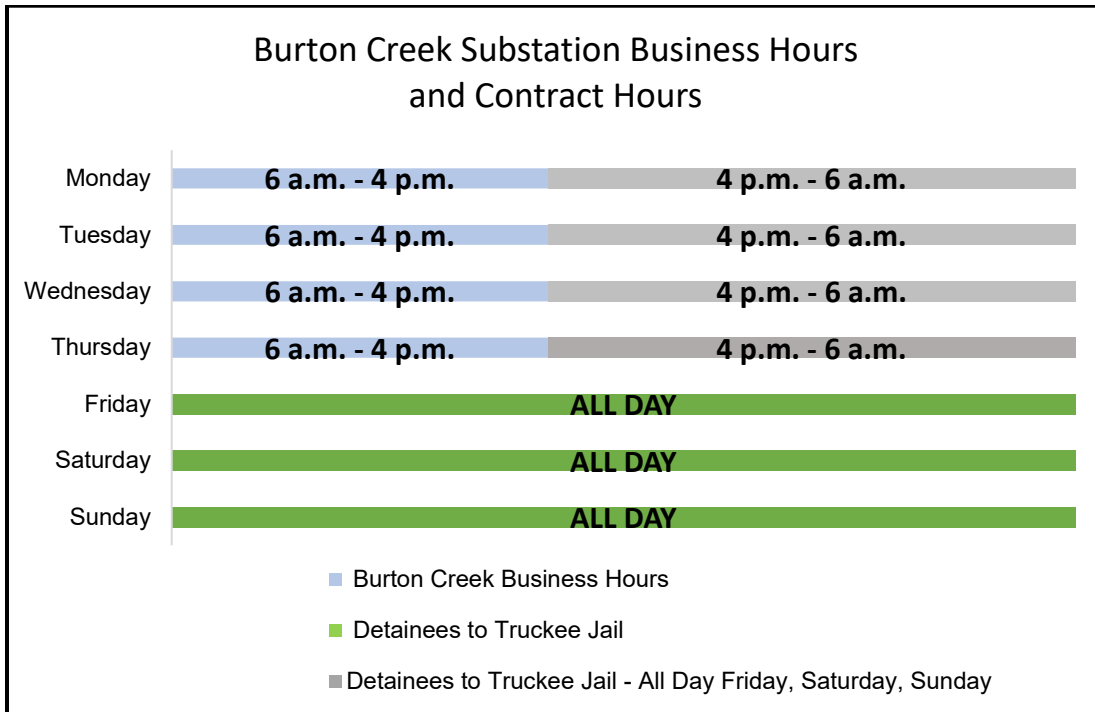
*Data unavailable for 2002-2004

Because the Burton Creek Substation is not a Type II jail facility, and cannot house inmates overnight, all detainees must be transferred to the Auburn Main Jail or the NCSO Truckee Jail upon arrest. Due to staffing constraints and weather-related road closures, it is most convenient for PCSO to transfer detainees directly to the Truckee Jail for after-hours booking, then to the Auburn Main Jail the following day during their usual transport schedule. Detainees are regularly transported from the Auburn Main Jail to the Burton Creek Substation for court appearances Monday through Thursday.

Booking Process

The Burton Creek Substation’s regular business hours, including courtroom and jail services, are Monday through Thursday from 6:00 a.m. – 4:00 p.m. The office is closed on Friday, Saturday, and Sunday.

The chart below illustrates the Burton Creek Substation’s business hours and the contracted hours during which deputies may book detainees into the Truckee Jail.



Contract Details

The contract provides full booking services for PCSO detainees at the Truckee Jail which includes checks for holds and warrants, photographs, after-hours housing, and an arrest file. It provides the arresting officer the option to transport the detainee directly to the Truckee Jail, where they are booked and held until the next business day for transport by PCSO to the Auburn Main Jail. If it is determined the detainee cannot be booked into the Truckee Jail, transportation must be arranged, and they are booked into the Auburn Main Jail.

The contract stipulates:

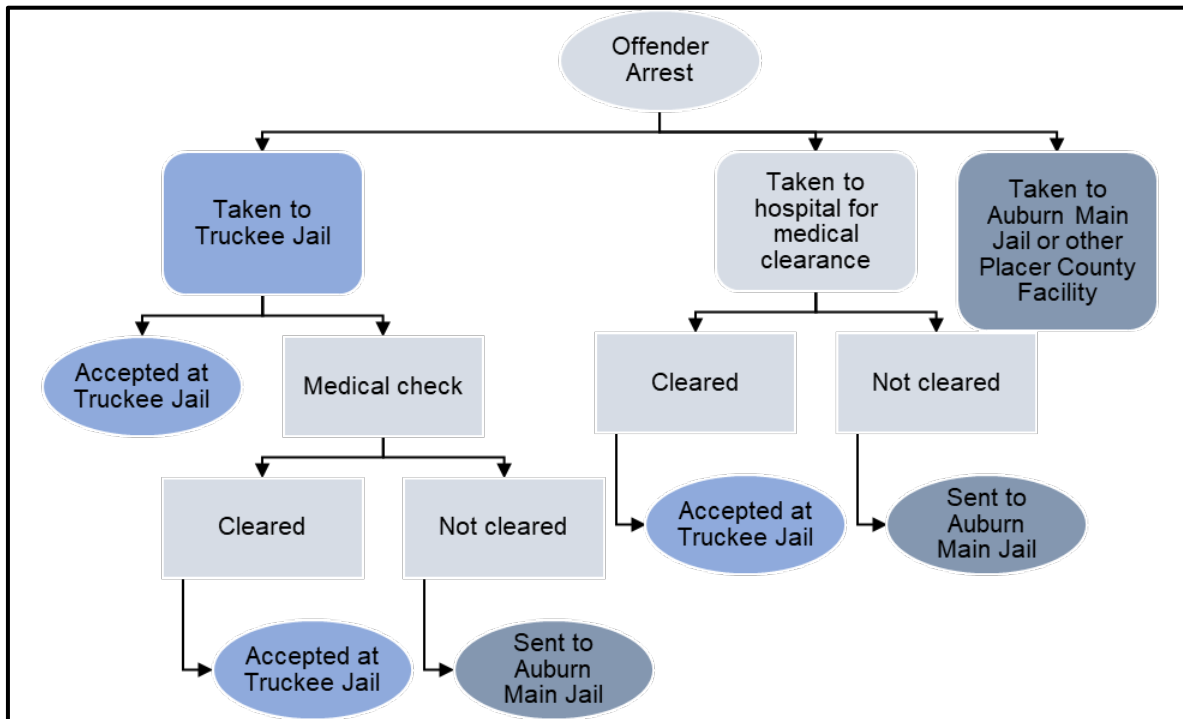
All services provided by NCSO comply with Minimum Standards for Adult Jail Facilities set forth in California Code of Regulations Title 15, 19, and 24, and in accordance with Federal, State, and local laws.

The NCSO may refuse to book detainees for reasons stipulated in the contract. However, there are also constraints due to California Code of Regulations, Title 15, § 1016, that

stipulate the conditions for housing detainees in a Type I jail facility. As such, NCSO is unable to accept detainees for the following reasons:

- Persons requiring immediate medical treatment or who are not medically cleared.
- Persons under 18.
- Persons taken into custody on Welfare and Institutions Code § 5150 psychiatric hold.²
- Females, if there is no female officer on site to accept them.

The chart below illustrates how the jail contract is exercised, and how a detainee is processed after an arrest, by a Burton Creek deputy of the PCSO.



Inclement Weather

Due to Burton Creek Substation’s location in the North Tahoe region, weather is an important reason the contract continues to be renewed annually. The variability of storms and freezing conditions often make travel from the region to the Auburn Main Jail dangerous and time-consuming. However, as emergency responders, PCSO is exempt from California Highway Patrol (CHP) road closures and is required to make the trip from North Tahoe to Auburn Main Jail any day or time NCSO rejects a detainee. This transport takes a PCSO deputy off patrol for as many hours as the roundtrip requires, reducing the quality of

² California Welfare and Institutions Code § 5150. https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5150.&lawCode=WIC. Accessed February 20, 2024.

service to the North Tahoe region, while affording no cost-benefit to taxpayers. When possible, a PCSO deputy from the Auburn or Colfax office will meet the PCSO deputy from Burton Creek Substation at Nyack on Interstate 80, take custody of the detainee, and deliver them to the Auburn Main Jail. This helps alleviate the strain on the Burton Creek Substation command and results in the transport taking half the time.

Contract Usage

The grand jury obtained PCSO arrest records from Burton Creek Substation for the fiscal years 2021-2022 and 2022-2023 and found the following information.

Fiscal Year 2021-2022

The contract for fiscal year 2021-2022 totaled \$488,008. During that year, of the 176 total arrests, eighty detainees were booked into the Truckee Jail. Of the remainder, twenty were held at the Burton Creek Substation, and then transported to the Auburn Main Jail; fifty-six were transported directly to the Auburn Main Jail; three were transported directly to the Juvenile Detention Facility in Auburn; and seventeen were cited and released. The eighty detainees taken to the Truckee Jail under the 2021-2022 contract cost taxpayers \$6,100 per detainee for less than 24 hours holding time each.

| Fiscal Year 2021-2022 Booking Totals and Location | | | | | |
|--|---------------------|---------------------|-------------------------|------------------------------------|---------------------------|
| Total Arrests | Truckee Jail | Burton Creek | Auburn Main Jail | Juvenile Detention Facility | Cite & Release |
| 176 | 80 | 20 | 56 | 3 | 17 |

Fiscal Year 2022-2023

The contract for fiscal year 2022-2023 totaled \$502,648. During the year, of the total 171 arrests, eighty-seven detainees were booked into the Truckee Jail. Of the remainder, thirty-three were held at the Burton Creek Substation, and then transported to the Auburn Main Jail; forty were transported directly to the Auburn Main Jail; four were transported directly to the Juvenile Detention Facility in Auburn; and seven were cited and released. The eighty-seven detainees taken to the Truckee Jail under the 2022-2023 contract cost taxpayers \$5,778 per detainee for less than twenty-four hours holding time each.

| Fiscal Year 2022-2023 Booking Totals and Location | | | | | |
|--|---------------------|---------------------|-------------------------|------------------------------------|---------------------------|
| Total Arrests | Truckee Jail | Burton Creek | Auburn Main Jail | Juvenile Detention Facility | Cite & Release |
| 171 | 87 | 33 | 40 | 4 | 7 |

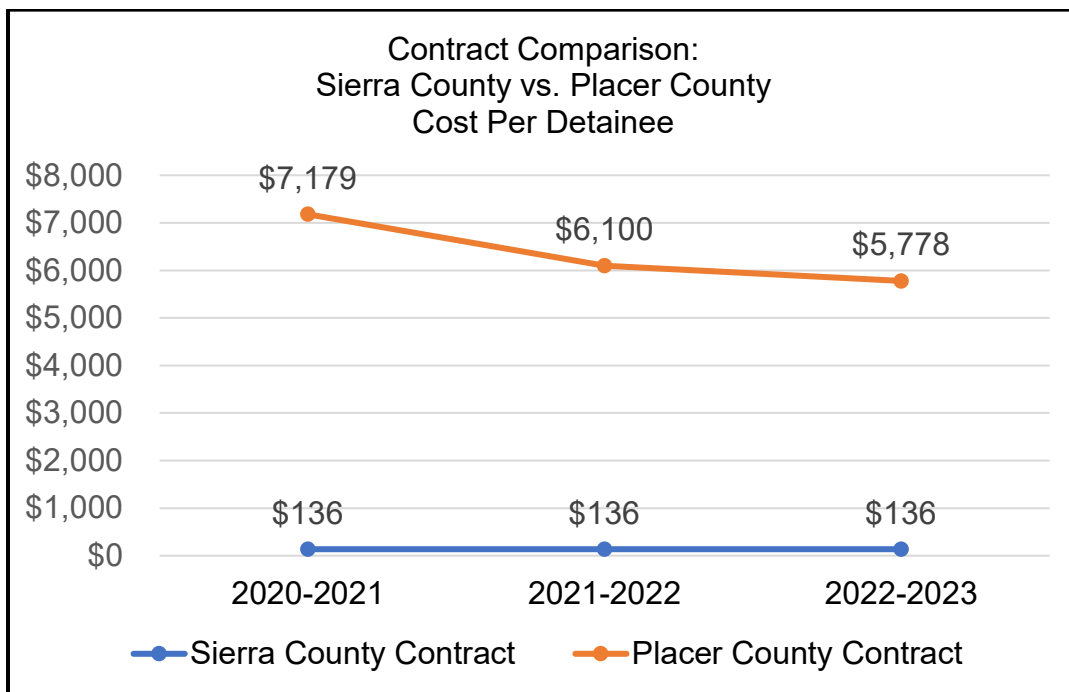
Truckee Jail Usage by Other Agencies

California Government Code § 26605 states each county’s Sheriff must provide detention services to municipalities within the county.³ Because PCSO and Sierra County Sheriff’s Office (SCSO) operate in their own counties, but utilize the NCSO Truckee Jail facilities, a contract is required for jail services. Several other agencies in the North Tahoe region also utilize the NCSO twelve-bed Truckee Jail as a holding facility, including: Truckee Police Department, CHP, California State Parks, and California Department of Fish and Wildlife.

Sierra County

Sierra County Sheriff’s Office established a formal contract with NCSO to provide identical booking and jail services as those provided to PCSO in 2012. Their contract pays \$136 per detainee, per day, rather than the large, half-million-dollar contract PCSO commits to annually, which results in fees well above \$5,700 per detainee, per day.⁴

The chart below illustrates the significant cost difference between the contract held by Placer and Sierra counties with NCSO over the past three fiscal years.



³ California Government Code. Title 3 § 26605. https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=26605. Accessed March 8, 2024.

⁴ Sheriff-WBCF-Jail. 23-251. <https://www.nevadacountyca.gov/DocumentCenter/View/40595/10-Sheriff-WBCF-Jail--2020-Forward>. Accessed November 14, 2023.

Other Placer County Contracts for Jail Services

It is worth noting that Placer County has contracts for jail services with five neighboring counties for use of the Placer County Juvenile Detention Facility in Auburn. The contract is similar to Sierra County's contract with NCSO reported above, in that they pay on a per detainee, per day basis. The amount those counties pay Placer County to house their juvenile offenders is \$125 per day.

Daily Jail Rate

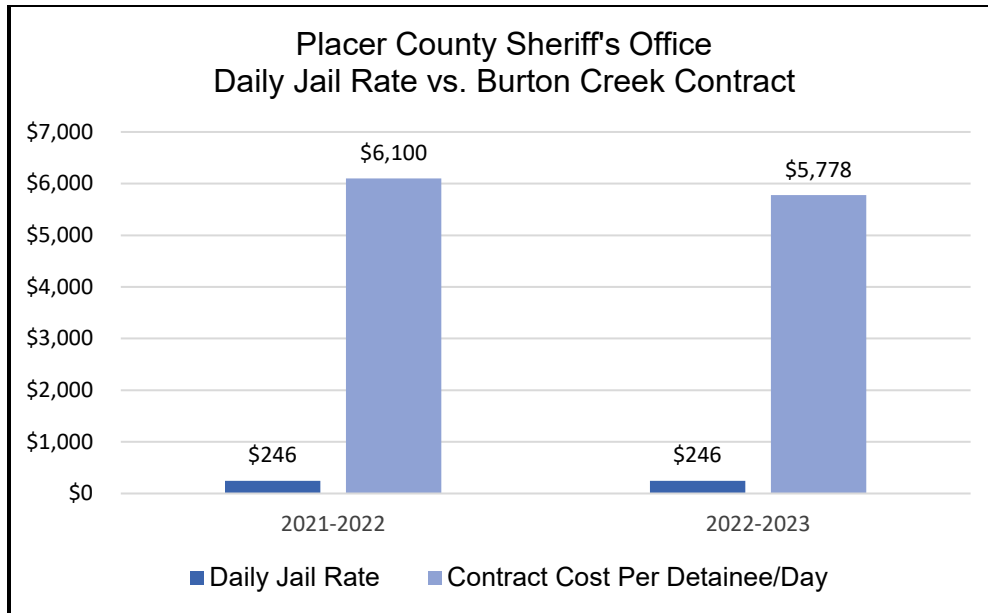
The current cost of housing detainees at any Placer County Jail facility is \$245.50 per day and has remained unchanged since July 2022. Placer County Sheriff's Office contracts with MGT Consulting to calculate its Daily Jail Rate based on actual costs and is defined in their Memorandum of Understanding with the county to establish this and other administrative fees associated with jail services.⁵

The 2023-2024 Daily Jail Rate is significantly lower than the average cost of booking and holding PCSO detainees at the Truckee Jail. The higher cost of utilizing the contract, combined with the back-and-forth transportation required of PCSO, causes the contract to be exceedingly costly to taxpayers, despite a number of intangibles the sheriff's office views as necessary to law enforcement in the region. Those intangibles include a sense of goodwill and spirit of mutual cooperation among law enforcement officers and departments in the North Tahoe region, a common goal of providing services and assistance across jurisdictions, and the comfort that comes with maintaining a routine over time.

One example of goodwill between PCSO and NCSO is evident in the housing provided by the NCSO at the Truckee Jail to a Placer County inmate-worker who cleans and provides basic labor to the Burton Creek Substation facility. This saves Burton Creek deputies' time and PCSO money on tasks completed by the inmate-worker. Though this is not included in the contract, it has been arranged via an informal agreement between the two sheriff's offices. The grand jury recognizes the value of the intangibles, and this report illustrates actual costs to taxpayers.

The chart on the following page demonstrates the difference between Placer County's Daily Jail Rate and the amount Placer County paid to house detainees overnight at the NCSO Truckee Jail.

⁵ Sheriff's Office Memorandum. <https://www.placer.ca.gov/DocumentCenter/View/59318/02A>. Accessed March 5, 2024.



Replacing Burton Creek Substation Facility

When inspecting the Burton Creek Substation, the grand jury noted the facility is in extremely poor condition and in desperate need of updating. Despite many promises to update the facility by the Board of Supervisors over the past 30 years, the first steps to do so have finally been taken. In a September 26, 2023, press release, the Board of Supervisors announced the initiation of a \$500,000 Environmental Impact Report as an initial effort towards replacing the decrepit sixty-five-year-old facility.

The current Tahoe Justice Center has been the subject of Placer County’s Grand Jury reports for many years because it’s inadequate and dilapidated.... Today’s action by the board signals to the state and the Grand Jury that the county is serious about modernizing that facility and we’re moving forward with our environmental review process for that project.⁶

The long overdue facility replacement of the Burton Creek Substation has a projected completion goal of 2030. Effective March 19, 2019, the Board of Supervisors prioritized the Burton Creek Substation capital facility project as Tier I status, in order to direct funding to the project, which will help ensure it is both started and completed.⁷ The current cost estimate of the project is \$75,810,723 - \$90,972,868. Allowing the project to continue to sit on the backburner of the Board of Supervisors’ to-do list will only increase these costs. Establishing a new, modern Burton Creek Substation facility that will include the region’s

⁶ Tahoe Justice Center Replacement. <https://www.placer.ca.gov/9420/Tahoe-Justice-Center-replacement>. Accessed March 1, 2024.

⁷ Placer County Executive Memorandum. <https://www.placer.ca.gov/DocumentCenter/View/35400/01A>. Accessed March 15, 2024.

only Type II jail facility will alleviate the taxpayer burden the jail contract creates, erasing this half-million-dollar annual expenditure when the project is completed.

Contract Beneficiary: Nevada County

While it is clear PCSO reaps some benefit from Truckee Jail's close proximity to the Burton Creek Substation, and the use of their overnight facilities, it is stated plainly in the original contract that Placer County funds would go directly towards hiring Nevada County Sheriff's deputies and correctional officers. Meanwhile, as Placer County looks for funding to hire additional deputies, they have been fully funding up to four full-time officers in neighboring Nevada County.

A December 19, 2001, article in Tahoe's *Sierra Sun Newspaper* addressed Placer County's role in funding jail operations in the region. As Truckee's police department was coming online, the last piece put into place was finalizing jail operations at the Truckee Jail.

Jail operations are provided by the county, but in an effort to curtail costs, reducing the hours of operation at the jail in Truckee had been discussed by Nevada County officials.

...

A key financial component towards keeping the jail fully operational was Placer County's contribution of \$200,000 annually to use the jail to book prisoners after hours and on weekends. During normal business, PCSO will continue to use their existing facilities in Tahoe City, primarily in support of the court.⁸

In 2001, Placer County was essentially keeping the NCSO Truckee Jail facility open for use by the surrounding community agencies, and twenty-three years later, continues to do so with funding that tops out at over a half-million dollars per year, courtesy of taxpayers.

Conclusion

Placer County taxpayers are not receiving the best value for their money with the jail contract in its current form. Though there are variables to establishing the best possible agreement, this contract's funding arrangement has not been modified outside of an annual increase of 3 percent since 2017. Because the contract total has ballooned well beyond a half-million dollars annually, it should be reassessed to better reflect services received rather than count on intangibles to justify the exorbitant cost of the contract. Additionally, monies paid explicitly for law enforcement officers should be used to fund Placer County deputies and correctional officers, not those of Nevada County.

The Board of Supervisors has approved an Environmental Impact Report of the Burton Creek Substation facility, and the grand jury is cautiously optimistic the facility will be replaced by their 2030 goal. The completion of a new facility to include a Type II jail facility should cause the expensive contract with Nevada County Sheriff's Office to be concluded.

⁸ Sierra Sun News. <https://www.sierrasun.com/news/truckee-county-to-sign-agreement-on-police-services/>. Accessed December 15, 2023.

Findings

The grand jury found:

- F1.** The current contract funding arrangement between Placer County Sheriff's Office and Nevada County Sheriff's Office is inconsistent with other jail services contracts Placer County has with other agencies.
- F2.** Placer County Sheriff's Office current jail contract with Nevada County Sheriff's Office has not been renegotiated since 2017.
- F3.** The Board of Supervisors has made the Burton Creek Substation a Tier I Capital Improvement Project to direct funding to the project.
- F4.** The Placer County Sheriff's Office transports detainees from Burton Creek Substation to Auburn Main Jail any time Nevada County Sheriff's Office declines to accept a detainee.
- F5.** The jail contract for fiscal year 2022-2023 cost Placer County over a half-million dollars.
- F6.** The cost of the contract to Placer County automatically increases 3 percent each year regardless of the number of Truckee Jail bookings.
- F7.** Placer County is charged a flat rate per year instead of a daily per-person rate.
- F8.** The Burton Creek Substation is classified as a Type I jail facility.
- F9.** Placer County Daily Jail Rate is \$246 per day, while the contract paid over \$5,700 per day at the Truckee Jail based on the actual use of the FY 2022-23 contract.
- F10.** The Placer County Sheriff's Office contract with Nevada County Sheriff's Office for jail services is not providing taxpayers with the best value for their money.

Recommendations

The grand jury recommends:

- R1.** By March 1, 2025, the contract between the Placer County Sheriff's Office and the Nevada County Sheriff's Office, providing jail services for the North Tahoe region, be renegotiated annually to pay for services rendered.
- R2.** By March 1, 2025, the contract between the Placer County Sheriff's Office and the Nevada County Sheriff's Office, providing jail services for the North Tahoe region, be modified to a per person daily rate based upon the Placer County Daily Jail Rate.
- R3.** By December 1, 2024, the Board of Supervisors continue to support building a replacement Burton Creek Substation facility and see it through to completion.

R4. By December 1, 2024, Placer County Sheriff’s Office explore alternative transportation methods for moving detainees from Burton Creek to the Auburn Main Jail.

Required Responses

Pursuant to Penal Code § 933.05, the Placer County Grand Jury requires a response from the following governing body:

| <u>Responding Entity</u> | <u>Findings Requiring Response</u> | <u>Recommendations Requiring Response</u> | <u>Due Date</u> |
|--|---------------------------------------|---|--------------------------|
| Placer County Board of Supervisors 175 Fulweiler Ave Auburn, CA 95603 | F1, F2, F3, F4, F5, F6, F7, F8 | R1, R2, R3 | October 1, 2024 |
| Sheriff Wayne Woo Placer County Sheriff’s Office 2929 Richardson Dr Auburn, CA 95603 | F1, F2, F3, F4, F5, F6, F7, F8 | R1, R2, R4 | September 3, 2024 |

Requested Responses

The Placer County Grand Jury requests a response from the following entities:

| <u>Responding Entity</u> | <u>Response Requested to Findings</u> | <u>Response Requested to Recommendations</u> | <u>Due Date</u> |
|---|---------------------------------------|--|--------------------------|
| Jerry Rogers, Administrative Services Division Manager Placer County Sheriff’s Office 2929 Richardson Dr Auburn, CA 95603 | F1, F2, F3, F4, F5, F6, F7, F8 | R1, R2 | September 3, 2024 |

Department of Public Works County Garage

Fleet-Assigned Vehicles



Photo credit: Emily Travis

Department of Public Works County Garage Fleet-Assigned Vehicles

Summary

The Placer County Department of Public Works provides vehicle services to all Placer County departments. One of its main services is providing management and maintenance of fleet-assigned county vehicles consisting of various cars, trucks, and vans. The fleet is recognizable as the familiar white vehicles with the Placer County logo the public sees throughout the county. This report focuses on the county garage and how it operates.

Glossary

County Garage: A broad term describing the department that manages and maintains all Placer County vehicles and the maintenance building that houses the department.

Daily pool rental fee: The county garage charges departments a fee for day-use of county vehicles.

Department of Public Works: The Department of Public Works provides a wide range of public services outside of city limits such as bus service; garbage, sewer, and water utilities; floodplain management; public works engineering; road maintenance and maintenance of county vehicles.

Fleet-assigned vehicles: Placer County vehicles assigned for county department use. These vehicles are white with the county logo on the door.

Monthly fee: The fee county departments pay the county garage per vehicle, per month for management and maintenance.

Background

The Department of Public Works (DPW) manages and maintains all Placer County vehicles including snowplows, tractors, heavy equipment, and 376 fleet-assigned passenger cars and trucks. The DPW also services the Sheriff's Office vehicles but are not involved with the acquisition of the Sheriff's fleet. The county operates a main garage in North Auburn and a satellite facility in Tahoe City. The 2023-2024 Placer County Grand Jury investigated county garage operations, management, and maintenance of the fleet-assigned vehicles.

Methodology

The Placer County Grand Jury obtained information from interviews with DPW and county garage management, reports, websites, and tours of the garage.

Discussion Operations

The county garage provides valuable transportation services for all departments within Placer County. Currently, the department employs two office staff members and seventeen mechanics. The garage is budgeted for twenty-three full-time employees and has job openings posted on the county website to hire additional mechanics. The garage hours of operation are Monday through Friday from 8:00 a.m. to 5:00 p.m.

The county garage utilizes a state contract that provides significant cost savings to Placer County, negotiated with Integrated Business Solutions,¹ to provide vehicle parts to the garage. This contract includes a NAPA Auto Parts counter located in the garage allowing mechanics to obtain the part(s) they need or to order them, if necessary. NAPA Auto Parts provides staffing for this service. This picture shows the NAPA Auto Parts counter at the county garage.

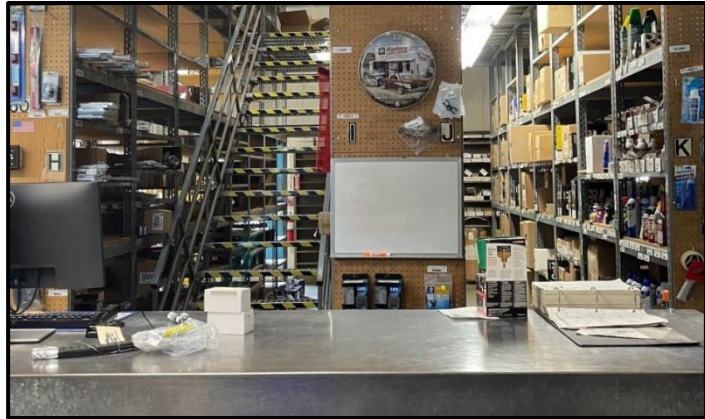


Photo credit: Wendy Biel

Budget

One hundred percent of the county garage budget, including salaries and benefits, comes from department funding, as the garage is not part of the county general fund. The annual county garage budget is approximately \$11 million and is used to maintain all Placer County vehicles and other equipment such as Auburn Park and Recreation Department's lawn equipment. The county garage is operated as a zero-profit model. The portion of the budget allocated to fleet-assigned vehicles is \$3.425 million. Garage management estimates operational costs for each vehicle over a rolling two-year period and sets the budget based on vehicle needs from each department.

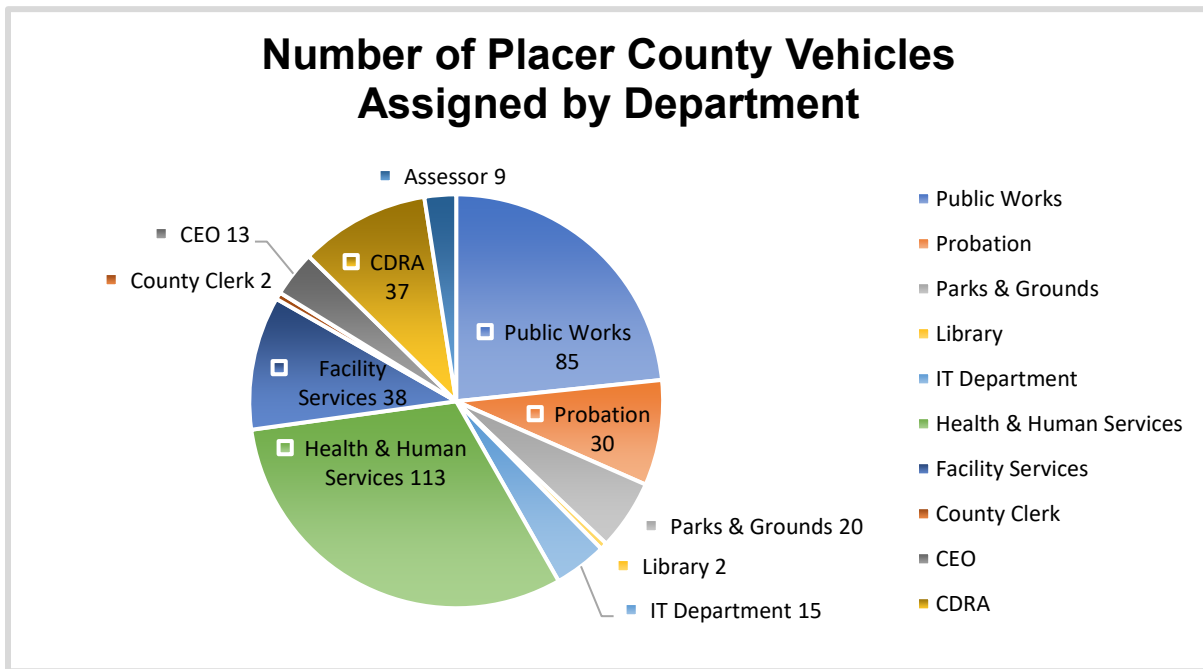
County departments work with garage management to assess their annual transportation needs. Budgeted expenses for fleet-assigned vehicles are billed to each department monthly. External maintenance for any fleet-assigned vehicle out of warranty is less than 1 percent of the total budget.

Fleet

There are currently 376 fleet-assigned vehicles being used by county departments. The average age of current inventory is approximately five years, with all vehicles rotated out of service by ten years or 100,000 miles. Garage management determines which vehicles are assigned based on the needs of each department.

¹ Integrated Business Solutions. <https://www.napa-ibs.com/>. Accessed March 24, 2024.

The following chart illustrates the number of vehicles assigned to each county department.



Pool Vehicles

There are currently forty-nine pool vehicles that are available to county departments for use on a daily, weekly, or monthly basis. Garage management calculates a daily pool rental fee based on each vehicle’s cost to operate which is \$50-\$65 per day and \$0.35-\$0.55 per mile. The pool is used to provide alternate vehicles when maintenance service is required for an assigned vehicle. It can also be used for short- or long-term rentals to county departments to supplement their inventory.

To use a pool vehicle, department employees must be approved by their department to use a county vehicle. Once approved, they access an online form to request a pool vehicle, similar to renting a car.

Fuel

Fuel is provided for county vehicles at the county garage gas station located in North Auburn. Each vehicle is assigned a U.S. Bank Voyager Card, which can be used at both the county garage and any gas station. All employees assigned the use of a vehicle, are issued a gas card PIN, which is used to purchase fuel when needed. Mileage is tracked when gas is pumped.



Photo credit: Wendy Biel

Fuel at the garage is typically sixty cents less per gallon than at a commercial gas station. The California Tax Service Center states counties are exempt from paying excise taxes on fuel purchases when they have above-ground tanks with capacity under 1,000 gallons. County employees are encouraged to use the garage gas station to save their departments money. Fuels available are gasoline, diesel, and E85 blends. The county garage does not currently have any county-only electric vehicles or associated (EV) charging stations.

Maintenance

Maintenance for fleet-assigned vehicles is provided by the county garage located in North Auburn. The garage services all fleet-assigned vehicles including oil and fluid changes, tires, smog testing, and non-warranty work. Service is done on each vehicle annually or every 6,000 miles, whichever comes first.

Any repairs done during a vehicle's warranty period are performed by local dealerships. Dealerships also do any vehicle repairs outside the scope of the county garage's ability, such as transmission replacement. Very little maintenance work is done by outside vendors, but when needed, the garage sends the work out to bid. Bodywork required to repair a vehicle is outsourced to local body shops such as Maaco and Caliber Collision. In fiscal year 2022-2023, the garage spent \$56,000 on external repairs.

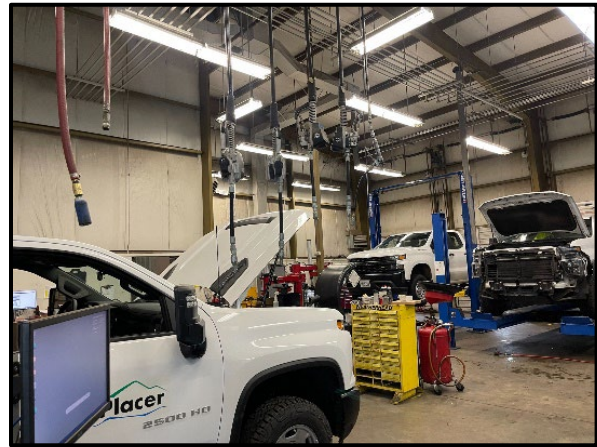


Photo credit: Wendy Biel

Computer Software

The county garage uses a software program called AssetWorks Fleet Management Software which provides vehicle usage reports, annual costs per vehicle, parts and repair costs, fuel consumption, and predictive information on when to replace the vehicle. This data is used to calculate the monthly fees departments pay for fleet-assigned vehicles and to calculate daily pool rental fees for pool vehicle use.

A GPS tracking system that works with AssetWorks software is installed in all new vehicles to provide accurate information on vehicle utilization. This will help determine the departments' actual needs and if any abuse has occurred. Older vehicles are not being retrofitted, as it is cost prohibitive to do so.

Workday is a software program which provides depreciation reports on each vehicle and aids in buying, selling, and tracking county vehicles. This software is also used to prepare the annual budget and processes employee timecards.

Department Requests/New Vehicle Purchases

Department directors are responsible for vehicle allocation to their respective departments. Garage management meets annually with each department head and provides vehicle usage reports and assesses the department's future needs.

When a new vehicle is ordered, the department puts in a request to garage management for the vehicles they prefer, and the order must be approved by the County Chief Executive Officer. Initial vehicle purchases are made by the requesting department. The current turnaround time from ordering to receipt of a new vehicle is approximately one year. If the department purchasing the vehicle needs it immediately, they have the option to use a pool vehicle for the monthly fee until the new vehicle is onsite.

Departments are charged a monthly fee by the county garage to assume management and maintenance of the vehicle. Monthly fees are based on an algorithm that combines vehicle data over the life of the vehicle and typically run between \$950-\$1,050 per month. The fees include fuel, maintenance, vehicle replacement, insurance, and any other incidentals necessary to maintain the vehicle.

Vehicle utilization is monitored by the AssetWorks software program. If a department finds they are no longer using a vehicle, it can be returned to the county garage, however there are no rebates given to the department. The monthly fee invoice sent to the department is terminated when the vehicle is returned to garage management. Returned vehicles are typically put into the pool inventory of approximately forty to fifty vehicles.

Procurement

All Placer County vehicles are purchased through an established State of California contract which allows the garage to purchase vehicles at lower rates through local dealerships. The county does not lease any vehicles and does not purchase extended warranties. Standard warranties are three years and include a five-year powertrain warranty. Purchase criteria is based on cost and reliability with Ford and Chevrolet brands comprising most of the orders.

A vehicle's life cycle is ten years or 100,000 miles. When a vehicle reaches this age or mileage, it can be removed from the fleet and auctioned on www.publicsurplus.com. Sales are open to the public; however, the county does not allow garage employees to purchase county vehicles to avoid the impression of impropriety.

Monies from the sale of aged-out vehicles are returned to the county garage fund to purchase new vehicles. This process is facilitated through the county's procurement department. A new vehicle is then secured for the original department, paid for by county garage funds at no additional cost to the department above the monthly fee.

The county garage has purchased hybrid vehicles which management reports are very reliable with low maintenance requirements. However, some manufacturers have discontinued some hybrid models and the garage is phasing them out of the fleet. Currently there are about a dozen in the fleet.

State EV Mandate

In 2020, Governor Gavin Newsom signed Executive Order N-79-20,² requiring all new passenger vehicles sold in California be zero emissions by 2035.³ In 2022, California Air Resources Board adopted new regulations further restricting emissions in the state. The regulations state in part:

The Advanced Clean Cars II regulations will rapidly scale down light-duty passenger car, pickup truck and SUV emissions starting with the 2026 model year through 2035.

...

Second, the Low-emission Vehicle Regulations were amended to include increasingly stringent standards for gasoline cars and heavier passenger trucks to continue to reduce smog-forming emissions.

These well-meaning regulations have failed to consider the technological, logistical, and financial requirements necessary to achieve such a feat in favor of environmental justice.⁴ Placer County's geography alone precludes the county from purchasing EVs due to the distance vehicles must travel from Roseville to Tahoe City, often in steep terrain and cold weather. The infrastructure needed to replace, change, or charge 376 fleet-assigned vehicles will be an astronomical cost to the county.

The county garage is currently exempt from the requirement to purchase EV snowplows and other heavy equipment because they are not currently being manufactured. Due to the tight restrictions with no real solution in sight, the DPW is taking a wait-and-see approach before committing valuable resources to this issue.

Conclusion

The garage, managed by Placer County Department of Public Works, manages and maintains all fleet-assigned county vehicles. Fleet-assigned vehicles are managed through AssetWorks to provide service records and assist in managing vehicle lifecycles. Management is constantly looking for ways to make the fleet more efficient and cost effective by utilizing technology and employing state contracts to keep costs low, where possible. The grand jury found the county garage well-managed and fleet-assigned vehicles well-maintained and commends the Department of Public Works on their financial management.

² Executive Order N-79-20. <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>. Accessed March 24, 2024.

³ California Air Resources Board. <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii>. Accessed March 24, 2024.

⁴ Environmental Justice. <https://ww2.arb.ca.gov/our-work/topics/environmental-justice>. Accessed March 24, 2024.

Findings

The grand jury found:

- F1.** The county garage uses a zero-profit business model with all costs for maintenance and repairs billed to supported departments.
- F2.** U.S. Bank Voyager gas cards are used to track fuel costs and mileage.
- F3.** AssetWorks software is used to track and manage all costs and the lifecycle of vehicles.
- F4.** Department of Public Works has their own garage to internally maintain all vehicles.
- F5.** The cost for any external maintenance for a vehicle out of warranty is less than 1 percent of the total \$11 million budget.
- F6.** Department of Public Works management has taken state EV mandates into consideration in their purchasing and operational decisions.

Recommendations

The grand jury has no recommendations.

Copies sent to:

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Auburn, CA 95603

Colby Weisz, Placer County Garage Manager

11448 F Ave

Auburn, CA 95603

Municipal Advisory Councils

What is a MAC?



Photo Credit: Stock Photo

Municipal Advisory Councils

What is a MAC?

Summary

The Municipal Advisory Councils in Placer County originally were originally intended as outreach facilitators between the public and the Planning Commission. Currently they are underutilized and do not align with their original purpose. Following redistricting, Municipal Advisory Councils no longer match Placer County Board of Supervisor boundaries leading to some being overseen by multiple supervisors. Furthermore, Municipal Advisory Councils board members lack adequate training on zoning laws, land use regulations, and Brown Act rules, contributing to a perception that citizen and board members' concerns are not taken seriously.

As most of the grand jurors were unaware of these councils and their role, the 2023-2024 Placer County Grand Jury decided to investigate how Municipal Advisory Councils function. Through their investigation, grand jurors learned Municipal Advisory Councils are different in each supervisorial district ranging from how the councils are utilized to how often meetings are held.

Background

Municipal Advisory Councils (MACs) are advisory bodies that provide input and advisory recommendations to county government on matters affecting specific unincorporated areas or districts within a county. The 2023-2024 Placer County Grand Jury gathered information regarding the purpose and functions of MACs, their structure, and their current operations. Some of today's challenges facing MACs include lack of training, low attendance, and misalignment within supervisorial boundaries. This report highlights the need for improved communication, training, and utilization of MACs to better serve the community and enhance public participation in local governance.

Glossary

Brown Act: The Ralph M. Brown Act is a California law that guarantees the public's right to attend and participate in meetings of local legislative bodies. Located at California Government Code Section 54950 et seq., it is an act of the California State Legislature, authored by Assemblymember Ralph M. Brown and passed in 1953.

California Government Code § 31010: The board of supervisors of any county may by resolution establish and provide funds for the operation of a municipal advisory council for any unincorporated area in the county to advise the board on such matters which relate to that area as may be designated by the board concerning services which are or may be provided to the area by the county or other local governmental agencies, including but not limited to advice on matters of public health, safety, welfare, public works, and planning.

California Environmental Quality Act: The California statute passed in 1970 requires public agencies and local governments to evaluate and disclose the environmental impacts of development projects or other major land use decisions, and to limit those impacts to the extent feasible.

Community Working Group: The Placer County 2050 General Plan directs the formation of a Community Working Group to conduct Municipal Advisory Committees and/or community meetings to solicit feedback on the future of the existing community plan for that area.

Municipal Advisory Council of Placer County Handbook: A guide for Municipal Advisory Council board members written in 1998 and last updated in 2013 to assist the council board members in understanding their roles and responsibilities as council members, their obligations under state law such as the Brown Act, and the overall function of Municipal Advisory Council board members.

Placer County Planning Commission: Principal advisory body to the Board of Supervisors on planning, land use, and related matters. The Planning Commission holds public hearings and makes recommendations on proposed general plans, studies, and zoning text amendments; reviews and makes decisions on major land development proposals; and encourages citizen leadership and participation in the planning process. The seven members on the Planning Commission are appointed by the Board of Supervisors.

Placer County Planning Services Division: A division within Placer County government that assists the Board of Supervisors and Planning Commission in planning for growth, enforcement of Placer County Zoning Ordinance, maintains information on land development and zoning, and reviews and makes recommendations on land development applications.

Placer County 2050 General Plan: The State of California requires counties to adopt a General Plan to guide their long-term physical growth and development. As the previous Placer County General Plan was updated in 1994, and traditionally, general plans are updated every 15-25 years, in 2022, the Board of Supervisors initiated an update to the Placer County General Plan. This update is the 2050 General Plan and will guide development and conservation of Placer County for the next two decades.

Methodology

To gather information the 2023-2024 Placer County Grand Jury:

- Conducted extensive interviews with:
 - Municipal Advisory Council board members,
 - Members of the Placer County Board of Supervisors,
 - Placer County Board of Supervisors' staff,
 - Employees of the Placer County Executive's Office, and
 - Employees from the Placer County Planning Services Division.
- Attended Municipal Advisory Council meetings throughout Placer County.

- Read the Municipal Advisory Councils of Placer County Handbook (MACPCH).
- Reviewed Municipal Advisory Council meeting agendas and minutes.
- Perused Placer County websites.
- Spoke with neighboring county personnel regarding operations of their Municipal Advisory Councils or equivalent committees.

Discussion

Following California Government Code § 31010, in 1978, Municipal Advisory Councils (MACs) were established by the Placer County Board of Supervisors to advise them on matters of concern voiced in the community. Municipal Advisory Councils provide a local forum where residents can attend meetings in their own community and discuss issues important to them. These meetings serve as a platform where land use, transportation, and general county information is shared, discussed, and where the MAC members may make advisory recommendations to the Planning Commission.

The Municipal Advisory Council of Placer County Handbook (MACPCH) from 2013 states:

The Board of Supervisors is the governing body of county government and is committed to providing responsive leadership, governance, effective oversight of county services, and involving citizens and communities in processes that determine and enhance Placer County's future. To that end, the Board of Supervisors has established Municipal Advisory Councils throughout the unincorporated areas of Placer County. In 1978, the first MAC in Placer County was created in the area of Sheridan. Since that time, the Board has established a total of 14 Municipal Advisory Councils in the areas of North Tahoe, Squaw Valley, Weimar-Applegate-Colfax, Meadow Vista, Foresthill, North Auburn, Newcastle-Ophir, Penryn, Horseshoe Bar, Rural Lincoln, Granite Bay, West Placer and most recently Donner Summit. Today there are a total of 88 seats on the Municipal Advisory Councils of Placer County, filled with residents that have heartfelt and genuine interest in their community.

With Penryn and Horseshoe Bar now combined, there are currently thirteen MACs throughout Placer County with a combined total of eighty-one board member seats. Municipal Advisory Council board members are appointed by the Board of Supervisors and serve without compensation. The costs and agendas of MAC meetings are the responsibility of the Placer County Supervisor representing those constituents. Depending on the area, Municipal Advisory Council meetings are scheduled to be held monthly, bimonthly, or quarterly.

Similar to the supervisorial districts, MAC boundaries are determined by the population within specific areas of Placer County. However, MAC boundaries currently do not align with supervisorial districts. Currently, the Newcastle-Ophir MAC is represented by three supervisors and North Auburn MAC is represented by two supervisors.

California Government Code § 31010 provides that:

The resolution establishing any such municipal advisory council shall provide for the following:

- (a) The name of the municipal advisory council.*
- (b) The qualifications, number, and method of selection of its members, whether by election or appointment.*
- (c) Its designated powers and duties.*
- (d) The unincorporated area or areas for which the municipal advisory council is established.*
- (e) Whether the establishment of the council should be submitted to the voters and the method for such submission; provided that if an election is required pursuant to subdivision (b), such election shall be held at the same time as an election held pursuant to this subdivision.*
- (f) Such other rules, regulations and procedures as may be necessary in connection with the establishment and operation of the municipal advisory council.*

The purpose of a MAC, as stated in the Municipal Advisory Council of Placer County Handbook from 2013, is:

A Municipal Advisory Council is comprised of citizens, appointed by the Board of Supervisors, who volunteer their time to review proposed projects located within the county and related topics of interest in their community and may provide written recommendations that offer suggested changes or support.

A Municipal Advisory Council is not a decision-making body such as the Board of Supervisors or the Planning Commission. MACs do not have authority to make, set, provide interpretation of or enforce county ordinances, policies, or laws.

Planning staff may attend MAC meetings to provide, at the direction of the Planning Director, interpretation of the county zoning ordinance, the county general plan and the local community plan. County staff who attend MAC meetings are not advocates for a project but are tasked with providing factual detail and receiving input on said issue/project.

Municipal Advisory Council Board Members

Municipal Advisory Council board members are appointed by the Placer County Board of Supervisors (BOS) and are required to reside, or have a business in, the unincorporated areas they represent. The BOS selects MAC board members based on various factors including recommendations from community members, existing MAC board members, or county staff. This selection process involves interviews, applications, or nominations, followed by a formal appointment by the BOS.

The number of MAC board members in each district can vary, depending on factors such as size of the unincorporated area, population density, and the specific needs of the community. Most MAC boards contain five board members, but some have as many as nine. The number of board members for each MAC is ultimately determined by the supervisor.

Municipal Advisory Committee board member terms are two to four years. Board members must reapply in order to be considered for reappointment. There is no limit on how many terms a board member can serve. During the investigation, the grand jury learned at least one MAC board member has been serving for more than twenty years.

Current Operations of Placer County MACs

The original intent of a MAC, as outlined in the MACPCH, has evolved into something quite different from what is occurring today. In some districts, town hall meetings or outreach events are being used instead of MAC meetings, while in others, MAC meetings are not being held or are often canceled. Meetings may be canceled due to lack of topics to be discussed. There is a public misperception regarding the purpose of MAC meetings, with many believing a vote by the MAC board carries any weight which can lead to public confusion. Often, recommendations made by MACs, which represent the voice of the community are not considered by the Planning Commission. Below is a list of MAC meetings scheduled for 2023 and number held.

2023 MAC Meetings by District

| District | MAC | Meetings Scheduled | Meetings Held |
|----------|-------------------------|--------------------|---------------|
| 1 | West Placer | 12 | 6 |
| 2 | Sheridan | 6 | 4 |
| 2 | Rural Lincoln | 6 | 4 |
| 3 | Horseshoe Bar | 6 | 6 |
| 3, 4, 5 | Newcastle-Ophir | 6 | 6 |
| 3, 5 | North Auburn | 6 | 6 |
| 4 | Granite Bay | 12 | 10 |
| 5 | Donner Summit | as needed | 3 |
| 5 | Olympic Valley | as needed | 4 |
| 5 | North Tahoe | as needed | 7 |
| 5 | Weimar-Applegate-Colfax | as needed | 3 |
| 5 | Meadow Vista | as needed | 5 |
| 5 | Foresthill | as needed | 10 |

Municipal Advisory Councils serve as platforms for disseminating information to the public. Various public agencies, including police, fire departments, and the California Highway Patrol regularly attend these meetings to provide regional updates to the community.

Applications for new development or zoning changes are submitted to Placer County Planning Services. The eventual recommendation to the BOS for approval or denial of an application will be made by the Placer County Planning Commission. For applications requiring a public hearing, including a hearing at the appropriate MAC, Placer County Planning Services will send the relevant information to the BOS. Each month, the Planning Services Division sends each supervisor a list of California Environmental Quality Act (CEQA)¹ projects in the county. The chart below lists the CEQA active projects by district as of February 2024.

| District | District Supervisor | California Environmental Quality Act Active Projects |
|----------|---------------------|--|
| 1 | Bonnie Gore | 6 |
| 2 | Shanti Landon | 5 |
| 3 | Jim Holmes | 7 |
| 4 | Suzanne Jones | 8 |
| 5 | Cindy Gustafson | 28 |

The supervisor’s chief of staff subsequently includes projects within the supervisor’s area on the next MAC meeting agenda. Often, the planner from Planning Services overseeing the project, the developer, or both, may attend the MAC meeting to provide further details on the plan or project, and address any public comments. It is important to note that the MAC’s role in this process is purely advisory to the Planning Commission, who provides the final recommendation to the BOS, with the MAC’s advisory comments are generally not accepted. Furthermore, Planning Services does not have oversight of the MACs. Per the MACPCH, failure of the MAC to comment prior to a Planning Commission hearing on the application is not cause for postponement of the hearing.

Since the MACPCH has not been updated in over ten years, the grand jury looked for other county documents regarding the MAC. In the Placer County 2050 General Plan, several references to the MACs were noted. Placer County 2050 General Plan states:

The CWG (Community Working Group) will conduct MAC and/or community meetings to solicit feedback on the future of the existing community plan for that area.

¹ California Environmental Quality Act. [CEQA: The California Environmental Quality Act - Office of Planning and Research](#). Accessed April 1, 2024.

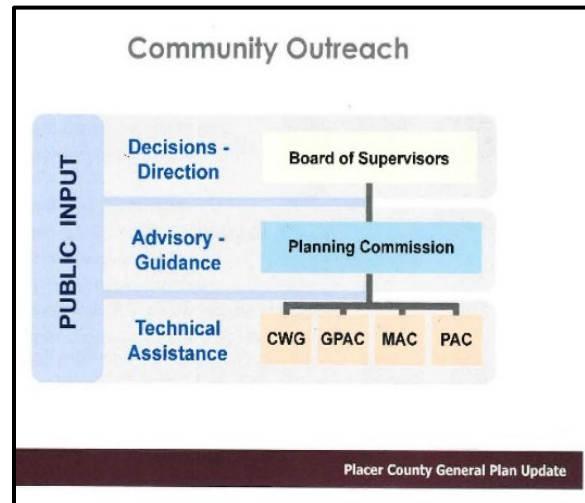
These Community Outreach slides, provided by the Planning Services Division to promote the 2050 General Plan Update², show how the county intends to receive community input.

The second slide from the 2050 General Plan Update indicates the MACs will be used for outreach purposes. These slides suggest that MACs will be involved in reviewing the General Plan and sub-area plans.

This approach for community involvement is aligned with the original MAC intent. This is not how MACs are currently being utilized. Furthermore, the MACs have not received training to accomplish this goal. The grand jury found that MACs typically do not provide recommendations to the Planning Commission. This slide states they will submit a recommendation to the Planning Commission and the Board of Supervisors. This action, once again, is misleading to the public.

MAC Boundaries

In 2021, the boundaries for the supervisor districts in Placer County were redrawn. On December 14, 2021, the BOS adopted new boundaries, which took effect in early 2022. The redistricting process will not occur again until 2031. However, the MAC boundaries were not readjusted to align with the new supervisor district boundaries. Consequently, a few districts now have more than one supervisor assigned to a single MAC. In one case, three supervisors are assigned to the Newcastle-Ophir MAC. To comply with the Brown Act, which regulates open meetings in California, only two of the three supervisors are allowed to attend the meetings. Having all three supervisors attend would equate to a quorum of the Board of Supervisors.



Municipal Advisory Councils (MAC)

The County's Municipal Advisory Councils will be utilized for outreach purposes and to get feedback on MAC-area specific issues. Ultimately, MACs will review the draft General Plan and sub-area plans where appropriate and provide a recommendation on their adoption to the Planning Commission and the Board.

Below the text is a graphic of seven colorful hands (blue, red, green, yellow, pink, orange, purple) raised in a gesture of participation. A footer at the bottom right reads "Placer County General Plan Update".

² Placer County General Plan 2050 Update. [Stakeholder/Community Workshop #1 \(ca.gov\)](#). Accessed April 23, 2024.

MAC Training

The grand jury learned of a lack of general training among MAC board members regarding their roles and responsibilities and how MAC meetings are to be conducted. Upon appointment by a Placer County Supervisor, MAC board members receive a copy of the MACPCH.

The Brown Act is a California law that ensures the public’s right to attend and participate in meetings of local legislative bodies, aiming to promote transparency and accountability in local government. While all MAC board members received Brown Act training a few years ago, there has been no formal training on meeting conduct or the advisory committee’s role. Specific topics such as the planning process, land use, zoning, and making advisory recommendations to the Planning Commission are not covered in training. Based on interviews, most supervisors do not provide yearly training to the MAC board members, and the Planning Services Division does not collaborate with the MACs to inform them of new zoning regulations.

MAC Utilization by Supervisors

As shown in the table below, the number of MACs in each supervisory district varies from one in District 1 to eight in District 5. The number of MACs per district generally parallels the geographic makeup of county property within each district. The utilization and support of MACs by County Supervisors also varied among districts with some supervisors highly utilizing MAC advisory activities within their district. However, even within each supervisorial district, the utilization of an individual MAC varies, where those MACs with high public engagement are being utilized by the supervisor. To promote greater efficiencies, lower costs, and increase public participation, the Board of Supervisors should consider combining MACs. Regardless of the level of utilization of MACs by individual supervisors, each supervisors’ office must provide support and resources such as providing agenda items, organizing, and attending MAC meetings.

| Supervisor | Municipal Advisory Councils |
|-----------------|--|
| Bonnie Gore | West Placer |
| Shanti Landon | Sheridan, Rural Lincoln |
| Jim Holmes | Horseshoe Bar, Newcastle-Ophir, North Auburn |
| Suzanne Jones | Granite Bay, Newcastle-Ophir |
| Cindy Gustafson | Donner Summit, Olympic Valley, North Tahoe, North Auburn, Weimar-Applegate-Colfax, Meadow Vista, Newcastle-Ophir, Foresthill |

MAC Meeting Attendance

Municipal Advisory Council meetings generally suffer from poor attendance unless there is a high profile or controversial project or issue. At times, presenters and board members outnumber members of the community. Most MAC meetings have very limited public participation but use significant county resources. The grand jury reviewed all Placer County MAC webpages and found agendas for MAC meetings are posted regularly, however, approved meeting minutes are not posted consistently or in a timely manner.

To receive notification of MAC meetings and agendas, the public must sign up on their supervisor's Placer County MAC website.³ Within the website, citizens can link to their specific district's MAC(s) and receive notifications of upcoming meetings, agendas, and cancellations. Improved communication with the citizens of Placer County about the purpose and importance of MACs could potentially help increase meeting attendance.

In addition, providing the option to attend meetings virtually could enhance accessibility, leading to increased attendance and participation from local community members. It was surprising to the grand jury that in 2024, most MAC meetings do not offer an option for virtual attendance. Another effective method to boost attendance could be leveraging social media platforms such as Facebook, Instagram, or NextDoor to announce MAC meetings. Having a presence on these social media platforms would make citizens aware of the meetings and more likely to attend.

During interviews with the BOS and their staff, the grand jury requested budget information and costs for conducting MAC meetings but were told there is no specific budget for MACs. The grand jury was unable to determine the actual cost for conducting MAC meetings.

³ Placer County Website. [Municipal Advisory Councils | Placer County, CA](#). Accessed April 1, 2024.

Conclusion

The original intent documented in the 1998 Municipal Advisory Councils of Placer County Handbook does not align with how Municipal Advisory Councils are currently utilized or underutilized. They were designed to serve as an outreach facility between the public and the Planning Commission; however, there is inconsistency in how county supervisors use them. After redistricting, Municipal Advisory Council's boundaries were not realigned, resulting in two Municipal Advisory Councils being overseen by multiple supervisors.

The grand jury found a lack of training provided to the Municipal Advisory Council board members leaves them unaware of zoning laws, land use regulations, and Brown Act rules. This lack of training contributes to the perception that board members, citizens' concerns, and MAC contributions are often disregarded, impacting the effectiveness of the MACs.

At the opposite end of the spectrum, the grand jury would be neglectful in their investigation if they failed to mention the Granite Bay MAC is highly engaged with the public, thereby increasing attendance and participation. This MAC is well-attended which speaks to the diligence of the supervisor and her staff.

Findings

The grand jury found:

- F1.** The Municipal Advisory Councils of Placer County Handbook was first developed in 1998 and has not been updated since 2013.
- F2.** Municipal Advisory Council boundaries do not align with current supervisorial district boundaries.
- F3.** Municipal Advisory Councils, within some supervisorial districts, could be consolidated for greater efficiencies.
- F4.** Informing residents of Municipal Advisory Committee meetings is ineffective.
- F5.** Municipal Advisory Council board members are unaware of how they receive information on pending projects in advance of receiving the meeting agenda.
- F6.** Municipal Advisory Councils are not provided annual training, specifically on zoning laws and changes, land use regulations, and Brown Act rules and procedures.
- F7.** Municipal Advisory Council meeting minutes are not posted consistently on the Municipal Advisory Council webpages.
- F8.** Many Municipal Advisory Councils are not set up for virtual meetings.
- F9.** There are no term limits for how long a Municipal Advisory Council board member can serve.
- F10.** There is no specific budget or definable costs for Municipal Advisory Councils.

Recommendations

The grand jury recommends:

- R1.** By January 31, 2025, the Placer County Board of Supervisors will update the Municipal Advisory Council handbook.
- R2.** By October 1, 2024, the Placer County Board of Supervisors will commence a study to consolidate Municipal Advisory Councils within supervisorial districts.
- R3.** By January 31, 2025, the Placer County Board of Supervisors will realign Municipal Advisory Council district boundaries to match the supervisors’ district boundaries.
- R4.** By January 1, 2025, each Placer County Supervisor will increase public outreach of Municipal Advisory Council meetings through social media, newsletters, and email blasts.
- R5.** By November 1, 2024, the Placer County Planning Services Division will develop written procedures to inform Placer County Supervisors, Municipal Advisory Councils, and county staff how information is transmitted among these parties.
- R6.** Beginning in February 2025, the Placer County Board of Supervisors will authorize mandatory annual training on the Brown Act and new rezoning laws and procedures relevant to the Municipal Advisory Councils. Beginning in February 2025, the Placer County Board of Supervisors will ensure mandatory annual training on the Brown Act and new rezoning laws and procedures relevant to the Municipal Advisory Councils board members occurs.
- R7.** By September 1, 2024, the Placer County Board of Supervisors will ensure all current and past meeting agendas and approved minutes are posted to the Municipal Advisory Council webpages.
- R8.** By January 1, 2025, the Placer County Board of Supervisors will provide virtual access for all Municipal Advisory Councils meetings to the public.

Required Responses

Pursuant to Penal Code § 933.05, the Placer County Grand Jury requires a response from the following governing body:

| <u>Responding Entity</u> | <u>Findings Requiring Response</u> | <u>Recommendations Requiring Response</u> | <u>Due Date</u> |
|---|---|--|--------------------------|
| Bonnie Gore Placer County Board of Supervisors District One 175 Fulweiler Ave Auburn, CA 95603 | F1, F2, F3, F4, F5, F6, F7, F8, F9 | R1, R2, R3, R4, R5, R6, R7, R8 | September 3, 2024 |

| <u>Responding Entity</u> | <u>Findings Requiring Response</u> | <u>Recommendations Requiring Response</u> | <u>Due Date</u> |
|--|---|--|--------------------------|
| Shanti Landon Placer County Board of Supervisors District Two 175 Fulweiler Ave Auburn, CA 95603 | F1, F2, F3, F4, F5, F6, F7, F8, F9 | R1, R2, R3, R4, R5, R6, R7, R8 | September 3, 2024 |
| Jim Holmes Placer County Board of Supervisors District Three 175 Fulweiler Ave Auburn, CA 95603 | F1, F2, F3, F4, F5, F6, F7, F8, F9 | R1, R2, R3, R4, R5, R6, R7, R8 | September 3, 2024 |
| Suzanne Jones Placer County Board of Supervisors District Four 175 Fulweiler Ave Auburn, CA 95603 | F1, F2, F3, F4, F5, F6, F7, F8, F9 | R1, R2, R3, R4, R5, R6, R7 | September 3, 2024 |
| Cindy Gustafson Placer County Board of Supervisors District Five 175 Fulweiler Ave Auburn, CA 95603 | F1, F2, F3, F4, F5, F6, F7, F8, F9 | R1, R2, R3, R4, R5, R6, R7, R8 | September 3, 2024 |

Copies sent to:

Donner Summit Municipal Advisory Council

Attention: Stewart Wells
175 Fulweiler Ave
Auburn, CA 95603

Foresthill Municipal Advisory Council

Attention: Chase Dowling, Chairperson
175 Fulweiler Ave
Auburn, CA 95603

Granite Bay Municipal Advisory Council

Attention: Nick Johnson, Chairperson
175 Fulweiler Ave
Auburn, CA 95603

Horseshoe Bar-Penryn Municipal Advisory Council

Attention: Susan Mahoney, Chairperson
175 Fulweiler Ave
Auburn, CA 95603

Meadow Vista Municipal Advisory Council

Attention: Susannah Johnsrud
175 Fulweiler Ave
Auburn, CA 95603

Newcastle-Ophir Municipal Advisory Council

Attention: Karen Green, Chairperson
175 Fulweiler Ave
Auburn, CA 95603

North Auburn Municipal Advisory Council

Attention: Larry Farinha, Chairperson
175 Fulweiler Ave
Auburn, CA 95603

North Tahoe Municipal Advisory Council

Attention: Fulda Hanson, Chairperson
175 Fulweiler Ave
Auburn, CA 95603

Olympic Valley Municipal Advisory Council

Attention: David Stepner
175 Fulweiler Ave
Auburn, CA 95603

Rural Lincoln Municipal Advisory Council

Attention: Richard Lewis, Chairperson
175 Fulweiler Ave
Auburn, CA 95603

Sheridan Municipal Advisory Council

Attention: Dan Cook, Chairperson
175 Fulweiler Ave
Auburn, CA 95603

Weimar-Applegate-Colfax Municipal Advisory Council

Attention: David Johnson
175 Fulweiler Ave
Auburn, CA 95603

West Placer Municipal Advisory Council

Attention: Walt Wyllie, Chairperson
175 Fulweiler Ave
Auburn, CA 95603

A Review of the 2023 Water Rate Increase by the City of Lincoln

Summary

The 2023-2024 Placer County Grand Jury received a citizen's complaint regarding the newly established water rate increases, indicating continued concern over the City of Lincoln's financial management. The grand jury has reviewed and investigated the history involving the 2023 water rate increases. The water rate increase was introduced October 1, 2023, to ensure water utility funds are stabilized to provide continued and reliable water utility services to City of Lincoln residents. This report gives a brief history of Lincoln's water rate changes since 2013, and describes the processes used to determine the rate increase, resident notification, and implementation.

Glossary

Lincoln L.I.F.T.: A committee formed by concerned citizens to influence and help establish a wide array of city policies. It stands for: **L**eadership, **I**ntegrity, **F**inancial Responsibility and **T**ransparency.

Low Income Household Water Assistance Program: A federally funded program that offers one-time support to help low-income households pay past-due or current residential water and sewer bills and keep their water on.

Nexus study: An analysis that illustrates the connection between new development and its impact on city infrastructure and provides justification for the proposed fee level, and studies areas where reforms could help improve transparency and rein in excessive fees.

Proposition 218: The 1996 amendment to the California Constitution that ensures all taxes and most charges on property owners are subject to voter approval. In addition, it restricts the use of revenue-raising fees and assessments to pay for general governmental services rather than property-related services. Proposition 218 requires ballots be mailed to customers when rates are raised.

Background

The Placer County Grand Jury (PCGJ) investigated the process Lincoln city officials used to determine why an increase in water rates was necessary. Additionally, the grand jury looked at the process the city officials used to notify residents, explain the need for the rate increase, and how the increase would be implemented. This investigation was to confirm the need for water rate increases and that the City of Lincoln's management was transparent to the community on why and how the water rates were increased.

Methodology

The PCGJ conducted interviews with City of Lincoln officials to get a further understanding of the need for increased water rates and the process used to determine the rate increase. The PCGJ reviewed:

- Lincoln City Council meeting minutes and agendas,
- the water department’s community outreach calendar,
- the 2019 Lincoln Nexus Study Report on water connection charges,
- the 2019 California State Auditor’s Report, and
- the 2023 Water and Wastewater Rate Study conducted by Raftelis Financial Consultants.

The scope of this report is limited to a review of the City of Lincoln’s 2023 water rate increases.

Discussion

Massive Growth, Small Tax Base

When assessing Lincoln’s recent history affecting water rate increases, it is interesting to note that in the years 2000 to 2010, the City of Lincoln experienced one of the fastest growth rates in the nation,¹ expanding from 11,000 residents to 43,000 residents. By the end of the decade, local and national economies were in decline and new development was severely impacted, creating significant fiscal challenges for the city. For example, in 2008, there were 2,845 water permits issued in Lincoln, whereas in 2010, only ninety permits were issued, indicating the rapid slowdown of the city’s previously substantial housing growth. Originally a farming community, the growth Lincoln experienced in the early 2000s has caused it to grow into a bedroom community with a very small tax base.

Revenue growth of monies collected for managing the city budget is limited due to the low number of approximately 50,600 properties in its property tax base and Lincoln’s lack of commercial sales tax revenues. *The Sacramento Bee* explained:

City officials acknowledge the city budget is overly-reliant on housing to pay the bills. Roughly 54% of the revenue the city takes in comes from property taxes, which can drop dramatically when home prices and sales decline as they did during the Great Recession. By comparison, West Sacramento and Rocklin — both roughly the same size as Lincoln — rely on property taxes for less than 30% of their budgets.²

Lincoln’s small population has made it difficult for the city to draw commercial enterprises in order to grow the tax base and makes it less appealing for these types of investments into the community. As such, it is not attractive to larger big-box retailers and residents

¹ Lincoln, CA is Fastest-Growing Small City in U.S. <https://fox40.com/news/local-news/lincoln-ca-is-fastest-growing-u-s-town/>. Accessed April 4, 2024.

² Sacramento Bee. <https://www.sacbee.com/news/local/sacramento-tipping-point/article280326819.html#storylink=cpy>. Accessed March 22, 2024.

primarily shop outside of the city. As growth continues, new residential housing may drive larger businesses to set up shop in Lincoln.

The 2023-2024 Placer County Grand Jury conducted a thorough investigation on the Lincoln Water Rate increase by reviewing the history of city water rates, evaluating the steps taken to shore up water department funds, and the resulting fee increase. Below is a brief history of the water department's rate changes, demonstrating the need for current and future water rate increases.

Tiered Water Rates: 2013

In 2013, the city contracted with HF&H Consultants, a specialized water and wastewater consulting firm, to perform a rate study to review and modify their water and wastewater fees. The city council enacted Ordinance 888B on December 12, 2013, implementing the study's recommendations and created a five-tiered water rate system based on usage.³

Water Rate Credits and Increased Rates: 2017

Enacted in 1996, California's Proposition 218, known as the "Right to Vote on Taxes Act," gave taxpayers more streamlined access to the initiative process.

In City of Fresno, the court articulated the requirement as follows: Cities are entitled to recover all of their costs of utility services through user fees. The manner in which they do so, however, is restricted by another portion of Proposition 218: "The amount of the fee or charge imposed...shall not exceed the proportional cost of the service attributable to the parcel."⁴

In 2016, a citizens' group complained to the Lincoln City Council that the city's five-tiered water rate system was unlawful because it did not comply with Proposition 218.⁵ The city council disagreed with the group and left the tiered rate system in place, causing the citizens' group to sue the city in late 2017.⁶

The lawsuit was mediated with a settlement amount of \$1,402,000, covering the overcharges incurred between February 2016 through March 2017. The city's Ad Hoc Water Committee and the community-formed Lincoln L.I.F.T. committee encouraged the city council to approve credits for all Single-Family Residential accounts affected by the

³ City of Lincoln Ordinance 888B. <https://lincolnca.justfoia.com/Attachments/Download/8fec75ca-a071-4677-98a2-c6b19333d1f2>. Accessed March 17, 2024.

⁴ Proposition 218 Guide for Special Districts. https://www.waterboards.ca.gov/drought/pricing/docs/csda_guide_proposition_218.pdf. Accessed March 17, 2024.

⁵ Understanding Proposition 218. https://lao.ca.gov/1996/120196_prop_218/understanding_prop218_1296.html. Accessed March 5, 2024.

⁶ Meyers/Nave Memorandum. <https://lincolnca.justfoia.com/Attachments/Download/dfea2805-72c1-4ffd-b323-9e908822ac88>. Accessed March 20, 2024.

overcharges. In a November 7, 2017 meeting, the city council approved account credits for non-Single Family Residential accounts totaling \$1,613,384 to satisfy the settlement.⁷

The overcharges were refunded via account credits to some non-Single Family Residential accounts who were overcharged by the water utility. The city opted not to approve credits for all accounts, as it would exceed the amount negotiated in the settlement. The League of California Cities explains that the California Public Funds Doctrine “Generally prohibits the giving or lending of public funds to any person or entity, public or private, subject to certain exceptions.”⁸ Had the City of Lincoln paid more than the settlement amount to its customers, it would have violated state law. During the same time, the city contracted with Raftelis Financial Consultants for a rate study which recommended the city suspend Tier 4 and Tier 5 water rates during the study period.⁹ Per Raftelis Financial Consultants recommendations, the city council adopted the two-tier rate suspension and raised rates by 3.5 percent in fiscal years 2018 through 2021.¹⁰ The Raftelis rate study recommendations were adopted, and the new single uniform water rate went into effect on October 1, 2018.¹¹

State Audit: 2019

The Joint Legislative Audit Committee of the California State Assembly requested an audit of the City of Lincoln’s finances which was completed in March 2019.¹² The 39-page report found the following issues of concern with the financial management of the city’s water department:

- *Lincoln overcharged developers and builders for the cost of water infrastructure and capacity. Because its capacity charges were not commensurate with the amounts it pays for water infrastructure and capacity, the city had accumulated a fund balance of nearly \$41 million as of June 2017.*
- *Lincoln charged developers for city services using hourly rates that did not represent the current costs of its staff time. Until fiscal year 2018–19, Lincoln used rates that it*

⁷ Lincoln City Council Ad Hoc Water Committee meeting. https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/124544/Ad_Hoc_Water_Committee_11.27.2017.pdf. Accessed March 22, 2024.

⁸ California Public Funds Doctrine. https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2016/Annual-2016/Forbath_Gift-of-Public-Funds.aspx. Accessed April 20, 2024.

⁹ Lincoln City Council meeting. Item 12A. https://lincoln.granicus.com/player/clip/24?view_id=2&meta_id=5085&redirect=true. Accessed March 22, 2024.

¹⁰ Lincoln City Council meeting. Item 12A. https://lincoln.granicus.com/player/clip/37?view_id=2&meta_id=5410&redirect=true. Accessed March 22, 2024.

¹¹ Lincoln City Council meeting. Item 11D. https://lincoln.granicus.com/player/clip/360?view_id=2&meta_id=17354&redirect=true. Accessed March 22, 2024.

¹² Financial Mismanagement, Insufficient Accountability, and Lax Oversight Threaten the City’s Stability. <https://www.auditor.ca.gov/pdfs/reports/2018-110.pdf>. Accessed March 5, 2024.

based on cost information from fiscal year 2005–06. Consequently, the city undercharged the public for many of its services.

- *Lincoln violated provisions of the state constitution by failing to pay for its own use of municipal utilities, instead passing these costs on to ratepayers. The city acknowledged that it should have paid more than \$1.6 million for its share of water, sewer, and solid waste services during the four-year period from January 2014 through February 2018.¹³*

In the City of Lincoln’s response to the State Auditor dated March 1, 2019, the city agreed with the report’s findings and had begun implementing some of its recommendations.

Nexus Study and 95 Percent Water Rate Reduction: 2021

As a result of the state audit, the city council ordered a nexus study in March 2019 to determine actual water usage, as a study of this nature had not been conducted since 2012.¹⁴ The city contracted with FSC Group, a utility rate and fee consulting firm, for the report dated June 28, 2019.¹⁵ The result of the report was to lower the monthly service charge of water rates by 95 percent. This was accomplished by the adoption of an ordinance amending § 13.04.205 of the Lincoln Municipal Code.¹⁶ The ratepayers experienced water rates well below surrounding area water agencies until October 2023.

Raftelis Study: 2022

In 2022, the city hired new management to address dire fiscal concerns that had been growing for years. Under this new management, Raftelis Financial Consultants was contracted to conduct a formal five-year and an informal ten-year study on the financial viability of the city’s water and wastewater enterprises.¹⁷

The in-depth study was completed June 21, 2023, finding that the water utility needed an immediate 84 percent rate increase to keep the utility from bankruptcy within eighteen to twenty-four months.¹⁸ While current rate revenue would be depleted by fiscal year’s end in 2024, the Consumer Price Index (CPI) for the Bay Area increased 24 percent between 2017 and 2023, demonstrating Lincoln’s water utility’s urgent need for a course correction.

¹³ Financial Mismanagement, Insufficient Accountability, and Lax Oversight Threaten the City’s Stability. Page 19. <https://www.auditor.ca.gov/pdfs/reports/2018-110.pdf>. Accessed March 5, 2024.

¹⁴ Lincoln City Council meeting. Item 12B. https://lincoln.granicus.com/player/clip/470?view_id=2&meta_id=21210&redirect=true. Accessed March 6, 2024.

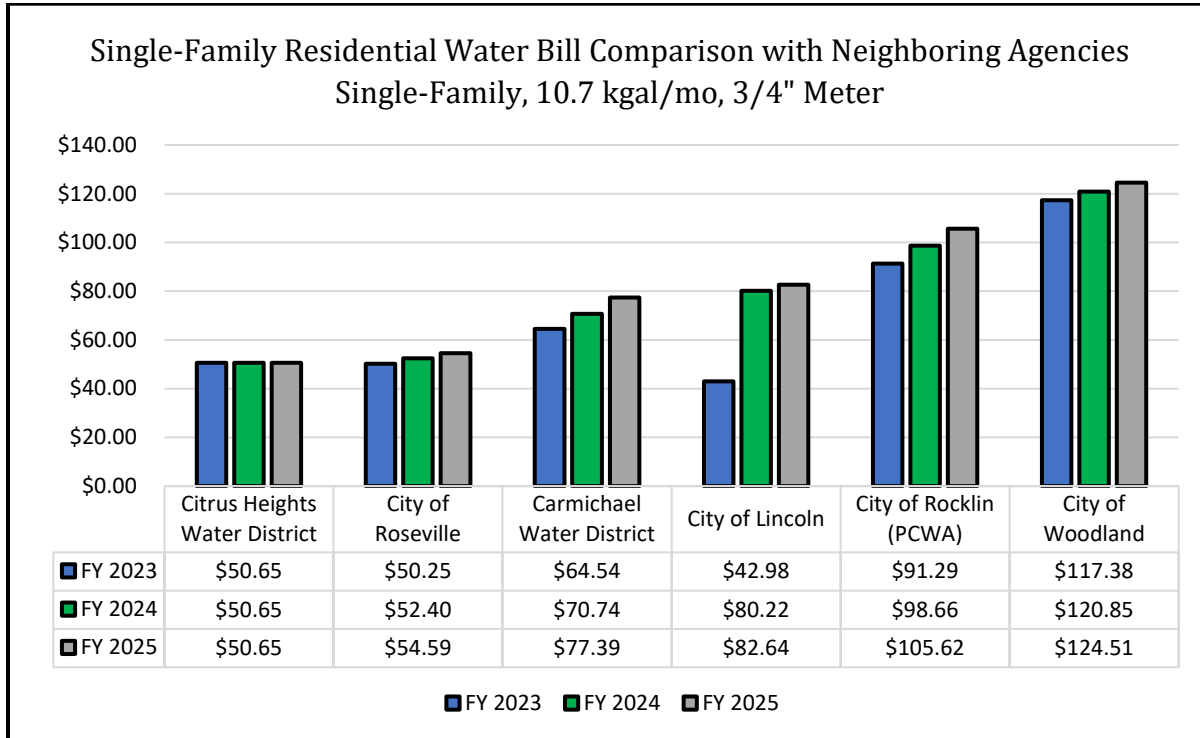
¹⁵ Lincoln Nexus Study Report. <https://lincolnca.justfoia.com/Attachments/Download/1f0d4739-879b-44e5-8e76-c5be2a380123>. Accessed March 17, 2024.

¹⁶ Lincoln Municipal Code § 13.04.205. [CHAPTER 13.04 - WATER | Code of Ordinances | Lincoln, CA | Municode Library](https://www.lincolnca.gov/en/living-here/resources/Documents/Lincoln_CA_Municode_Library). Accessed March 6, 2024.

¹⁷ Raftelis Water Rate Study Report. https://www.lincolnca.gov/en/living-here/resources/Documents/Lincoln_CA_FY24_WaterWW_RateStudyReport-FINAL_06212023.pdf. Accessed September 25, 2023.

¹⁸ Lincoln City Council meeting. Item 10A. https://lincoln.granicus.com/player/clip/1560?view_id=2&meta_id=50639&redirect=true. Accessed March 6, 2024.

The chart below shows a comparison of surrounding cities and the average monthly bill for a Single-Family Residential customer on a ¾" meter for fiscal years 2023, 2024, and 2025.



2023 Raftelis Study

Raftelis introduced the five-and ten-year financial plan, inclusive of a cost-of-service analysis, and a water and wastewater rate plan, projecting rates through 2033 to plan for growth of the city’s water department including capital improvements. To maintain the self-sufficiency of the water operating fund, meet minimum operating reserves, and provide a financial buffer for unexpected fluctuations in operational expenses, a rate increase was necessary. Capital fund reserves for future projects such as costly pipeline replacements, would be funded with cash instead of with debt. Historically, these replacements have been underfunded and delayed.

The study projects the cash balance of operating and capital funds in 2033 will be \$14.9 million. This build-up of capital funds will help rates stay stable and allow the city to avoid major rate increases in the future. The proposed ratepayer water revenue increase adjustments are shown in the table below.

| Proposed Water Revenue Adjustments | |
|---|------------------------|
| Effective Date | Adjustment |
| October 1, 2023 | 84% |
| July 1, 2024 | 3% |
| July 1, 2025 | 3% |
| July 1, 2026 | 3% |
| July 1, 2027 | 3% |
| Effective Date | Proposed Rate Increase |
| July 1, 2028 | 3% |
| July 1, 2029 | 3% |
| July 1, 2030 | 3% |
| July 1, 2031 | 3% |
| July 1, 2032 | 3% |

Community Outreach: June/July 2023

The city went to great lengths to communicate the study’s findings to the public and ensure adherence to Proposition 218 requirements, extending the Raftelis contract to include community outreach.¹⁹ The city employed the following means of informing the public of the proposed rate increase:

- A full webpage of information on the rate increase that includes:
 - A video explanation of how water rates must be calculated by following the law.²⁰
 - The Public Hearing Mailing Notice, an eight-page document that includes current and future water rates and reasoning for the increase.
 - The 68-page Water and Wastewater Rate Study Report conducted by Raftelis.
 - A Residential Customer Bill Estimator.
 - A calendar of town-hall meetings and workshops running from June 5, 2023 through July 26, 2023.
 - A list of Frequently Asked Questions.
- Proposition 218 materials
 - June 20, 2023 – Notice of Public Hearing materials made available on the city’s website at www.lincolncalifornia.gov/ratestudies.

¹⁹ Lincoln City Council. Item 8F. https://lincoln.granicus.com/player/clip/1501?view_id=2&meta_id=48730&redirect=true. Accessed March 8, 2024.

²⁰ Utility Rate Information. <https://www.lincolncalifornia.gov/en/utilityrates.aspx>. Accessed September 11, 2023.

- June 20, 2023 – Notice of Public Hearing notice with summary information and ballots mailed to customers.
- August 19, 2023 – Supplemental information regarding Government Code § 53759 mailed to customers.
- Utility bill inserts
 - September 7, 2023 – New Utility Rates insert included with utility bills.
 - November 8, 2023 – Insert reminding customers of new rates.

Rate Increase: October 2023

The city council understood the urgency for which action was necessary and the study's recommendations were adopted by the city council August 8, 2023.²¹ The new rates took effect October 1, 2023.

Low Income Household Water Assistance Program (LIHWAP)

Recognizing the water rate increase may be difficult for some residents, the City of Lincoln approved the implementation of a utility assistance program.²² The city added a link on their utility payment website providing information to residents on the federally funded LIHWAP program, administered locally by the non-profit organization, Project Go.²³ This program helps low-income residents become current on their outstanding balances and allows them to keep their water on. Similar programs for energy assistance, also administered by Project Go are available to income-qualified residents.

Conclusion

Over the course of decades, the City of Lincoln created significant issues with their water utility funds due to a lack of necessary planning and poor financial management. Meanwhile, studies showed, and the Consumer Price Index demonstrated, that water rates in Lincoln were heading in the wrong direction. The Raftelis study confirmed to the current city management that rate increases were needed immediately. A structured and sustained rate increase for the next five to ten years was also implemented.

The city held numerous town hall-style meetings with residents to discuss why the rate increases were necessary and how they would be implemented. The Placer County Grand Jury found the rate increases were necessary and the process to determine the rate increase was completed transparently and professionally. The stabilization of the utility funds will allow the city to avoid dramatic changes in the future and provide funding improvements that will properly avoid debt.

²¹ Lincoln City Council meeting. Item 9B. https://lincoln.granicus.com/player/clip/1628?view_id=2&meta_id=51739&redirect=true. Accessed March 23, 2024.

²² Lincoln City Council meeting. Item 10B. https://lincoln.granicus.com/player/clip/1628?view_id=2&meta_id=51739&redirect=true. Accessed March 23, 2024.

²³ LIHWAP. <https://www.lincolnca.gov/en/news/assistance-for-water-and-wastewater-bills-now-available.aspx>. Accessed February 16, 2023.

Findings

The grand jury found:

- F1.** The Lincoln City Council agreed with the 2023 Raftelis Water and Wastewater Study Report and findings.
- F2.** The Lincoln City Council raised water rates due to a lack of funds to maintain the water utility according to the 2023 Raftelis Water and Wastewater Study Report recommendations.
- F3.** The City of Lincoln was sued by a citizens' group in 2016.
- F4.** The Lincoln City Council gave some customers credits due to overcharging and raised water rates in 2017.
- F5.** The City of Lincoln was audited by the California State Auditor's Office in 2019.
- F6.** The Lincoln City Council reduced water rates by 95 percent in 2021.
- F7.** The Lincoln City Council properly and transparently increased water rates in 2023.

Recommendations

The grand jury recommends:

- R1.** By March 1, 2025, the Lincoln City Council will continue to support the ten-year water rate increase outlined in the Raftelis Water and Wastewater Study Report.
- R2.** Beginning March 1, 2025, the Lincoln City Council will review the ten-year water rates plan annually at a public meeting.

Required Responses

Pursuant to Penal Code § 933.05, the Placer County Grand Jury requires a response from the following governing body:

| <u>Responding Entity</u> | <u>Findings Requiring Response</u> | <u>Recommendations Requiring Response</u> | <u>Due Date</u> |
|---|---|--|------------------------|
| Lincoln City Council Attention: Dan Karleskint, Mayor 600 6 th St Lincoln, CA 95648 | F1 | R1, R2 | October 1, 2024 |

Requested Responses

The Placer County Grand Jury requests a response from the following entities:

| <u>Responding Entity</u> | <u>Response Requested to Finding</u> | <u>Response Requested to Recommendations</u> | <u>Due Date</u> |
|---|---|---|--------------------------|
| Sean Scully, Lincoln City Manager 600 6 th St Lincoln, CA 95648 | F1 | R1, R2 | September 3, 2024 |



Cemetery Districts in Placer County

A Review of Current Operations, Finances, and Future Plans

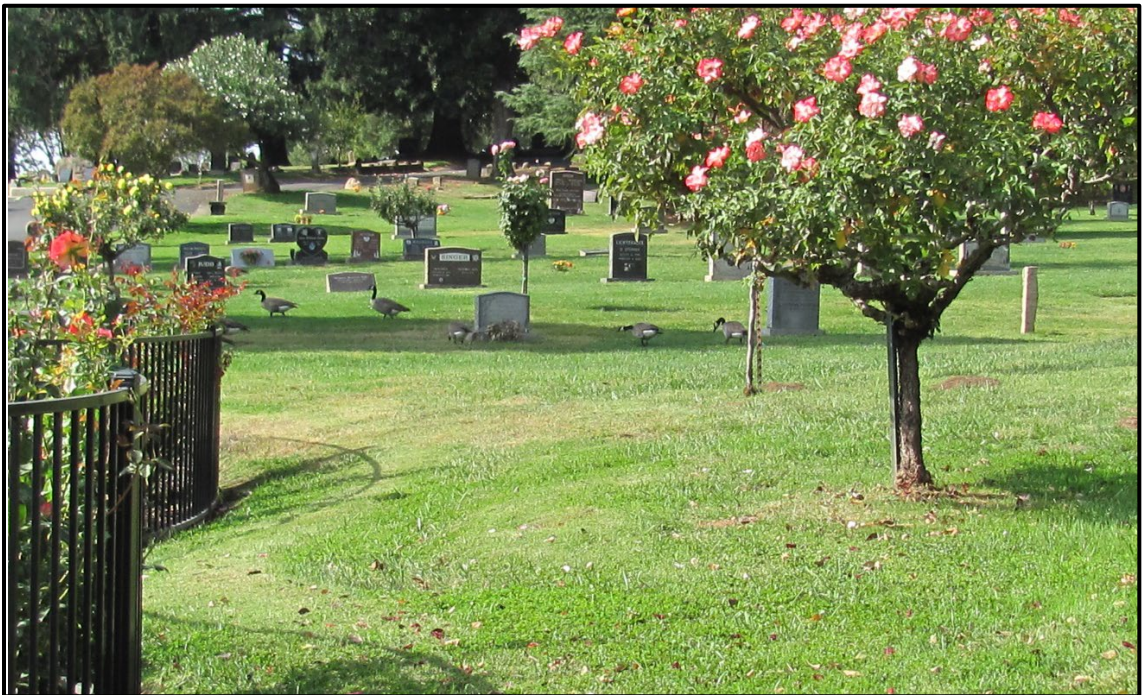


Photo credit: Placer County Grand Juror

Cemetery Districts in Placer County – A Review of Current Operations, Finances, and Future Plans

Summary

Placer County has six cemetery districts that administer fifteen individual cemeteries. The earliest burial sites in some of the cemeteries date back to the early to mid-1800s and are of local historical significance. This report encompasses a review of the financial standing, operations, maintenance, and future plans within each district. The diverse age and locations of the individual cemeteries present different resource requirements, especially for maintenance and upkeep in the older, historical cemeteries. All the districts do a commendable job with upkeep and appearance, but the historical cemeteries have family plots that are abandoned, which poses maintenance challenges.

The larger cemetery districts are financially sound with significant property tax revenues and reserves at the four larger cemeteries. The two smallest cemetery districts have very limited tax income revenue and financial reserves, yet they maintain their balance sheets well. Finally, all the cemetery districts have sufficient developed and undeveloped land to accommodate their anticipated space needs into the future. Cemeteries in western Placer County, the largest area of population growth, have the most undeveloped land to accommodate growth and the largest financial reserves for future land purchases.

Glossary

Burial grave: Inground casket burial of intact remains.

California Assembly Bill 8, 1979/1980: After the passage of California Proposition 13, Assembly Bill 8 provided procedures for the County Auditor-Controller to allocate property taxes to each taxing jurisdiction.

California Proposition 13: The 1978-1979 proposition that fixed a 1 percent maximum tax rate on assessed property values based on 1975 to 1978 property valuations and the levied tax rates in each cemetery district. This tax rate remains the formula for current funding of cemetery districts through property taxes.

Columbarium: Prebuilt columns or walls containing above ground niches for cremains.

Cremains: Cremated ashes.

Crypts: Above ground burial resting grounds with either intact remains or cremains.

Dry Cemetery: A cemetery with no irrigation.

Endowment Fees: Cemetery districts charge a fee for all burials that is kept in a dedicated fund in each district for the purpose of caring for, maintaining, or improving the cemetery to preserve it from becoming unkempt.

Inground crypts: Cement enclosure buried in the earth for cremains.

Internment: Placement of corpse or cremains in a specific location, i.e., grave, crypt, or columbarium.

Internment Fees: The fees charged by cemetery districts for the right to place a marker or monument to a burial pillar, niche, in-ground burial, or outer burial container.

Internment Rights: Plot or crypt within a cemetery district.

Independent Order of Odd Fellows: A non-political, non-sectarian, international fraternal order.

Local Agency Formation Commission: A state mandated independent regulatory body whose role is to encourage the orderly formation of local governmental agencies, preserve agricultural and open space resources, and discourage urban sprawl through the review of city and special district boundary changes and the extension of the services they provide.

Mortuary: A place used for storage of corpses awaiting burial, cremation, autopsy, or identification.

Special District: Local governments created by the people of a community to deliver specialized services essential to their health, safety, economy, and well-being. A community forms a special district to provide specialized services the local city or county do not provide.

Background

The Placer County Grand Jury's responsibility is to be a watchdog over county, city, and special district operations. Often, citizens of the county are unaware of some of the special districts and their functions. In 2008-2009 the Placer County Grand Jury conducted a survey of cemetery districts where the findings were quite favorable with only one recommendation. The current grand jury decided to follow-up and determine what, if any, changes may have occurred over the past fifteen years for each district in terms of cemetery operations, current financial standing, planning for future growth, and future financial stability.

Methodology

During the investigation the grand jury toured each of the six cemetery districts and conducted interviews at each district. These interviews were held with board members, cemetery managers, office staff, ground workers, and sales personnel. In addition, interviews were held with Placer County Local Agency Formation Commission (LAFCO) and county department heads.

The members of the grand jury reviewed websites, budgets and audited financial statements, pamphlets, news articles, as well as the Placer County Grand Jury 2008-2009 Final Report. Cemetery reports from other counties were also reviewed. The grand jury conducted a survey of each district requesting key data points.

Discussion

Within Placer County there are six cemetery special districts. Each district has its own governing board. Generally, each cemetery has a manager, bookkeeper, and groundskeeper(s). There are a total of fifteen separate cemeteries within the six districts. The cemetery district boards manage and provide locations of internments or burials, bench placements, and create rules to guide mortuaries in providing their services.

Mortuary services external to the cemetery districts are responsible for the temporary storage of corpses pending identification, autopsy, embalming, cremation, or burial. Cemetery services begin once the remains are in the appropriate state (embalmed or cremated) to be interred in the location of preference such as a crypt, burial plot, or columbarium within the cemetery district. The cemetery districts coordinate activities with mortuary service providers to ensure the proper interment of remains at the proper location, preparation of the interment location, and burial services.

The size of each cemetery varies by district. The appearance and services provided vary between the cemetery districts and by the individual cemeteries located within each district. The age of the cemeteries impacts the service levels and the level of required upkeep. All cemetery districts have available plots to accommodate future growth. The chart below shows the current developed, undeveloped, and potential future expansion land. Each district manager believes their undeveloped and future expansion land will be sufficient. The future expansion needs will be most pressing in the western districts of the county.

| Placer County Cemetery Acreage | | | | | | |
|---------------------------------------|--|---------------------------------|--|---|---|--------------------------------|
| | Auburn Public Cemetery District | Colfax Cemetery District | Newcastle-Rocklin-Gold Hill Cemetery District | Placer County Cemetery District #1 | Roseville Public Cemetery District | Tahoe Cemetery District |
| Total Land Acreage | 49 | 16 | 79 | 43 | 48 | 2.9 |
| Developed Acreage | 38 | 13 | 45 | 22 | 24 | 1.5 |
| Undeveloped Acreage | 11 | 3 | 34 | 21 | 24 | 1.4 |
| Potential Future Expansion | 50 | 2.5 | 0 | 0 | 35 | 0 |

Auburn Public Cemetery District: Includes the Old Auburn and New Auburn Cemeteries. There is a five-member board who manages the district.

The Old Auburn Cemetery is a historical site and contains sixteen developed acres. It is historically interesting with graves from local inhabitants dating to the early 1800s. The cemetery was founded in 1935 when it was handed over to the county by the Independent Order of Odd Fellows (IOOF). This cemetery has no available expansion acreage and no additional burial sites are available. The cemetery is quaint with weathered plots. To accommodate new niche internments, a new columbarium was built, and crypts in the columbarium remain available. The cemetery is visually interesting with large and small monuments or headstones, footstones, and many plots are surrounded by cement edging.



*Photo Credit:
Placer County Grand Juror*



*Photo Credit:
Placer County Grand Juror*

The New Auburn Cemetery has twenty-two acres with eleven acres remaining undeveloped and available for expansion. A new columbarium and crypt area has been added as well as burial sites for veterans. One area of interest is the site where 268 remains of Placer County Pioneers were reinterred in 1986 by the California Department of Transportation. In addition, the cemetery has another fifty acres of steep, unusable property which has power lines and a pipeline running through the land. Because access is an issue, there is the potential for the land to be sold in the future. As a revenue source, there is a cell tower on the site. The cemetery has a manager, office

worker, and three maintenance crew members. This staff also manages and cares for the Old Auburn Cemetery.

Colfax Cemetery District: Includes the Colfax and Colfax Indian Cemeteries.

The Colfax Cemetery District was created in 1917 and serves the residents of the Colfax area. Its earliest burials date to approximately 1850. It has 16.3 acres of developed land and another 13.3 acres available for expansion. On staff are two groundskeepers who manage and maintain the grounds. The cemetery is old with a large percentage of older family plots with as little landscaping as possible to minimize maintenance and landscaping needs. Because of its limited budget, this cemetery borrows equipment to dig graves since it does not have equipment of its own.



*Photo Credit:
Placer County Grand Juror*

The Colfax Indian Cemetery is located approximately 0.5 miles south of the main Colfax Cemetery. The cemetery is comprised of 0.47 acres and has been used as a burial site since the 1870s. In 1963, it was transferred to the Colfax Cemetery District. The cemetery is totally cared for by the Native American Indian residents with limited assistance from the district.

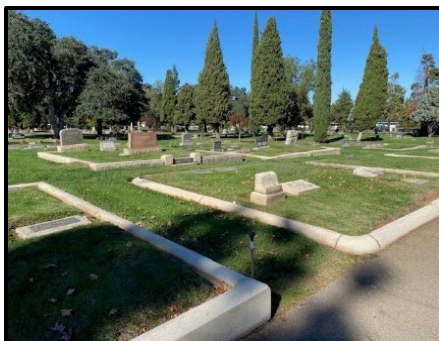
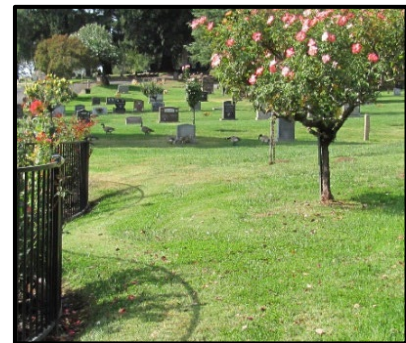
Newcastle-Rocklin-Gold Hill Cemetery District: The four cemeteries included in this district are Gold Hill, Newcastle, Ophir, and Rocklin. There is a five-member board which manages the four cemeteries.

The Gold Hill and Ophir Cemeteries were established in 1852 and 1853 respectively. Gold Hill consists of three acres and Ophir has four acres (two undeveloped). These are historic dry cemeteries located in the foothills. The cemeteries are at capacity and have no expansion acreage available. There are few, if any, additional burials anticipated. For Ophir Cemetery, further burials are restricted as unmarked remains are buried on the site. Since most graves are unmarked, the district will not risk disturbance of these unmarked grave sites. Today, a burial is only made if there is an existing family plot. There is no watering of the cemeteries and a few times a year the grounds are maintained by district staff.



*Photo Credits:
Placer County Grand Juror*

The Newcastle Cemetery is in the foothills and contains twenty developed acres and has another twenty-four acres of undeveloped land. Although the earliest remains date from 1857, the cemetery is well landscaped with a variety of vegetation, a well-planned layout, and up-to-date features. Granite outcroppings and buried rocks pose a challenge for some burial sites. There is a cemetery manager, two office workers, and seven groundskeepers. The seven groundskeepers maintain the acreage of all cemeteries within the district. This cemetery can accommodate all burial types.



The Rocklin Cemetery is located within the city limits of Rocklin with its earliest burial sites dating to 1864. It contains 15.5 developed acres with the ability to expand into an additional 12.5 acres. As stated in the 2008-2009 Placer County Grand Jury Report, there is an “abundance of underground rocks that makes use of the land difficult.” The cemetery is flat with well-maintained grounds and landscaping and contains historical burial sites as well as an up-to-date niche and columbarium.

Placer County Cemetery District #1: This district was established in 1925 and contains four separate cemeteries. The district is managed by a five-member board. The oldest cemetery in the district is Manzanita. The district covers the western part of Placer County.



The Manzanita Cemetery is within the city limits of Lincoln but has a very remote atmosphere, as it is not near any major residential areas. As this is a dry cemetery with no vegetation and contains a high percentage of historical grave sites, it has the appearance of an old western cemetery. The cemetery has six developed acres with what appears to be a significant number of unused grave sites. An additional fifteen acres are available for expansion. The cemetery dates back to the 1850s.



The Lincoln Cemetery is also located within the city limits of Lincoln with its earliest burials dating to 1863. There is no expansion land as the entire 10.6 acres has been developed. The cemetery is not considered historical and has been upgraded with a covered area for ceremonies and an attached modern niche and columbarium space.

*Photo Credits:
Placer County Grand Juror*

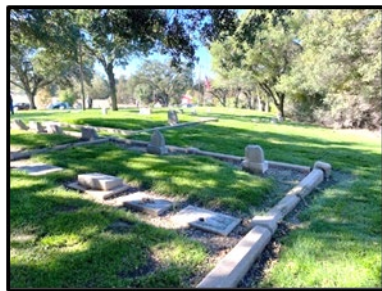
The Sheridan Cemetery is near the town of Sheridan in western Placer County and primarily surrounded by open space. It started as a family cemetery in 1875, later an IOOF cemetery, and in 1921 became the resting place for the local "Russian Colony." In 1970 the grounds were transferred to the Placer County Cemetery District #1. The cemetery is not at capacity with 2.5 acres developed and 1.6 acres of undeveloped land available.



The Santa Clara Memorial Park Cemetery is in Lincoln. There are three acres of developed land and the ability to expand into another 4.3 acres.

Roseville Public Cemetery District: The Roseville and Union Cemeteries are located within this district. There is a five-member board. In addition to the two cemeteries, the district also has seventeen undeveloped acres in west Roseville and another eighteen undeveloped acres closer to downtown Roseville.

The Roseville Cemetery is the largest cemetery in Placer County with twenty-two developed acres of land and is one of the newer cemeteries in the county, established in 1939. Adjacent to the developed land is property leased for storage, which can be used for expansion, plus another twenty-three acres of undeveloped land. As it is the largest cemetery in the county, it has capabilities for small services, a modern veteran’s section, updated niche, inground niche, and columbarium sections. The cemetery manager and two office staff are housed in a recently completed administration building and employs five groundskeepers.

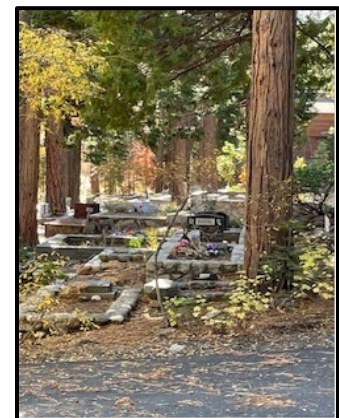


*Photo Credits:
Placer County Grand Juror*

The Union Cemetery was initially a family-owned cemetery and became part of the district in 1951. This is a very old cemetery located on three acres with two acres developed and one undeveloped acre available for expansion. Although this is an old cemetery surrounded primarily by open space, it is irrigated and requires routine landscape maintenance.

Tahoe Cemetery District: This district was created in 1962 and only has one cemetery.

The Trail’s End Cemetery is the smallest cemetery within the county. Due to weather, the cemetery is only open during the summer months. There are no official employees, and the manager/bookkeeper is a contracted employee. Although the grounds of the cemetery are maintained by volunteers, it contains a significant number of burial sites with unique, personalized remembrances. There are very few rules regarding burial decorations and burial markings at the cemetery.



Financial Health

The primary revenue source for all cemetery districts is through county property taxes which represents between 51 percent (Auburn) and 89 percent (Colfax) of the districts’ funding. The next sources of revenues are derived from rental income (land use, cell

towers, storage facilities), administrative fees, internment fees, internment rights, and sale of miscellaneous items such as urns and vases.

The method to determine tax rates prior to the passage of Proposition 13 in 1978-1979 was calculated by a taxing jurisdiction such as the county, by determining the funds required to meet their annual budgets. The funds needed were then divided by the assessed value within the jurisdiction’s boundaries to determine the tax rate. The passage of Proposition 13 set a maximum tax rate of one percent on the total assessed value in a jurisdiction. The 1 percent rate was multiplied by the total jurisdiction’s assessed value. The resulting total tax amount was then divided amongst all the operational activities in that jurisdiction. This tax and allocation formula was modified by Assembly Bill 8 in 1979-1980 to accommodate for the annual growth and adjustments to jurisdictional changes.

The result of the above is each cemetery district’s revenue rises or declines annually based on the total assessed value within the district’s boundaries. This has resulted in areas of higher growth, as in western Placer County, now having a higher percentage of the county’s total assessed valuation. This results in a higher proportional revenue growth for those districts.

Although the base tax rate has not changed since 1978-1979, the assessed valuation base on which the base tax rate is levied has changed. For districts where the tax base has increased the most, such as Roseville and Rocklin, the tax revenues have risen proportionally. For areas of eastern Placer County Cemetery Districts where the assessed valuation has not risen at the same rate, revenues to those districts are lower than the western Placer County districts. The chart on the following page shows the latest audited financial information for each cemetery district.

| Audited Financial Information as of June 30, 2022 | | | | | | |
|---|---------------------------------|---------------------------|---|------------------------------------|------------------------------------|--------------------------|
| | Auburn Public Cemetery District | Colfax Cemetery District* | Newcastle-Rocklin-Gold Hill Cemetery District | Placer County Cemetery District #1 | Roseville Public Cemetery District | Tahoe Cemetery District* |
| Property Tax Revenue | \$643,380 | \$162,978 | \$1,904,765 | \$1,859,488 | \$3,337,612 | \$46,811 |
| Total Revenues | \$1,259,716 | \$183,093 | \$2,399,667 | \$2,302,782 | \$3,828,743 | \$75,035 |
| Total Expenditures | (\$998,130) | (\$189,402) | (\$1,533,238) | (\$1,633,597) | (\$1,297,789) | (\$115,267) |
| Cash and Investments | \$3,882,176 | \$119,448 | \$14,637,785 | \$13,623,057 | \$29,012,112 | \$239,743 |
| Endowment Fund Balance | \$2,146,930 | \$114,841 | \$2,230,084 | \$659,706 | \$1,778,842 | \$28,108 |

*Information for Colfax Cemetery District is as of June 30, 2019, and for Tahoe Cemetery District is as of June 30, 2015, as these are the latest available audited financial statements.

California Government Code § 26909 requires annual financial audits of all special districts. The four larger cemetery districts have routinely had annual audits performed. The Tahoe and Colfax Cemetery Districts have been granted a waiver to the annual requirement by the Placer County Auditor-Controller, allowing them to have audits conducted every five years. This waiver is due to the small size of these two districts compounded with the difficulty in identifying external auditors willing to perform such sized audits. Even with the granting of the five-year waiver, the Placer County Auditor-Controller has had to perform the audits of the Colfax and Tahoe Cemetery Districts due to lack of outside auditors willing to perform such an audit. The audits conducted by the Placer County Auditor-Controller's Office have been accepted by the state.

A third source of revenue for cemetery districts is investment income from the cash reserves of each district. As noted in the table above, the cash and investment funds vary widely between districts, from \$119,448 in the Colfax Cemetery District to \$29,012,112 for the Roseville Cemetery District. Although the western cemetery districts have significant cash reserves for future needs, the Colfax and Tahoe Cemetery Districts have limited cash reserves.

The final financial category is endowment funds. As shown in the table above, endowment funds vary significantly between districts with the Colfax and Tahoe Cemetery Districts at very low endowment fund balances.

The expenditures are managed well in each district relative to their annual revenues. A review of the audit findings of the Colfax Cemetery District from 2014 to 2019 found that expenditures were greater than revenue for that period which resulted in a \$63,000 deficit. The increase in expenditures was primarily driven by increases in pension and insurance costs. Despite the annual shortfalls, the reserves were above \$119,000 in 2019. The Colfax Cemetery District has judiciously managed their expenditures from 2019 to 2023 (unaudited) resulting in elimination of the \$63,000 deficit in 2019 and an approximate \$20,000 surplus in 2023.

Conclusion

The Placer County Cemetery Districts are both historical cemeteries and the future resting place for an expanding Placer County populace. In the areas of the county where growth is most expansive, the districts of Newcastle-Rocklin-Gold Hill, Roseville, and Placer Cemetery District #1, have sufficient acreage for future expansion, revenue sources, and cash reserves to fund future needs. These three districts manage their annual budgets to ensure expenditures are well within revenues.

The Auburn Cemetery District is more reliant on non-property tax revenue to meet expenditure costs but has demonstrated good administrative capabilities to keep expenditures below revenues annually. The district also has significant cash reserves and expansion space to meet future needs.

The Colfax and Tahoe Cemetery Districts are well maintained and properly managed but have very limited revenue, cash, and endowment reserves. It appears the reserves for the Colfax district have been decreasing since 2014, driven at least in part by increased pension and insurance costs through the last audit in 2019. The limited revenue capability of the Colfax district is a concern for the long-term, especially if there is any downturn in property tax revenues.

The cemeteries with the oldest family plots, in particular Auburn, Colfax, Gold Hill, Ophir, Manzanita, and Union, pose additional maintenance issues due to deteriorating gravestones, iron fencing, concrete boundaries, and concrete slabs. The cemeteries are able to perform upkeep and maintenance surrounding these plots but have limited resources to repair or replace family plot items as listed above.

The findings of the 2023-2024 Placer County Grand Jury are very similar to the findings in the prior Placer County Cemetery Report of 2008-2009, where the financial standing and overall conditions of each of the cemetery districts have been well maintained over the past fifteen years.

Findings

The grand jury found:

- F1.** All Placer County Cemetery Districts are well managed financially, and most annual budgets keep expenditures below revenues.
- F2.** All cemetery districts have reserves in accordance with their size, population, and tax income base.
- F3.** The two smallest districts, Colfax and Tahoe, have very limited cash and endowment reserves.
- F4.** All Placer County Cemetery Districts are well-maintained in accordance with their surroundings including the historical cemeteries.
- F5.** All Placer County Cemetery Districts are properly staffed and managed.
- F6.** All Placer County Cemetery Districts have adequate expansion acreage to accommodate residential growth within their district.

Recommendations:

The grand jury has no recommendations.

Copies sent to:

Auburn Cemetery District

Attention: Earl Wilson, Chairperson
PO Box 4357
Auburn, CA 95604-4357

Colfax Cemetery District

Attention: Nancy Hagman, Trustee
PO Box 231
Colfax, CA 95713

**Newcastle-Rocklin-Gold Hill
Cemetery District**

Attention: Mark Riemer, Chairperson
850 Taylor Rd
Newcastle, CA 95658

Placer County Cemetery District #1

Attention: Joe Vigil, Chairperson
PO Box 546
Lincoln, CA 95648

Roseville Cemetery District

Attention: Steven Howe, Chairperson
421 Berry St
Roseville, CA 95678

Tahoe Cemetery District

Attention: Jill Pomin, President
PO Box 6178
Tahoe City, 96145

Local Agency Formation Commission

Attention: Michelle McIntyre, Executive Officer
110 Maple St
Auburn, CA 95603

Special Districts' Compliance With Form 700 and Ethics Training



Special Districts' Compliance with Form 700 and Ethics Training

Summary

Individual board members of Placer County Special Districts are required to submit Form 700 on an annual basis and complete ethics training biannually if any board member of the special district receives any financial compensation (salary, stipend, or reimbursement for expenses). The 2023-2024 Placer County Grand Jury investigated the thirty-seven special districts in Placer County to ensure all special districts were compliant with the submission and training requirements. The Placer County Grand Jury verified that 97 percent of special district board members were compliant with Form 700 submission and 91 percent were compliant for biannual ethics training as of December 31, 2023.

Glossary

Ethics Training: A course to educate public officials biannually on the ethical standards required of an individual who works in state and local government. The training is mandated by California Government Code § 53235 for all board members of special districts when any member of that board receives compensation, salary, stipend, or reimbursement for expenses.

Fair Political Practices Commission: Created by the California Political Reform Act to administer and enforce the ethics law, as well as inform and assist public officials, employees, and candidates to comply with its provisions.

Form 700: Statement of Economic Interest, Fair Political Practices Commission, State of California. It must be filed by designated board and commission members as defined by California Government Code § 87200.

Local Agency Formation Commission: State-mandated, quasi-judicial countywide commissions whose purview is to oversee boundary changes of cities and special districts, formation of new agencies, consolidation, or reorganization for special districts and/or cities.

Special District: A political subdivision of the state, established to provide a single public service within a specific geographic area.

Background

Special district board members are required by California Government Code § 87200¹ to submit a Form 700² to the Placer County Clerk-Recorder's Office each year they are on the board. In addition, if any board member receives any financial remuneration, such as a stipend or expense reimbursement, then all board members are required to take biannual ethics training and retain documentation evidencing compliance. The Placer County Grand Jury (PCGJ) investigated the Form 700 submission and ethics training compliance of the special districts' board members.

Methodology

During the grand jury's investigation, a letter and survey form were emailed to each district. The survey requested the following information:

- names of board members,
- length of term,
- term start date,
- term end date,
- date of ethics training and who provided the training,
- submission of Form 700,
- date of Form 700 submission, and
- copy of certification of completion of ethics training.

A deadline of December 31, 2023 was set for the receipt of the requested information. The data received by December 31 was used for the tabulation of compliance in this report. Based on the survey responses, the PCGJ subsequently validated with the Placer County Clerk-Recorder's Office the submission of the Form 700 by the special district board members. The PCGJ also verified a majority of the special district members' ethics training were satisfied by reviewing copies of certifications received for completion.

¹ Title 9. Political Reform (81000 – 91014). Chapter 7. Conflicts of Interest [87200 – 87210]. https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=87200.&lawCode=GOV Accessed February 20, 2024.

² 2023-2024 Statement of Economic Interests. Form 700. <https://oag.ca.gov/system/files/media/form700.pdf>. Accessed February 20, 2024.

Discussion

Placer County has thirty-seven special districts. One district, Suburban Pines Community Services District, has been inactive, with no board members since 2007, and is not included in any of the analysis of this report. There are thirty-six active special districts with a total of 181 board members. The table below lists the Placer County Special Districts, inclusive of the inactive Suburban Pines Community Services District:

| | Special District | Number of Board Members | Form 700 Submission | Ethics Training Verified |
|----|---|-------------------------|---------------------|--------------------------|
| 1 | Alpine Springs County Water District | 5 | 5 | 5 |
| 2 | Alta Fire Protection District | 5 | 4 | 5 |
| 3 | Auburn Cemetery District | 5 | 5 | 2 |
| 4 | Auburn Recreation & Park District | 5 | 5 | 5 |
| 5 | Auburn Valley Community Services District | 4 | 4 | 4 |
| 6 | Christian Valley Park Community Services District | 5 | 5 | 5 |
| 7 | Colfax Cemetery District | 2 | 2 | 2 |
| 8 | Donner Summit Public Utility District | 5 | NA | 5 |
| 9 | Foresthill Fire Protection District | 5 | 5 | NA |
| 10 | Foresthill Public Utility District | 5 | 5 | 3 |
| 11 | Heather Glen Community Services District | 5 | 5 | 5 |
| 12 | McKinney Water District | 5 | 5 | 5 |
| 13 | Meadow Vista County Water District | 5 | 5 | 5 |
| 14 | Midway Heights County Water District | 4 | 4 | 4 |
| 15 | Newcastle Fire Protection District | 4 | 4 | 2 |
| 16 | Newcastle-Rocklin-Gold Hill Cemetery District | 5 | 5 | 5 |
| 17 | North Tahoe Fire Protection District | 5 | 5 | 5 |
| 18 | North Tahoe Public Utility District | 5 | 5 | 5 |
| 19 | Northstar Community Services District | 5 | 5 | 5 |
| 20 | Olympic Valley Public Service District | 5 | 5 | 5 |
| 21 | Penryn Fire Protection District | 5 | 5 | 5 |
| 22 | Placer County Cemetery District 1 | 5 | 5 | 5 |
| 23 | Placer County Resource Conservation District | 7 | 5 | 5 |
| 24 | Placer County Water Agency | 5 | 5 | 5 |
| 25 | Placer Hills Fire Protection District | 5 | 5 | 5 |
| 26 | Placer Mosquito Vector Control District | 7 | 7 | 5 |
| 27 | Roseville Cemetery District | 5 | 5 | 5 |
| 28 | Sierra Lakes County Water District | 5 | 5 | 5 |
| 29 | South Placer Fire Protection District | 7 | 7 | 7 |
| 30 | South Placer Municipal Utility District | 5 | 5 | 5 |
| 31 | Suburban Pines Community Services District | NA | NA | NA |
| 32 | Tahoe Cemetery District | 5 | 2 | 1 |
| 33 | Tahoe City Public Utility District | 5 | 5 | 5 |
| 34 | Tahoe Forest Hospital District | 5 | 5 | 5 |
| 35 | Tahoe-Truckee Sanitation Agency | 6 | 6 | 6 |
| 36 | Talmont Resort Improvement District | 5 | 5 | 5 |
| 37 | Truckee Tahoe Airport District | 5 | 5 | 5 |

The completion and return of the surveys by the special districts were inconsistent. After the initial contact was made, some districts responded immediately and others not at all. Some districts provided all the information requested while others provided partially completed surveys and/or did not provide the ethics training completion confirmation. Subsequent emails were sent, and phone calls were made, to each district not providing all

the requested information. The requirements for Form 700 submission and ethics training are detailed separately below.

Form 700 Compliance

Every elected official and public employee who makes or influences governmental decisions is required to submit a Statement of Economic Interest, also known as the Form 700. The Form 700 provides transparency and ensures accountability.

1. It provides necessary information to the public about an official's personal financial interests to ensure officials are making decisions in the best interest of the public and not enhancing their personal finances.
2. It serves as a reminder to the public official of potential conflicts of interest, so the official can abstain from making, or participating in, governmental decisions which are deemed conflicts of interest.
3. Per the Form 700 guidance from California Fair Political Practices Commission (FPPC), if a public official fails to timely file his or her Form 700, the case will be referred to the FPPC Enforcement Division, and a penalty of up to \$5,000 may be imposed.

Form 700 for most filers is required to be filed annually by April 1st. Donner Summit Public Utility District board members are not required to submit their Form 700s to Placer County, but to either Nevada County or FPPC and are excluded from the survey. The stated compliance of the Form 700 submission provided in the survey data was cross-referenced with the Form 700 submitted to the Placer County Clerk-Recorder's Office. Although all surveys stated that all board members had submitted their Form 700, no confirmation of Form 700 submission could be found for six board members across four special districts. The requirement to submit Form 700 for 2023 was not due until April 1, 2024, so the committee requested and received an update from the Placer County Clerk-Recorder's Office for Form 700 submissions on April 9, 2024. Thirty-four of the thirty-six districts had confirmation of all board members completing the Form 700 submission. The PCGJ confirmed 172 of the 176 board members had completed Form 700 submission for 2023 as of April 9, 2024.

Ethics Training Compliance

The compliance of ethics training was calculated in two ways. First, using the survey results provided by each special district, the number of compliant board members was calculated. The second calculation measured compliance based on the special districts' provided documentation of completed ethics training. Special districts are required to maintain documentation of completion of ethics training internally for at least five years and are not required to submit documentation to another entity.³ Consequently, the PCGJ does not have an alternative source of compliance confirmation outside the special districts themselves.

³ [California Government Code section 53235.2 \(public.law\)](#). Accessed April 23, 2024.

The Foresthill Fire Protection District stated their five board members were exempt from ethics training. Exemption is allowed by California Government Code § 53235 if no board member receives compensation, salary, stipend, or reimbursement for expenses. A confirmation by the board, stated no compensation, salary, stipend, or reimbursement for expenses were received by any board members.

The special districts' survey indicated that 171 of the 176 board members completed ethics training. Of the 168 board members with a stated completion of ethics training, certificates of current (not expired) training were provided for 163. Therefore, confirmed, current ethics training was provided for 163 of 176 board members and thirty of the thirty-six active districts had verified, current ethics training by all board members.

Summary of Form 700 and Ethics Training Compliance

All Placer County Special Districts responded to the PCGJ survey for Form 700 and ethics training compliance.

A high level of compliance was confirmed with 97 percent of board members compliant with the Form 700 submissions and 93 percent of board members with verified, current compliance with ethics training. As there are governmental regulations requiring reporting and compliance with Form 700 submission, the PCGJ does not feel a need to ensure further compliance as the FPPC Enforcement Division is tasked with Form 700 enforcement.

Ethics training, although required and regulated by California Government Code, does not require submission of compliance to another agency and relies on self-governance for compliance. Even though there is a 93 percent verified, current compliance for ethics training by Placer County Special Districts at the time the survey results were provided to the PCGJ, the code requires 100 percent compliance. There is not a readily available enforcement capability for special district ethics training.

Conclusion

Placer County Special Districts have greater than 97 percent individual member compliance for Form 700 submission. As Form 700 submission compliance is under the oversight of the California Fair Political Practices Commission, the Placer County Grand Jury will rely on that agency to ensure compliance by the Placer County Special Districts.

Placer County Special Districts have 93 percent individual member compliance for ethics training. Special districts are required to maintain documentation of completion of ethics training internally and are not required to submit documentation to another entity. There is no enforcement agency for non-compliance of ethics training. California Government Code section 53235.2(b) deems these records disclosable under the Public Records Act which allows residents to bring non-compliance to the attention of the greater public.

Findings

The grand jury found:

- F1.** Thirteen of 176 (7 percent) special districts' board members have not had verifiable, current ethics training.
- F2.** Four of 176 (2 percent) active districts' board members have not filed a Form 700 for 2023 as of April 9, 2024.
- F3.** Of the thirty-six Placer County Special Districts, 172 of 176 (98 percent) of the board members are compliant with the submission of Form 700 to the Placer County Clerk-Recorder's Office.

Recommendations

The grand jury recommends:

- R1.** By October 1, 2024, the Auburn Cemetery District (three board members) provide a current biannual ethics training certificate for their board members.
- R2.** By October 1, 2024, the Foresthill Public Utility District (two board members) provide a current biannual ethics training certificate for their board members.
- R3.** By October 1, 2024, the Newcastle Fire Protection District (two board members) provide a current biannual ethics training certificate for their board members.
- R4.** By October 1, 2024, the Placer Mosquito Vector Control District (two board members) provide a current biannual ethics training certificate for their board members.
- R5.** By October 1, 2024, the Tahoe Cemetery District (four board members) provide a current biannual ethics training certificate for their board members.

Required Responses

Pursuant to Penal Code § 933.05, the Placer County Grand Jury requires a response from the following governing body:

| <u>Responding Entity</u> | <u>Findings Requiring Response</u> | <u>Recommendations Requiring Response</u> | <u>Due Date</u> |
|---|---|--|------------------------|
| Auburn Cemetery District Board of Trustees Attention: Earl Wilson, Chairperson PO Box 4357 Auburn, CA 95604 | F1 | R2 | October 1, 2024 |
| Foresthill Public Utility District Board of Trustees Attention: Ron Thompson, President PO Box 266 Foresthill, CA 95631 | F1 | R3 | October 1, 2024 |
| Newcastle Fire Protection District Board of Directors Attention: William Kahrl, Chairperson PO Box 262 9350 Old State Highway Newcastle, CA 95658 | F1 | R4 | October 1, 2024 |
| Placer Mosquito Vector Control District Board of Trustees Attention: Ross Hutchings, President 2021 Opportunity Dr Roseville, CA 95678 | F1 | R5 | October 1, 2024 |

| <u>Responding Entity</u> | <u>Findings Requiring Response</u> | <u>Recommendations Requiring Response</u> | <u>Due Date</u> |
|--|---|--|------------------------|
| Tahoe Cemetery District Board of Trustees Attention: Jill Pomin, President PO Box 6178 Tahoe City, CA 96145 | F1 | R6 | October 1, 2024 |

Copies sent to:

Local Agency Formation Commission

Attention: Michelle McIntyre, Executive Officer
110 Maple St
Auburn, CA 95603

Ryan Ronco, Placer County Clerk-Recorder's Office

3715 Atherton Rd
Rocklin, CA 95765

Alpine Springs County Water District Board of Trustees

Attention: Janet Grant, President
270 Alpine Meadows Rd
Alpine Meadows, CA 96146

Alta Fire Protection District

Attention: Zach Haslett, Chairperson
PO Box 847
Alta, CA 95701

Auburn Recreation & Park District

Administration Office

Attention: Scott Holbrook, Chairperson
471 Maidu Dr #200
Auburn, CA 95603

Auburn Valley Community Services District

Attention: Gerald Sherburne, President
PO Box 8138
Auburn, CA 95604

Christian Valley Park Community Services District

Attention: Dan Negus, President
PO Box 6857
Auburn, CA 95604

Colfax Cemetery District

Attention: Nancy Hagman, Trustee
PO Box 231
Colfax, CA 95713

Donner Summit Public Utility District

Attention: Cathy Preis, President
PO Box 610
Soda Springs, CA 95728

Foresthill Fire Protection District

Attention: Richard Hercules, President
PO Box 1099
Foresthill, CA 95631

Heather Glen Community Services District

Attention: Max Bailey, President
PO Box 715
Applegate, CA 95703

McKinney Water District

Attention: Jerry Swartfager, President
103 Simmons Way
Folsom, CA 95630

Meadow Vista County Water District

Attention: Derek D'Amour, Chairperson
PO Box 278
Meadow Vista, CA 95722

Midway Heights County Water District

Attention: Pauline Nevins, President
PO Box 596
Meadow Vista, CA 95722

Newcastle-Rocklin-Gold Hill Cemetery District

Attention: Mark Riemer, Chairperson
850 Taylor Rd
Newcastle, CA 95658

North Tahoe Fire Protection District

Attention: Mike Baffone, President
PO Box 5879
Tahoe City, CA 96145

North Tahoe Public Utility District

Attention: Sarah Coolidge, President
PO Box 139
Tahoe Vista, CA 96148

Northstar Community Services District

Attention: Warren Brown, President
900 Northstar Dr
Truckee, CA 96161

Olympic Valley Public Service District

Attention: Dale Cox, Director
PO Box 2026
Olympic Valley, CA 96146

Penryn Fire Protection District

Attention: Cheryl Hotaling, Chairperson
7206 Church St
Penryn, CA 95663

Placer County Cemetery District #1

Attention: Joe Vigil, Chairperson
PO Box 546
Lincoln, CA 95648

Placer County Resource Conservation District

Attention: Claudia Smith, Chairperson
11641 Blocker Dr, Suite 120
Auburn, CA 95603

Placer County Water Agency

Attention: Robert Dugan, Chairperson
PO Box 6570
Auburn, CA 95604-6570

Placer Hills Fire Protection District

Attention: Peter Hills, President
PO Box 350
17020 Placer Hills Rd, Suite 1A
Meadow Vista, CA 95722

Roseville Cemetery District

Attention: Steven Howe, Chairperson
421 Berry St
Roseville, CA 95678

Sierra Lakes County Water District

Attention: Jon Harvey, President
PO Box 1039
Soda Springs, CA 95728

South Placer Fire Protection District Station 17

Attention: Tracy Randall, President
6900 Eureka Rd
Granite Bay, CA 95746

South Placer Municipal Utility District

Attention: Gerald Mitchell
5807 Springview Dr
Rocklin, CA 95677

Tahoe City Public Utility District

Attention: Ellie Beals, President
PO Box 5249
Tahoe City, CA 96145

Tahoe Forest Hospital District

Attention: Alyce Wong, Chairperson
PO Box 759
Truckee, CA 96160

Tahoe-Truckee Sanitation Agency

Attention: Blake Tresan, President
13720 Butterfield Dr
Truckee, CA 96161

Talmont Resort Improvement District

Attention: Tim Schroeder, President
PO Box 1294
Tahoe City, CA 96145

Truckee Tahoe Airport District

Attention: Rick Stephens, President
10356 Truckee Airport Road
Truckee, CA 96161

Placer County Jails, Holding Facilities, and Coroner's Office

Annual Inspections



Photo credit: Norma J. Worley

Placer County Jails, Holding Facilities, and Coroner's Office Annual Inspections

Summary

This report summarizes the 2023-2024 Placer County Grand Jury's inspections of the three Placer County jails and three holding facilities. The grand jury conducted inspections at each of these facilities and found most to be clean and well-maintained. Findings for each facility are noted within their respective sections. The grand jury also visited the Placer County Sheriff's Coroner's Office.

Jails

- South Placer Adult Correctional Facility in Roseville
- South Placer Minimum Security Facility in Roseville
- Placer County Main Jail in Auburn

Holding Facilities

- Historic Auburn Courthouse
- Hon. Howard G. Gibson Courthouse in Roseville
- Tahoe Substation in Tahoe City

Coroner's Office

Glossary

Bill Santucci Justice Center: This complex consists of the South Placer Adult Correctional Facility, Placer County Minimum Security Facility, Hon. Howard G. Gibson Courthouse, Placer County Probation Department, Coroner's Office, and the District Attorney's office.

California Assembly Bill 109: One of many legislative bills which reduced inmate population by shifting the responsibility of housing lower-level offenders from the state to the counties.

Forensic Pathologist: A medical doctor qualified as an expert in determining manner and cause of death.

Holding Cell: A small, secure room in a courthouse in which an inmate is held temporarily pending charge, trial, or sentencing.

Hon. Howard G. Gibson Courthouse: A courthouse containing a holding facility as part of the Bill Santucci Justice Center.

Placer County Corrections Officers: Non-sworn officers employed by the Sheriff's Office that work within the detention facilities.

Placer County Deputy Sheriff: A Placer County sworn officer employed by the Sheriff's Office and also serves as a deputy coroner.

Placer County Juvenile Detention Facility: A medium-security county jail located in Auburn, California. It serves as a secure environment for youth who have been arrested within Placer County.

Placer County Main Jail: The county's primary jail located in Auburn.

Placer County Sheriff's Office: The county agency responsible for all corrections facilities and staff.

Placer County Sheriff's Coroner's Office: This office's responsibility is to conduct a complete and objective medicolegal investigation surrounding "reportable" deaths within Placer County, the purpose being to determine the circumstances, cause, and manner of death. The Placer County Sheriff is also the County Coroner.

Placer County Tahoe Substation: A small holding facility located in Tahoe City, also known as Burton Creek.

Respiratory Personal Protection Equipment: Equipment worn to minimize exposure to hazards which may cause workplace injuries and illnesses.

The Americans with Disabilities Act: A federal law which protects people with disabilities in many areas of public life.

Background

Section 919(b) of the California Penal Code mandates, "*The Grand Jury shall inquire into the condition and management of public prisons within the county.*" The state defines public prisons as jails, holding facilities, and detention centers for temporary, medium, or long-term confinement.

Methodology

The Placer County Grand Jury (PCGJ) visited each facility, conducted interviews with correctional and coroner's staff, and inmates. The PCGJ observed inmates in the housing units and engaging in supervised activities in the various day rooms. The PCGJ did both planned and unplanned visits to the various jails and holding facilities.

Discussion

Jails

Placer County Main Jail in Auburn

The present Auburn jail facility opened in July 1985, at a construction cost of \$4.5 million. The original structure was rated by the California State Board of Corrections for 108 inmates. Within two months of operation, the total reached 148 inmates. By 1990, the population had increased to 272 inmates.

In 1990, a federal court order restricted the daily population to 148 inmates resulting in construction of a 260-bed addition to the jail, which opened in 1992.¹ Current population averages 323 inmates.

This facility is the second oldest of Placer County jails and was inspected by the grand jury on September 26, 2023. Compared to others, this facility is starting to show its age. Like most Placer County jails, state legislation such as AB 109, has caused them to house inmates for years, not just months. One currently housed inmate is serving a nine-year sentence. The Placer County Main Jail (PCMJ) has a maximum capacity of 352² inmates. Once they reach 90 percent, inmates are released to other jails, or they are released on bail.



Photo Credit: Norma J. Worley

The PCGJ was accompanied by Placer County Sheriff's Office (PCSO) command staff as well as two Placer County Correctional Officers (PCCO). When the PCGJ arrived, the grand jury noted it appeared the jail had been cleaned for our inspection despite several deficiencies noted below.

1. Respiratory Personal Protection Equipment (RPPE) was not observed during the inspection.
2. Decontamination stations were not observed proximate to the holding area.
3. For the suicide watch cell checks, the PCMJ lacks technology that will automatically and electronically log time and by whom.
4. No correction officers or sheriff's personnel were observed wearing department issued body-worn cameras.³
5. Several grand jury members noted a mild odor of ammonia in the booking area, apparently from human waste. Also noted, in one of the small pods, there was an overwhelming stench. As explained by the staff, this odor was caused by an inmate

¹ Placer County Website. <https://www.placer.ca.gov/2482/Auburn-Jail> .Accessed January 20, 2024.

² Placer County Superior Court. <https://www.placer.courts.ca.gov/sites/default/files/county-main-jail.pdf> Accessed March 28, 2024.

³ General Orders Manual-Operations XXVI, Section V. <https://www.placer.ca.gov/DocumentCenter/View/41952/General-Orders->. Accessed March 28, 2024.

spreading his urine and feces on his cell walls. The odor was strong enough to drive members of the grand jury out of the pod area to seek breathable air.

6. The PCGJ noted the upper control booth was cluttered with staff personal items.
7. Because the PCMJ has no The Americans with Disability Act (ADA) compliant housing, all inmates requiring this type of housing are transferred to South Placer Adult Correctional Facility (SPACF).

One positive observation of the PCMJ was the tour of the mail room by a PCCO who explained the jail procedures for incoming mail, packages, and printed media. This PCCO oversees the extremely small mail room that is constantly screening for contraband (drugs, pornography, etc.), which could infiltrate the PCMJ. This is the only Placer County jail currently using electronic mail screening.

On January 18, 2024, the grand jury made an unannounced visit to the PCMJ and found the staff to be cooperative and informative. The PCGJ observed:

1. The ammonia odor previously noted in the small pod had been resolved.
2. The RPPE in the upper control booth was seen and readily available to staff.
3. The kitchen was clean.
4. The PCGJ was informed that the mail room correctional staff have been recruited by other law enforcement agencies to instruct on their procedures and their drug detection equipment regarding potential mail contamination.
5. Staff informed the grand jury they are considering future mail technology that would scan inmates' personal incoming mail and forward it to the inmate via email. This would eliminate the printed materials being handled by the staff or inmates.

Bill Santucci Justice Center

After an assessment identified additional jail capacity as a need to address future growth, Placer County began construction of a new jail facility in 2008. Phase one of the jail was mostly completed in 2012 at a cost of \$30 million.⁴ The building is approximately 200,000 square feet and has a rated capacity of 420 inmates. In 2022, the Placer County Board of Supervisors authorized the award of two design-build contracts totaling \$56 million for the construction of the Mental Health Facility and the Vocational Training Center.⁵ The South Placer location in the Santucci Justice Center is part of a larger, multi-year planned development to meet the needs of Placer County residents.⁶

The facilities located at the Santucci Justice Center were inspected on November 19, 2023. The inspection began at the vocational building's future site now under construction. This

⁴ Dreyfuss & Blackford, LLC. <https://www.dreyfussblackford.com/project/south-placer-county-santucci-justice-center-courthouse/>. Accessed January 29, 2024.

⁵ Placer County Supervisors authorize \$56 million for Sheriff's Office facilities. <https://www.placer.ca.gov/8034/Supervisors-authorize-56-million-for-two>. Accessed January 29, 2024.

⁶ Placer County South Placer Jail. <https://www.placer.ca.gov/2483/South-Placer-Jail>. Accessed January 29, 2024.

larger building will have space for teaching inmate skills such as welding, sewing, computer art, and other trades. Located next to the construction area is the small two-story Sewing, Printing, Embroidery, and Crafts (SPEC) training area. It houses equipment to provide inmates with vocational training on printing and embroidering shirts, hats, stickers, etc., and laser printing on items such as wood. There is also an area at the back side of the jail, which is set up for landscape training.

A Jail Based Competency Treatment building is also under construction. This will house up to forty-five inmates for mental health treatment. The goal is to treat inmates with mental health issues so they may become competent to face trial. According to staff, the length of time to regain competency for most inmates is approximately fifty-five days.

There were no deficiencies found by the grand jury during this inspection.

South Placer Adult Correctional Facility

The SPACF contains two wings, referred to as A-Pod and B-Pod, which are located next to each other and each houses different levels of inmates. B-Pod houses inmates who are, according to staff, “less sophisticated inmates who have not been to prison.” A-Pod houses those inmates who have been to prison and are serving lengthy sentences. Both pods have an assigned correctional officer who sits in the unit, patrols hourly at random, and opens and closes cell doors. There is a third officer who moves between the two units, to observe and help as needed.

The common area is maintained by the inmates and appeared very orderly. Inmates are in the common area for five hours a day, even though current state law requires only one hour per day. While in the common area, inmates have access to phones and tablets having no internet connectivity.

The PCGJ also inspected the weapons storage unit. Staff are in the process of changing the riot gear and armory room into a personal protection equipment storage area and a mail room to house new drug detecting equipment.



Photo credit: Norma J. Worley

The SPACF has an impressive kitchen operation, serving one million meals per year. The contractor, Summit Correctional Services, trains inmates to work in the kitchen and manages with oversight from correctional officers. The kitchen facility contains state-of-the-art equipment, multiple cold rooms for meal preparation, several large walk-in freezers, industrial sized equipment, and was in tip-top shape. The kitchen also provides meals for the Placer County Juvenile Detention Facility, PCMJ, and Meals on Wheels. In the event of a local emergency, the facility would be able to provide meals for the community-at-large.

There is also a two-week culinary training program. This program was recently featured on a CBS news station applauding its success. Currently, PCSO is teaming up with local restaurants to secure employment for the graduates of this program. Forty-three people from PCSO custody have graduated from the two-week training program.⁷ The PCGJ found no deficiencies at this facility.

Placer County Minimum Security Facility

The minimum-security facility, located at the Bill Santucci Justice Center, has only dormitory-style housing with one male and one female pod. These inmates are responsible for cleaning of the unit. They are housed in a common area with bunks, no cells, and unless they are locked down for behavioral issues, they can move about freely.

The PCGJ interviewed two inmates from this unit and found them to be polite and forthcoming. Both agreed if you are sentenced to a county jail, the Placer County Minimum Security Facility (PCMSF) is the best place to be housed.

The officers the grand jurors spoke with are very committed in their roles at PCMSF and try to assist with the rehabilitation of the inmates in their custody. The facility is well designed and maintained. All areas were clean and organized. The PCGJ found no deficiencies at this facility.

Holding Facilities

Historic Auburn Courthouse Holding Facility

In 1848, Placer County Court was conducted in a 20' x 20' wooden building with wooden floors and a zinc roof. The windows held no glass, and there were no doors, so when the sun rose and set on the zinc roof, it was incredibly hot. In 1853, the community realized a new courthouse would be needed and a two-story wooden courthouse located on Court Street was built. The lower level housed various county offices, as well as an office for the grand jury. The upper level housed a courtroom and two jury rooms. A fire in 1855 destroyed the jail, but the courthouse was saved. In 1891, after 38 years of service, the building was old, unsightly, and unsafe.

The Historical Auburn Courthouse (HAC) we know today was opened in 1894 when the first section of the new jail was completed. Over the next 50 years, the new courthouse would be used to conduct all county business.⁸

On October 3, 2023, the grand jury conducted their yearly inspection of this facility. The facility was clean, and staff were very informative and forthcoming. Generally, the courthouse has six to seven staff members on duty. The three courtrooms have been modernized to meet today's judicial needs. This was the only jail where all uniformed staff were observed wearing their department-issued body-worn cameras. During the

⁷ [Rocklin restaurant serves up second chances for Placer County inmates CBS Sacramento \(cbsnews.com\)](https://www.cbsnews.com/news/rocklin-restaurant-serves-up-second-chances-for-placer-county-inmates/). Accessed February 1, 2024.

⁸ Placer County Courts. <https://www.placer.courts.ca.gov/general-information/history-court/>. Accessed January 5, 2024.

inspection, the grand jury was told there are normally only three to four inmates held in the holding cells on any given day. Staff also informed the grand jurors that near the entrance new scanner technology is being installed, for which the funding has been approved. The only negative observation at the HAC was the dirty staircase leading up to the holding cells.

Hon. Howard G. Gibson Courthouse

This facility is used for temporary housing while inmates are waiting to enter the courtroom.

Inmates enter the courthouse facility via a quarter-mile underground tunnel running from SPACF booking to the Gibson Courthouse basement. They are put into holding cells based on classification. During the tour, many were housed in larger cells together, while a few were in single-person cells.

The main floor of the unit was very open and had an officer's station in the center of the room with several officers at the workstation. The environment was exceedingly clean, brightly lit, calm, and quiet.

Inmates are transported to the actual courtroom using an elevator. Upon arrival in the upstairs area, the inmate is taken off the elevator by the PCCO and held in a cell until their case is called. The upstairs holding area is between two courtrooms and provides access to both.

The building design was extremely well thought-out for the purpose of security and convenience of moving inmates about the facility. The staff seemed to care about the welfare of those housed in the unit and everything appeared to be in good repair and well maintained.

Tahoe Substation

Constructed in 1959 in preparation for the 1960 Winter Olympics in Tahoe, this two-story wood-frame building now houses the North Tahoe area Sheriff's substation, jail, Placer County Superior Court, and a regional District Attorney's Office. The facility is outdated, undersized, and located on an environmentally sensitive site within the jurisdiction of the Tahoe Regional Planning Agency. In the 1999-2000 Placer County Grand Jury's Final Report, it was noted "...that as early as the mid-1990s, the Placer Grand Jury has recommended replacing the facility." This report also stated the county agrees it should be replaced and expects this to take place "...no earlier than 2006 and possibly as late as 2011." A year later, in the 2001-2002 Final Report, the Placer County Grand Jury recommended Placer County replace the current substation as they were "...appalled at continuing safety and liability issues that jeopardized human life



Photo credit: Placer County Sheriff's Office Facebook page

and the financial stability of the county.”⁹ The Board of Supervisors recently authorized land use consulting, project planning, and entitlements to facilitate the design of the new Tahoe Justice Center. The new Tahoe Justice Center will provide Tahoe area residents with a facility for public safety for the PCSO and court services.

The grand jury inspected the Tahoe Substation holding facility on October 11, 2023. It is a small facility, which staff has efficiently organized. Video cameras are installed in public areas. Each staff member has been issued their own RPPE. The weapons locker was well organized. The PCGJ also learned the interior of the building is maintained by the staff, sometimes at their own expense. All staff were polite and eager to show their small holding facility.



Photo credit: Placer County Sheriff's Office Facebook page

Inspection deficiencies noted at this location included:

1. Evidence and property area cluttered but well organized considering the lack of available space.
2. Evidence software is approximately ten years old and, while not ideal, “does the job” according to staff.
3. Printing occurs on a different floor, away from the evidence room.
4. In winter, the access road to the building is dangerous and lacks traction for all vehicles trying to reach the parking lot due to snow and ice. There is a small, covered entry area in the back parking lot, but it does little to protect staff, detainees, or evidence from inclement weather.
5. Detainees cannot be held overnight at the Tahoe Substation but must be transported to the Auburn or Roseville facilities. When the Tahoe Substation is closed or during inclement weather when Interstate 80 is impassable, detainees may be taken to the Truckee Jail in Nevada County. The contract cost to house these detainees in Nevada County is over \$500,000 a year.¹⁰

⁹ Placer County Grand Jury 2017-2018 Final Report. <https://www.placer.courts.ca.gov/general-information/grand-jury/grand-jury-reports-resolutions/grand-jury-reports-2017-2018>. Accessed March 20, 2024.

¹⁰ Memorandum Sheriff's Office dated August 29, 2023. www.placer.ca.gov/DocumentCenter/View/73340/05B. Accessed March 13, 2024.

Placer County Sheriff's Office, Coroner's Unit

In Placer County, the Office of the Coroner was established in 1851 with the creation of the county. It is the role of the elected Placer County Coroner to investigate and make determinations of deaths, with the assistance of a forensic pathologist. Until 2021, this unit operated out of a 1,500-square-foot morgue facility constructed in the 1940s. This facility had one autopsy station and separated three key players: forensic pathologists, the Chief Deputy Coroner, and coroner investigators, who worked from different locations.



Photo Credit: Norma Worley

The new site is located within the Bill Santucci Justice Center in Roseville. This facility spans 20,000 square feet and includes an 1,800-square-foot autopsy complex with five autopsy stations and an observation platform with views into two autopsy suites. This \$28.5 million project is part of the county's five-year capital improvement plan approved in 2018 by the Board of Supervisors, as well as part of the Placer County Criminal Justice Master Plan.¹¹



Photo Credit: Norma Worley

California Penal Code § 919(b) does not require the PCGJ to inspect this facility. However, on February 27, 2024, the opportunity to visit presented itself to the grand jury. The goal of the PCGJ visit was to inform Placer County residents of the functions of this state-of-the-art facility.

The grand jury found this office not only handles autopsies for Placer County but has contracts to provide forensic examinations with Yuba, Nevada, Sierra, and Sutter Counties. This office usually performs over 800 autopsies a year but is on track for approximately 900+ for 2024. Only about 40 percent of the autopsies originate in Placer County, with the remaining coming from the four contracted counties. The staff also explained that not all deaths require autopsies and not all bodies are sent to the Coroner's Office. Only deaths reportable to the Coroner's Office by California Government Code § 27491 are required to be autopsied. Those include deaths "due to homicide, suicide, accidental, or undetermined deaths; deaths where someone has not been seen by a physician within twenty days of death; or sudden deaths, where attending physicians cannot determine cause of death."¹²

¹¹ Gold Country Media. <https://goldcountrymedia.com/news/187957/a-galactic-step-up-placer-county-sheriff-unveils-new-coroner-facility/>. Accessed February 7, 2024.

¹² Placer County Coroner Website. <https://www.placer.ca.gov/2461/Coroner>. Accessed February 29, 2024.

The Coroner's Office staff were very informative, knowledgeable, and polite. Grand jurors were also advised that until recently, the county employed two forensic pathologists; however, both positions are currently vacant. After a failed nationwide search, the county made the decision to contract with a private company for forensic pathology services.

During the tour, staff informed the grand jurors that the county is extremely proud of their state-of-the art equipment. Even more exciting, staff reported they will soon receive a new advanced postmortem computed tomography (CT) scanner, which will be the first in the nation. This CT scanner will allow pathologists to use less invasive techniques in their forensic procedures. Despite its three years of use, the entire facility looked brand new. The grand jurors were advised that in the event of a natural disaster or mass casualty event, the morgue would be able to process large numbers of victims with large, refrigerated storage trailers located behind the facility.

Conclusion

Apart from the Placer County Main Jail in Auburn and the Tahoe Substation in Tahoe City, the grand jury was pleased with the condition of the correctional facilities. The correctional staff were polite, informative, and knowledgeable of their duties. Except as noted in the findings and recommendations, the buildings were clean, bright, and uncluttered. The Placer County Main Jail is outdated and needs to be replaced, along with the Tahoe Substation facility.

Findings

Historical Auburn Courthouse

The grand jury found:

- F1.** The only jail facility where all deputies were observed wearing department-issued body-worn cameras.
- F2.** The stairs to the holding cells are dirty and need cleaning.
- F3.** New scanner technology near the entrance is being installed and funding for this project has been approved.

Placer County Main Jail

The grand jury found:

- F4.** No correctional staff or sheriff's deputies were observed wearing department-issued body-worn cameras.
- F5.** The upper control booth was cluttered with staff personal items.
- F6.** This facility is not compliant with The Americans with Disabilities Act, and all inmates who require this accommodation must be transferred to South Placer Adult Correctional Facility.

- F7.** The kitchen meets standards for cleanliness.
- F8.** The intake of all incoming mail is scanned first to find any contraband that may be sent to inmates from outside the facility.
- F9.** This is the only Placer County Jail electronically scanning incoming mail.
- F10.** The correctional staff who maintain the mail room and incoming mail are highly trained and are being asked to train other agencies.
- F11.** Future mail technology may include all correspondence being electronically scanned and sent to inmates via email.

Tahoe Substation

The grand jury found:

- F12.** The evidence logging software used to record and categorize evidence is over ten years old.
- F13.** There is limited roadway traction for vehicles to reach the small parking lot safely during inclement weather.
- F14.** There is no covered entry or walkway to protect staff, visitors, detainees, or evidence from inclement weather, and is not compliant with The Americans with Disability Act.
- F15.** The Placer County Board of Supervisors recently authorized land use consulting, project planning, and entitlements to facilitate the design of the new Tahoe Justice Center.

South Placer Main Jail

The grand jury found:

- F16.** Training programs that are taught at this facility include sewing, printing, embroidery, crafts, culinary arts, and landscaping.
- F17.** There is ongoing construction which will expand mental health services and provide a larger vocational training building for welding and other trades.
- F18.** The jail has an impressive kitchen operation, serving one million meals a year to Placer County Main Jail, Meals on Wheels, Placer County Juvenile Detention Facility, and in the event of an emergency, the facility can provide meals for the community-at-large.
- F19.** New rehabilitation programs are added as officers seek additional ways to help inmates transition back to life outside the jail.
- F20.** This jail facility is well-designed, well-maintained, and all areas were clean and organized.

Hon. Howard G. Gibson Courthouse

The grand jury found:

- F21.** This facility is used for the temporary housing of inmates waiting to appear before the courts.
- F22.** The inmates enter the facility via an underground tunnel that runs from South Placer Main Jail booking to the courthouse.
- F23.** Inmates are held in holding cells based on classification.
- F24.** The main floor of the courtroom holding area was open and has an officer's station in the center of the room.
- F25.** The environment was exceedingly clean, brightly lit, calm, and quiet.
- F26.** The staff demonstrated the elevator system that moves from the holding area to the actual courthouse.
- F27.** The building design was extremely well thought-out for the security and convenience of moving inmates about the facility.

Recommendations

Placer County Main Jail

The grand jury recommends:

- R1.** While on duty, all uniformed staff wear department-issued body-worn cameras by October 1, 2024.
- R2.** Respiratory Personal Protection Equipment will be easily accessible for staff by October 1, 2024.
- R3.** The upper control booth will be cleared of all unnecessary staff personal items and the remaining items be organized by October 1, 2024.
- R4.** The Placer County Sheriff's Office expand the incoming mail scanning equipment and procedures to all jail facilities by July 1, 2025.

Tahoe Substation

The grand jury recommends:

- R5.** The ten-year-old current software program used to record and categorize evidence be updated by July 1, 2025.
- R6.** By January 1, 2025, the Placer County Board of Supervisors will continue moving the process of replacing the Tahoe Substation.

Historic Auburn Courthouse

The grand jury has no recommendations.

South Placer Adult Correctional Facility

The grand jury has no recommendations.

South Placer Minimum Security Facility

The grand jury has no recommendations.

Hon. Howard G. Gibson Courthouse

The grand jury has no recommendations.

Required Responses

Pursuant to Penal Code § 933.05, the Placer County Grand Jury requires a response from the following governing entities:

| <u>Responding Entity</u> | <u>Findings Requiring Response</u> | <u>Recommendations Requiring Response</u> | <u>Due Date</u> |
|---|---|--|--------------------------|
| Sheriff Wayne Woo Placer County Sheriff 2929 Richardson Dr Auburn, CA 95604-6990 | F4, F5, F6, F11, F14, F15, F16 | R1, R2, R3, R4, R5 | September 3, 2024 |
| Placer County Board of Supervisors 175 Fulweiler Ave Auburn, CA 95603 | F15 | R6 | October 1, 2024 |

Copies sent to:

Sergeant Eric Hintze
Chief Deputy Coroner
Investigations Division
10951 Veterans Dr
Roseville, CA 95678

Placer County Juvenile Detention Facility

Annual Inspection 2023-2024



Photo credit: Placer County Grand Juror

Placer County Juvenile Detention Facility Annual Inspection 2023-2024

Summary

The Placer County Grand Jury inspects the Placer County Juvenile Detention Facility annually. On October 31, 2023, eight Placer County Grand Jurors toured and inspected the facility. They found the facility to be clean, well maintained, and well designed for efficient functionality, seamlessly integrating public areas with the juvenile court and locked holding units.

The Placer County Probation Department oversees the operations of the Juvenile Detention Facility. The inspection tour was led by two high level probation staff assigned to the Placer County Juvenile Detention Facility. In addition to a visual inspection, the grand jurors were informed of the various programs and services available within the facility. These programs and services include educational opportunities, medical and mental health, religious, exercise, counseling, and enrichment programs.

Background

California Penal Code § 919(b) authorizes the Placer County Grand Jury to inspect all jails and holding facilities in Placer County on an annual basis. While not required by the penal code, the Placer County Superior Court presiding and advising judges requested the Juvenile Detention Facility be included in these annual inspections.

Methodology

The grand jury conducted interviews with facility staff during the tour. They reviewed the annual inspection questionnaire, which is based on a version of the California Grand Jury Association's form and completed by detention facility staff. The grand jury also reviewed the 2023-2024 Board of State and Community Corrections (BSCC) Biennial Report¹ and the 2022-2023 Placer County Grand Jury Final Report for reference.

Discussion

The Placer County Grand Jury (PCGJ) toured the Juvenile Detention Facility (JDF) on October 31, 2023. Grand jurors were brought in through the booking area where detained youth are initially processed. There are two holding cells available during the intake process. Medical and mental health staff conduct assessments for medical and mental health, abuse, and other related concerns on all youth who enter the facility. Bilingual individuals are on staff at the JDF, as well as interpreters being available by phone should a detainee require this service.

If a detainee is under the influence of drugs or alcohol, they may be taken to the hospital to be medically cleared before processing at JDF. Once processed at the JDF, youth are

¹ 2023-2024 Board of State and Community Corrections Local Detention Facility Reports. <https://www.bscc.ca.gov>. Accessed December 29, 2023.

provided with an orientation handbook, clothing, bedding, and personal hygiene products. The clothes and belongings a youth arrives with are placed in a garment bag and hung in the property room until the detainee is released.

The JDF has capacity for seventy-eight detainees. When PCGJ toured, there were seventeen youth in custody and seven probation officers on staff, a higher ratio than required by BSCC, which mandates one officer for every ten detainees. While the state mandates one officer per housing unit, Placer County JDF assigns two officers to each housing unit. There were two females in custody and fifteen males at the time of inspection. Detainees are not separated by gender within the facility but have separate locking rooms.

With the closure of California's Department of Juvenile Justice (DJJ), commonly referred to as California Youth Authority, youth were to be returned to their county of origin's juvenile detention facilities. There was concern this would impact the facility with an influx of offenders who had been charged with more serious offenses. At the time of the inspection, there were two DJJ youth who had been transferred to the JDF. Those who were incarcerated as a minor may continue their sentence up to twenty-five years of age. Once a detainee turns twenty-five, they are released from custody, regardless of the sentence received as a minor.

Youth are classified using a risk assessment based on several factors including physical size, demeanor, and the offenses for which they are charged. This determines in which housing unit they will be placed. There are four housing units, A, B, C, and maximum security (Max). Unit A houses lower-level offenders, or general population. The B unit, also referred to as Secure Track, is reserved for higher-level offenders, those with longer incarceration periods, and has a higher level of security. The C unit is for those participating in Placer Youth Center and houses a game room and library for use by all. The Max unit is for those who have committed a WIC § 707(b)² offense which may include murder, attempted murder, arson, robbery, and other violent crimes. The offenders who came from the DJJ are currently housed in the Max unit.

All room doors are solid with a small window for conducting a visual inspection to ensure youth are in their rooms and safe. The exteriors of all doors have a QR code which, when scanned, confirms staff has conducted a visual room check and sends this data to the main terminal. This allows staff more time on the floor to focus on, and observe, youth while reducing trips back and forth to log information into a centralized computer. The device reminds staff when a room check is due. Supervisors can print logs for any missed checks, which allows for immediate follow-up, if necessary.

Grand jurors learned the Placer County JDF houses youth primarily from Placer County. Placer County JDF is contracted to accept youth from Amador, El Dorado, Nevada, Plumas, and Sierra Counties, as those counties do not have facilities to house juvenile offenders. The contracts are identical and billed on a per youth/per day basis at a rate of \$125. In Placer

² California Welfare and Institutions Code. [California Code, Welfare and Institutions Code - WIC § 707 | FindLaw](#). Accessed March 3, 2024.

County, Juvenile Court is held within the same building that houses the JDF. There are several security doors between the courtroom and holding facility to ensure safe transfer to court. Having the courtroom on site allows youth to be easily escorted by probation officers to the courtroom for their hearings and trials.

Typically, the youth from Placer County spend less time incarcerated than youth from other counties, as the Probation Department does not have control over other counties' court schedules. When their court dates are determined, youth from other counties are picked up by staff from their respective county and transported to their courthouse. Depending on the outcome of their court appearance, they may return to Placer County JDF to serve the remainder of their sentence.

Meals

Meals are prepared by inmates at the Santucci Justice Center in Roseville and delivered to the JDF daily. Menus are posted weekly. Breakfast is served at 7:30 a.m., lunch at 11:55 a.m., and dinner at 4:45 p.m. Meals are served in the day room within the housing units. Detainees have access to an evening snack as well.

Education

Educational opportunities are provided by the Placer County Office of Education (PCOE). School is in session Monday through Friday from 8:30 a.m. – 1:45 p.m. with a break for lunch. Students remain in the same classroom with teachers rotating between classrooms. Students continue to earn school credits while they serve their sentences.

Placer County Probation, along with PCOE and Sierra College, have been awarded the Rising Scholars Grant. This grant provides secondary ongoing education to detainees. Placer County Probation has set up a computer lab, which allows high school graduates to attend college courses virtually. High school graduates may be enrolled with the Department of Rehabilitation for further educational and vocational assistance. The PCOE has dedicated a Transition Specialist to focus on assisting with junior college financial aid paperwork.

The PCOE also offers a variety of Life Skills Classes through Career Technical Education (CTE). These courses are two hours per week for each student. The CTE offers the following courses: food handlers, customer service, preparing for college career, first aid, CPR, success skills, food and nutrition, and financial literacy. The PCOE has dedicated an Employment Placement Specialist who works with each youth's employment needs through their Workability Program. This program provides pre-employment transition skills training and helps youth develop the skills necessary for employment. Services include vocational assessments and workplace etiquette and guidance.

Placer County Probation, along with PCOE, continue to look at the needs of each youth individually. At times, a PCOE Student Support Practitioner will work with a youth on an Independent Living Program (ILP). An ILP is designed to serve detainees aged sixteen through twenty-one who are incarcerated or in foster care. Each program staff member

encourages the youth to integrate the course materials as part of their daily lives in the hope they are better prepared to transition to adulthood and independence.

Health and Wellness Programs

There are several programs offered to youth throughout the institution to address social, behavioral, and substance abuse issues.

Behavioral and Social Programs:

- Positive Behavior Interventions and Supports (PBIS) – teaches the rules and expectations for various locations within the facility, based on expectations determined by the detention facility staff.
- Healthy Relations – The Love Notes program builds skills and knowledge for healthy and successful relationships with partners, family, friends, and co-workers. It is designed to help young people make wise relationship choices.
- Hip Hop Congress – Auburn’s Hip Hop Congress program “Urban Arts for Change” is designed to provide at-risk youth access to the arts. Through this program, young participants can explore a variety of written and performance art forms in workshop settings. This program helps develop pro-social skills, coping skills, and emotional awareness through music therapy.
- Hygiene and Health Program – offered weekly to discuss personal and dental hygiene, disease prevention, exercise, hair care, healthy eating, mental health, skin care, and smoking cessation.
- K9s 4 Kids – the K9s 4 Kids Program gives youth who are experiencing trauma a chance to love and be loved by a well-socialized dog and experience normalcy in what might otherwise be a stressful environment.
- Seeking Safety – teaches coping skills, grounding techniques (deep breathing, meditation, journaling, etc.), and education regarding trauma.
- Teaching Pro Social Skills – problem solving, emotional awareness, and pro-social skills.

Substance Abuse Programs:

- Alcoholics Anonymous – substance and alcohol education and prevention.
- Forward Thinking – substance abuse, emotional awareness, and coping skills.
- Granite Wellness – substance abuse education, awareness, and prevention.

There are additional programs available to those in Secure Track. These include more in-depth life skills programs such as:

- Auburn-Davis Dialectical Behavioral Therapy – emotional awareness and self-regulation, coping skills, and de-escalation.
- Department of Rehabilitation or Golden Sierra – training assistance and opportunities to take junior college courses, and upon completion, enroll in California State University, Sacramento courses.

Placer Youth Center

The Placer Youth Center is a program designed for Juvenile Dependents, or Wards of the court. One goal of this program is to rehabilitate the youth and keep them from being placed in the foster care system. Wraparound services are provided by Court Appointed Special Advocates (CASA), therapists, and probation staff to teach life skills to reintegrate youth and their families. This program is only available to Placer County youth. Those incarcerated from other counties are not eligible for this program.

The program runs 180 days with the option of a reduction to 120 days if program goals are met. There are four phases while in custody and a fifth phase upon release from custody. As a participant progresses through each phase, they are provided more opportunities, including structured outings in the community with their probation officers or CASA mentors (i.e., ball games, hiking in local parks, etc.). Participants must engage in physical exercise, maintain high points in the PBIS program, and continue their education while increasing their GPA through each phase. They must also complete writing assignments after each outing describing their time and interactions away from the facility. Participants will create resumes, apply for employment, practice interviewing, and write thank you letters to prospective employers. Other writing assignments include self-assessments and reflections on what they did to end up in the JDF, what they can do to improve their situation, what they have learned or gained through incarceration, and finally, what they can offer society once released. Writing assignments are turned into staff and supervisors to monitor progress within the program.



*Staircase to the library
Photo credit: Placer County Grand Juror*

Probation staff transports participants to appointments or structured outings, except for family visits, in which case family members check the youth in and out of the facility. Participants wear an ankle monitor when they are outside of the facility. Upon return to the facility, they are treated as though they are a new intake and are searched, drug tested, etc. to maintain security practices.

A Placer County supervising probation officer was awarded the 2023 Supervisor of the Year for developing and administering this program by the Sacramento Region by California Association of Probation Institution Administrators.

Exercise

Youth have access to a variety of exercise programs. Each morning detainees can participate in Large Muscle Exercise. This may include kickball, basketball, frisbee golf, and other activities. There is an indoor gym and an outdoor yard for exercising.



Exercise Area

Photo credit: Placer County Grand Juror

Incentives

There are several incentives for offenders who follow rules and stay out of trouble. These include: an extra mattress, extra pillow, the ability to hang photos in their room, books, and extra snacks. They are also provided with different colored shirts to identify them as meeting the PBIS standards. Points are awarded for following PBIS standards as follows:

1. All youth begin at level one.
2. They will be graded throughout the day and can earn up to twenty-six points per day. Youth are graded on school participation and behavior, exercise, open recreation, and room conditions.
3. To move up to the next level, youth must maintain the next level's points for three days. If they cannot maintain that level, they will be demoted to a lower level.
4. Involvement in a major incident is subject to loss of all levels and must be approved by a probation supervisor.
5. If serving a school suspension or disciplinary action, only one point may be earned during the time served for that consequence.
6. A "high level" of twenty-two points must be maintained for three consecutive days to move up a level. Earning a total of twenty-two points by 8:00 p.m. allows youth to participate in "late night."
7. Token cards are awarded to those with outstanding behavior and may be exchanged for food and hygiene products, twice a week.

The purpose of this grading system is to hold youth accountable for their behavior, attitudes, hygiene, hall movement, and care of room while in the detention facility. Staff may use actions such as corrective counseling, loss of privileges, and time outs for those not complying with PBIS activities.

Medical and Mental Health Services

Medical services are provided between 7:00 a.m. and 7:00 p.m. Mental health services are available between 8:00 a.m. and 5:00 p.m. Should a medical or mental health emergency arise outside these times, staff will contact Wellpath³ or the Placer County Mobile Crisis

³ Wellpath Medical and Mental Healthcare. [Medical And Mental Healthcare | Wellpath Care](#). Accessed December 29, 2023.

Team. Counseling is provided by the County of Placer Children’s System of Care.⁴ In some cases, youth are assigned individual therapists.

Safety and Technology Updates

All smoke and fire alarms were replaced in October 2023 and signed off by CalFire. They are inspected quarterly, and fire extinguishers inspected monthly. Fire drills are conducted monthly within the facility. Video cameras were recently replaced with higher resolution cameras. By December 2024, the video monitors in Central Control will have been upgraded to touch screens and the user stations will be upgraded to sit/stand units. The video feed monitors forty-six views, eight of which are exterior feeds.

Religious Services

Church services are provided each Saturday, and a chaplain is available on Thursdays. The chaplain is also available for one-on-one calls, if requested.

Conclusion

The 2023-2024 Placer County Grand Jury found the Placer County Juvenile Detention Facility meets all requirements of the Board of State and Community Corrections and exceeds the minimum level of staff-to-youth ratios set by the Board of State and Community Corrections. The facility is clean and well run. There are a variety of health and wellness programs and educational opportunities for those in custody. The grand jury commends the Placer County Probation Department for operating a clean, well-run juvenile detention facility with ample rehabilitation opportunities for re-entry into society.

Findings

The grand jury found:

- F1.** The Placer County Juvenile Detention Facility meets and exceeds requirements for staff-to-youth ratio under the Board of State and Community Corrections standards.
- F2.** The Placer County Juvenile Detention Facility works with Placer County Office of Education to provide educational programs allowing youth to continue their education while in custody.
- F3.** The Placer County Juvenile Detention Facility works with many service providers to provide health and wellness programs to improve behaviors and rehabilitate youth.
- F4.** The Juvenile Detention Facility uses technology to streamline processes enabling staff to spend more time monitoring youth.
- F5.** The Placer County Juvenile Detention Facility operates a clean, well-run facility for youth in Placer, Amador, El Dorado, Nevada, Plumas, and Sierra Counties.

⁴ County of Placer Children’s System of Care. [Children's System of Care | Placer County, CA](https://www.placercountyca.gov/childrens-system-of-care). Accessed December 29, 2023.

Recommendations

The Placer County Grand Jury has no recommendations.

Copies sent to:

Gayle Garbolino-Mojica, Superintendent of Schools

Placer County Office of Education
360 Nevada St
Auburn, CA 95603

Marshall Hopper, Chief Probation Officer

Placer County Probation Department
2929 Richardson Dr, Suite B
Auburn, CA 95603

Melanie Esque, Juvenile Supervision Manager

Placer County Juvenile Detention Facility
11260 B Ave
Auburn, CA 95603

Placer County Board of Supervisors

175 Fulweiler Ave
Auburn, CA 95603



Five-Year Follow-Up to the 2018-2019 Placer County Grand Jury Final Report



Five-Year Follow-Up to the 2018-2019 Placer County Grand Jury Final Report

Summary

Every year the Placer County Grand Jury (PCGJ) publishes a final report. The reports provide citizens of the county an insight into county and city governments, special districts, schools, libraries, the juvenile detention facility, jails, and holding facilities. These reports may offer recommendations to the different entities for possible improvement in their procedures or operations. This year the grand jury looked back five years to the recommendations from the 2018-2019 final report and investigated the updated status of those recommendations.

Background

At the end of their term, PCGJ publishes a report that is released to the public by June 30th of each year. The final report includes reports on all investigations and inspections conducted during the term. Each report contains findings the grand jury discovered during their investigation and may also contain recommendations where the grand jury believes improvements could be made. Penal Code § 933.05 requires county, city, school districts, and special districts' governing boards to respond to findings and recommendations included in the reports.

Methodology

The 2023-2024 grand jury believes it is important to follow-up on the status of responses received previously. Looking back five years, the grand jury reviewed the reports and responses from the 2018-2019 final report. The grand jury was interested in looking at the status of any recommendation where the responding entity answered with one of the following statements:

- The recommendation *is being implemented*.
- The recommendation *has not been implemented but will be in the future*.
- The recommendation *requires further analysis*.

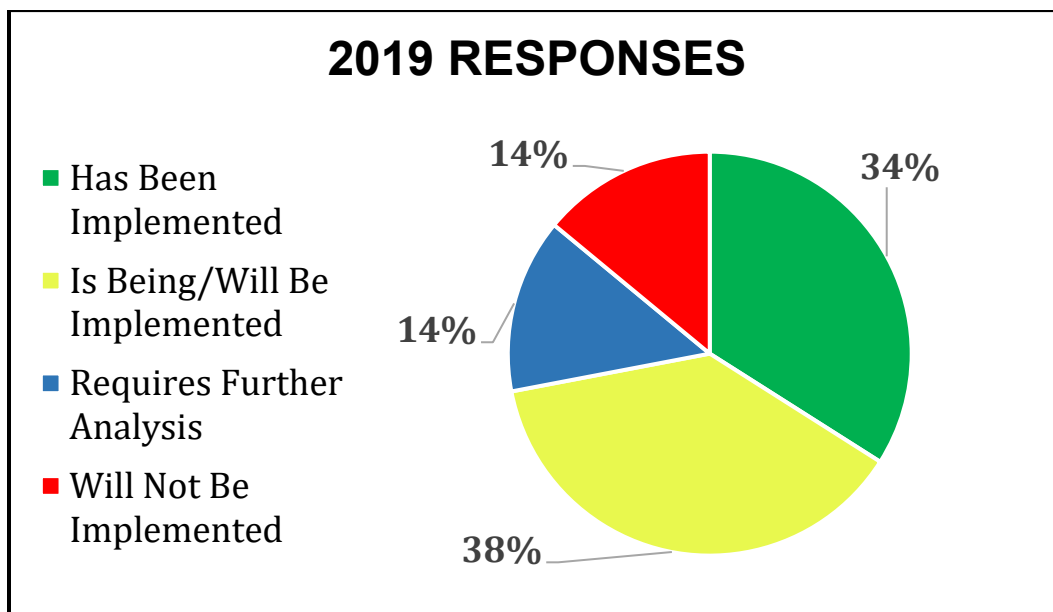
While these responses are not prohibited by Penal Code § 933.05, it does not give the grand jury knowledge of whether the recommendation was implemented. Entities who originally responded recommendations *has been implemented* are not included in this report.

Five letters were sent in November 2023 to individuals or entities who had used one of the three statements above in their initial response in 2019. They were requested to provide an update to the grand jury on each of the recommendations. Reminder letters were sent in January 2024 to those who had not replied. The grand jury received responses from everyone who was contacted.

Discussion

The 2018-2019 final report contained six individual investigation reports and two inspection reports. Within those eight reports there were twenty-one recommendations. At times, different entities are required to respond to the same recommendation, thus the grand jury received eight responses to the twenty-one recommendations.

The chart below shows the four acceptable responses and the initial percentage of each response from 2019. It was encouraging to see 34 percent of the recommendations had already been implemented within five months of the final report being published. The grand jury delved deeper to learn the status of the three categories: is being implemented, will be implemented, and requires further analysis.



The following pages list each of the five reports which required an updated response. A reply was received from the City of Lincoln, Placer County Sheriff's Office, Placer County Juvenile Detention Facility, Roseville Police Department, and the Placer County Chief Executive Officer. Under each report the grand jury has listed the recommendation, the original response, and the updated response. Where indicated, no updated response was required by the entity.

All responses are written exactly as received by the current and previous grand juries.

Lincoln Water Connection Fund

Recommendation 1

Lincoln refund charges that exceed the regulated and unregulated PCWA connection fees due to modification of the rate structure in 2017, even if it exceeds the statute of limitations.

Original 2019 Response:

The City of Lincoln has identified several very low-density residential units that were charged for 2.50 EDU's of capacity rather than 2.37 EDU's of water connection capacity specified withing the relevant development agreement and is in the process of issuing refunds.

Updated 2023 Response: Recommendation R1 has been implemented.

Refunds have been issued.

Recommendation 2

Lincoln identify and refund excess water connection charges to homes in villages for wrong EDU water factor even if it excess of the statute of limitations.

Original 2019 Response:

The City of Lincoln has identified several very low-density residential units that were charged for 2.50 EDU's of capacity rather than 2.37 EDU's of water connection capacity specified withing the relevant development agreement and is in the process of issuing refunds.

Updated 2023 Response: Recommendation R2 has been implemented.

Refunds have been issued.

Recommendation 3

Lincoln identify homes not in villages 13, 19, 23, and portions of 18 that were charged the unregulated PCWA water connection fee instead of the regulated fee and refund the overcharge even if it exceeds the statute of limitations.

Original 2019 Response:

The City of Lincoln believes the Grand Jury has misinterpreted the language of the Twelve Bridges Development Agreement. The development agreement section referenced in the middle of Page 5 of the Grand Jury Report and further specifically identified in Appendix 4 of the Report, is from Part 3.3.3 Water Storage, and is being taken out of context. The ultimate buildout of the Verdera neighborhood of the Twelve Bridges Specific Plan will ultimately be connected entirely to the unregulated service of PCWA. As an interim measure, some villages within Verdera are being back fed by the regulated system by a booster pump on Twelve Bridges Drive, and therefore needed to participate in the City's

water storage system. Section 3.3.4(a) only exempts Villages 13, 19, 23, and portions of 18 from participating in the City's water storage system. It in no way assigns any other villages to either the regulated or unregulated PCWA system. This recommendation will not be implemented because it is not warranted.

Updated 2023 Response: No Response Required

Recommendation 4

Lincoln City Council require a review every 5 years for all connection fees to determine reasonable costs.

Original 2019 Response:

The current executive leadership of the City of Lincoln had identified this deficiency and had been working toward this goal prior to the initiation of the Grand Jury's investigation. This recommendation will be completed by December 31, 2019.

Updated 2023 Response: Recommendation R4 has been implemented.

A new Public Facilities Fee Program Nexus Study Update analysis was performed that included a review of connection fees and a Final Report was produced on August 15, 2022. The report is available on the City's website at [https://www.lincoln.ca.gov/Nexus-Study-Final-report-\(August-10221.pdf](https://www.lincoln.ca.gov/Nexus-Study-Final-report-(August-10221.pdf).

Recommendation 5

Lincoln restructure loans made from the WFC to comply with the state regulations or return the funds to WFC.

Original 2019 Response:

The executive leadership of the City of Lincoln has identified alternatives that will allow the City to return all WFC funds from various inter-fund loans. The City has already returned all WFC funds that had been included in inter-fund loans to the Airport Fund. This recommendation is anticipated to be complete by December 31, 2019.

Updated 2023 Response: Recommendation R5 has been implemented.

This has been resolved. There are no current interfund loans owed to WFC.

Recommendation 6

Lincoln City Council conduct a retroactive study of the performance of city officials and initiate systemic corrective actions including closer oversight of city functions going forward.

Original 2019 Response:

The City of Lincoln disagrees with the recommendation for retroactive performance evaluations. It serves no constructive purpose to evaluate individuals no longer employed by the City of Lincoln. This recommendation will not be implemented because it is neither warranted nor reasonable.

Updated 2023 Response: No Response Required



October 27, 2023

Barbara Ferguson, Foreperson
2023-2024 Placer County Grand Jury
11532 B Avenue
Auburn, CA 95602

RE: Follow-up to Responses to the 2018-2019 Placer County Grand Jury Final Report

Dear Ms. Ferguson:

The City is in receipt of the Grand Jury's correspondence dated October 19, 2023 in follow-up to the City's responses to the 2018-2019 Placer County Grand Jury Final Report. The City's responses to your inquiries therein are as follows.

Recommendation 1:

Refunds have been issued.

Recommendation 2:

Refunds have been issued.

Recommendation 4:

A new Public Facilities Element Fee Program Nexus Study Update analysis was performed that included a review of connection fees and a Final Report was produced on August 15, 2022. The report is available on the City's website at [https://www.lincolnca.gov/Nexus-Study-Final-report-\(August-2022\).pdf](https://www.lincolnca.gov/Nexus-Study-Final-report-(August-2022).pdf).

Recommendation 5:

This has been resolved. There are no current interfund loans owed to WFC.

City Hall
600 Sixth Street
Lincoln, CA 95648
(916) 434-2400
www.lincolnca.gov

Administrative Services - City Manager's Office - Development Services
Fire - Library - Recreation - Police - Public Services

Page 2

Please do not hesitate to contact me if you have questions regarding the responses above.
However, I trust this concludes this matter.

Very truly yours,



Sean Scully
City Manager

Court Ordered Debt

Recommendation 1

The county should only claim, as a cost of collection for court-ordered debt, the time the traffic court clerk's work on delinquent debt or seek to modify this arrangement with the court per GC Section 77212(b).

Original 2019 Response: Recommendation numbered R1 has not yet been implemented but will be implemented in the future.

Placer County will only include in their cost of collections time spent by the traffic court clerk on delinquent debt as indicated by the court in its next quarterly invoice.

Updated 2023 Response: Recommendation numbered R1 requires further study or analysis.

The Superior Court of Placer County will be conducting a time study of the Traffic Court Clerk in the beginning of next year. The county will provide an updated response by April 30, 2024.

Recommendation 2

The county should discontinue claiming time spent on setting up and collecting non-delinquent debt via payment schedules as a cost of collection.

Original 2019 Response: Recommendation numbered R2 will not be implemented because it is not warranted.

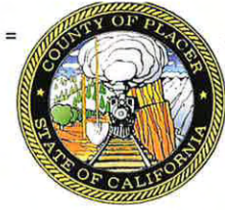
As a cost of collections, Placer County currently excludes expenditures resulting from collecting non-delinquent debt via payment schedules as specified by the court. Placer County meets the requirements for a comprehensive collections program for the collection of delinquent debt as defined within California Penal Code Section 1463.007(c). This allows the County to recover its costs, excluding capital expenditures, for operating its collection program.

Only delinquent debt may be included in a comprehensive collections program's cost of collections. Debt is delinquent and subject to collection by a comprehensive collection program if a defendant has failed to make an installment payment on the date specified by the court, per PC Section 1463.007(b)(3).

Debt with a court-specified installment payment schedule where the defendant has maintained regular payments is not considered delinquent debt and is not included by Placer County as a recoverable cost of collection.

As a means of facilitating efficient debt collection, installment payment schedules are established by Placer County staff on debt referred to the County by the court. This debt is considered delinquent and is therefore subject to recovery of the county's cost of collections.

Updated 2023 Response: No Response Required



COUNTY OF PLACER

BOARD of SUPERVISORS

BONNIE GORE
District 1

JIM HOLMES
District 3

SHANTI LANDON
District 2

SUZANNE JONES
District 4

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District 5

**OFFICE OF
COUNTY EXECUTIVE**

Daniel Chatigny, Acting County Executive Officer

175 FULWEILER AVENUE / AUBURN, CALIFORNIA 95603
TELEPHONE: 530/889-4030
FAX: 530/889-4023
www.placer.ca.gov

December 20, 2023

Placer County Grand Jury
11532 B Avenue
Auburn, CA 95603

Re: **UPDATED** Response to the 2018-19 Grand Jury Final Report – Court Ordered Debt

Dear Grand Jury:

I would like to thank the 2023-2024 Grand Jury for their continued efforts. After careful review, I am pleased to submit the *updated* responses below on the findings and recommendations of the 2018-19 Grand Jury Final Report – Court Ordered Debt.

COURT ORDERED DEBT

R1. The County should only claim, as a cost of collection for court-ordered debt, the time the traffic court clerk's work on delinquent debt or seek to modify this arrangement with the court per GC Section 77212(b).

2018-2019 RESPONSE

Recommendation numbered R1 has not yet been implemented but will be implemented in the future. Placer County will only include in their cost of collections time spent by the traffic court clerk on delinquent debt as indicated by the court in its next quarterly invoice.

2023 - UPDATED RESPONSE

Recommendation numbered R1 requires further study or analysis. The Superior Court of Placer County will be conducting a time study of the Traffic Court Clerk in the beginning of next year. The County will provide an updated response by April 30, 2024.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Chatigny".

Daniel Chatigny, Acting County Executive Officer
Placer County

Cc: Placer County Board of Supervisors
Karin Schwab, Placer County Counsel

Roseville Police Department New P25 Radio System

Recommendation 1

RPD personnel using the P25 radio system are adequately trained.

Original 2019 Response:

As noted in the Grand Jury findings, “training was later provided to some sworn personnel in December 2018.” Specifically, onsite training was conducted for all personnel who use the system via eight (8) onsite classroom sessions led by a contracted subject matter expert. The digital lesson plan which was developed by that subject matter expert has been adopted for future training. I agree radio training should be more of a focus and our agency will incorporate training via multiple methods including:

- Employee briefing training sessions so incumbent personnel understand their radios and how to operate them in order to effectively perform job duties. All Roseville Police personnel are expected to have the ability to use a radio because of our emergency services role in this city.
- New employee orientation training so that all newly hired personnel understand best practices and proper communications protocols.

Updated 2023 Response:

The recommendation, previously listed as “is being implemented” has been fully implemented and continues on an ongoing basis. Staff use their radios everyday so that process alone brings familiarity with the functionality of the radio system. In addition, periodic training during shift briefings has continued where they practice procedures such as the switch to alternate radio channels for different events or for radio failure/malfunction scenarios.

In addition, all newly hired staff are provided radio training which includes reference material showing how to use the radio, the functionality of different channels, how to move between the different radio zones and banks of channels within each zone, all radio codes and procedures.

Recommendation 2

RPD continue using the issue log to identify and address system problems as needed.

Original 2019 Response:

As noted in the Grand Jury findings, “problems have been tracked and resolved cooperatively with the city departments and the vendors using the issue log.” I agree tracking problems in an organized, methodical and collaborative method is the best way to effectively resolve system problems. Following the City protocols, Roseville Police Department will continue using an issue log to capture and address issues. This type of system is a highly adaptable computer network which is dependent on software programs

which will undoubtedly undergo future updates. Our agency will continue to be an active partner with the Information Technology Department to insure future maintenance and change management.

Updated 2023 Response:

This recommendation has also been implemented and continues in use as needed. The maintenance, troubleshooting of any issues, and updates to our radio system continue to be a partnership between the Police Department, our City Information Technology Department, and our radio vendor where we track any issues reported in the field for resolution. This process is managed by our Communications Administrator.

While we did have several issues with implementation of this radio technology when it was first introduced back in 2018 as noted in your original report/request, those issues have been remedied. Currently, we manage the routine maintenance and updates to the radio system, but the large scale issues we experienced during implementation five years ago have been resolved.



ROSEVILLE POLICE DEPARTMENT

1051 Junction Blvd.
Roseville, CA 95678
Troy Bergstrom, Chief of Police

January 2, 2024

Placer County Grand Jury
11532 B Avenue
Auburn, CA 95603

RE: Response to Grand Jury:

Dear Members of the Grand Jury,

This letter responds to the request received on January 2, 2024 as a follow-up to a previous request from October 19th, 2023. I apologize for not responding sooner as somewhere in the process of the request, I did not receive it for response. I value and respect the inquiries made by the Grand Jury and always look to respond in a timely manner so you have the information you have requested.

This particular request stems from a request to retired Chief Maccoun related to issues surrounding our transition to a new radio system in 2018 of which the Grand Jury sent an original request for information on May 27, 2019 and Chief Maccoun responded on June 11, 2019. Following are the updated responses related to your request:

Recommendation 1: RPD personnel using the P25 radio system are adequately trained.

Response: The recommendation, previous listed as "is being implemented" has been fully implemented and continues on an ongoing basis. Staff use their radios everyday so that process alone brings familiarity with the functionality of the radio system. In addition, periodic training during shift briefings has continued where they practice procedures such as the switch to alternate radio channels for different events or for radio failure/malfunction scenarios.

In addition, all newly hired staff are provided radio training which includes reference material showing how to use the radio, the functionality of different channels, how to move between the different radio zones and banks of channels within each zone, and all radio codes and procedures.

Recommendation 2: RPD continue using an issue log to identify and address system problems as needed.

Response: This recommendation has also been implemented and continues in use as needed. The maintenance, troubleshooting of any issues, and updates to our radio system continue to be a partnership between the Police Department, our City Information Technology Department, and

our radio vendor where we track any issues reported in the field for resolution. This process is managed by our Communications Administrator.

While we did have several issues with the implementation of this radio technology when it was first introduced back in 2018 as noted in your original report/request, those issues have been remedied. Currently, we manage the routine maintenance and updates to the radio system, but the large scale issues we experienced during implementation five years ago have been resolved.

Respectfully,

A handwritten signature in black ink that reads "T Bergstrom". The signature is written in a cursive style with a large, stylized "T" and "B".

Troy Bergstrom
Chief of Police
Roseville Police Department
tbergstrom@roseville.ca.us

Placer County Juvenile Detention Facility Annual Inspection

Recommendation 1

Educational opportunities for youth are expanded to include technical training programs.

Original 2019 Response: R1 has been partially implemented and we will continue to strengthen the opportunities for our youth while continuing to operate a safe and secure institution.

- In January 2018, Placer County Office of Education (PCOE) began providing services on youth employment needs through their Workability program. They have had a staff meet with all qualified youth in the facility to discuss their employment interests and needs. This staff meets with them during school hours to discuss employment opportunities and a transition plan once they are released.
- In addition, an onsite Transition Specialist from PCOE is currently working with students on getting their junior college financial aid paperwork (FAFSA) completed along with looking at enrolling at Sierra College by either signing up for classes on their campus or taking classes online. Depending on the length of stay for the youth, they can either attend classes while in custody or utilize a laptop provided by PCOE to complete their classes.
- Last year, a team of Vista Workers from PCOE were assigned to the JDF to determine the appropriate services and resources that needed to be made available to the youth based on the desires and needs of the youth. They updated the Placer County Network of Care and provided a Resource Guide (list with brochures) to the staff and youth at the JDF. The list of resources is provided to the youth prior to their release.
- PCOE and Probation are still actively engaging with Los Rios, Sierra College and Golden Sierra to start a program at the juvenile hall that would include vocational and educational services for our youth in custody to where they can participate in classes onsite and online with instructor from the school. However, the majority of our youth do not have the opportunity for long term programming as the average length of stay is 19 days.

Updated 2023 Response: The recommendation is being implemented.

- Placer County Probation, along with Placer County Office of Education (PCOE) and Sierra College, have been awarded the Rising Scholars Grant. This grant seeks to provide secondary ongoing education to justice involved youth. Placer County Probation has set up a computer lab, which allows our high school graduates to attend college courses virtually. Additionally, we have enrolled our high school graduates with the Department of Rehabilitation for further educational and vocational funding and assistance. In working with students and Sierra College to enroll our graduates, PCOE has dedicated a Transition Specialist to focus on assisting with junior college financial aid paperwork (FAFSA). We currently have two former youth enrolled in Sierra College full-time.

- PCOE has offered a Life Skills Class- CTE (Career Technical Education) for the past six years. This course is two hours per week for each student. CTE offers the following: Food handlers, Customer service, Preparing for college career, First aid, CPR, Success skills, Food and nutrition, and Financial literacy.
- PCOE has dedicated an Employment Placement Specialist that works with each youth's employment needs through their Workability program. This program provides pre-employment transition skills training and helps youth develop the skills necessary for employment. Services include vocational assessments and workplace etiquette and guidance.
- Additionally, each youth is offered Career Connect for emotional support from a Student Support Practitioner. This is offered one hour per week, and focuses on resume building, interviewing, and improving communication skills.
- In working with Sierra College, all youth will soon be offered a 2-unit business course designed to teach skills all modern workers need for success in the global economy. Some topics of this course include adaptability, collaboration, digital fluency, and resilience.
- Placer County Probation, along with PCOE, continue to look at the needs of each youth individually. At times, a PCOE Student Support Practitioner will work with a youth on a Independent Living Program (ILP). ILP is designed to serve youth ages 16-21 that are justice involved or in foster care. Each program staff member encourages the youth to integrate the course materials as part of their daily lives in the hope they are better prepared to transition to adulthood.

Recommendation 2

Provide information on career and technical training opportunities.

Original 2019 Response: R2 has been partially implemented and we will continue to strengthen the opportunities for our youth while continuing to operate a safe and secure institution.

- We have been working with staff from the Placer County Re-Entry Program (PREP) for any youth over the age of 18 who risk appropriately. Youth have been able to meet with a Transition Specialist prior to leaving the facility to discuss their re-entry into the community. This has included setting up classes to complete any cognitive behavior or court ordered classes needed and employment services. They work with Golden Sierra and Northern California Construction Training (NCCT) who provide training and job placement for construction opportunities.
- The PREP Center staff have now extended their program to include working with youth who are in need of transition services once released. A Transition Specialist works with the identified youth one on one to provide resources and a transition plan to support the youth once they are released. In the future, the goal is to provide life skills classes to all youth at the facility
- Weekly Transition team meetings have been occurring at the juvenile hall since the beginning of the year. At this meeting, we discuss the needs and transition plans for

all youth at the facility. This can include ensuring the youth is connecting to the appropriate employment and school resource providers.

- In May of this year, the juvenile facility began an individualized re-entry program for our youth in custody called the Youth Rehabilitation Program (YRP). The program assists the youth in transitioning back into the community with the services they need prior to release. The goal of the program is to either transition a youth with family reunification and/or independent living skills. The youth participates in services (on or offsite) focusing on the following: family reunification, independent living, parenting classes, mental health planning and substance use needs, school, work and vocational, cognitive behavior skills, transition planning, and positive intervention responses including home passes as ordered by the court. The Court reviews each case biweekly with set reviews as each case is individualized.
- In July of this year, Golden Sierra Employment Services started providing services at the juvenile facility. A Business and Employment Specialist began coming in to meet with our school graduates for employment services. The Specialist comes in weekly to meet with the youth to conduct assessments, resume building, career development, interview skills and possible placement at a paid internship. The youth have the opportunity to participate in these services on and offsite. The Specialist has also provided information for our youth on their program and the following service providers: Placer Adult School services, ITap electrician training, Career Ed Tech at Sierra College, American River College Career Ed Tech, cosmetology schools, and Med certifications. Our Probation Officers in custody are working with the Specialist to ensure our youth are provided the above information.
- Unity Care also will start coming into the juvenile facility to provide services in August. They will be working with youth on transitioning back into the community with the appropriate employment, education and housing services. They will be working with the Transition teams and providers to ensure the youth have the resources once they are released. They will also be providing court approved field trips to allow for the youth to have positive engagements while in the community.

Updated 2023 Response: The recommendation is being implemented.

- Our Placer County Re-Entry Program (PREP) will soon be integrating a Transitional Specialist two days a week at the Juvenile Detention Facility. With their help, any youth over the age of 18 or graduates will be provided the opportunity to meet with the Transition Specialist prior to leaving the facility to discuss their re-entry into the community. This will include setting up classes to complete any cognitive behavior or court ordered classes, as well as employment services. PREP Transition Specialists will work with Golden Sierra and Northern California Construction Training (NCCT) which provide training and job placement.
- Weekly transition team meetings have been occurring at the Juvenile Detention Facility. At this meeting, we discuss the needs and transition plans for all youth at the facility. The following entities actively participate in these weekly meetings to ensure collaboration: Placer County Office of Education staff, Wellpath medical staff, a Placer County Clinical Practitioner, and Placer County Probation Field Officers.

- The Juvenile Detention Facility offers youth a unique opportunity to participate in Placer Youth Center (PYC). If a youth is in need of family reunification, and appropriate for this program, then the youth is placed in the PYC. The PYC assists youth in transitioning back into the community with the goal of independent living and/or family reunification. In addition to this, PYC focuses on school, work and vocational skills, and cognitive behavior skills. If a PYC youth is 16 years of age or older, they are allowed the opportunity to work with Hip Hop Congress through PCOE workability program.



**PLACER COUNTY PROBATION
DEPARTMENT**

2929 Richardson Drive, Suite B, Auburn, CA 95603
(530) 889-7900 | www.placer.ca.gov

MARSHALL HOPPER
Chief Probation Officer

JOSEPH NETEMEYER
Assistant Chief Probation Officer

BRIAN PASSENHEIM
Assistant Chief Probation Officer

November 29, 2023

Placer County Grand Jury
11532 B Avenue
Auburn, CA 95603

Re: Follow-Up to Responses to the 2018-2019 Placer County Grand Jury Final Report

Dear Ms. Ferguson,

The following is in response to your October 19, 2023, correspondence in which you requested an update to Probation's response to the 2018-2019 Grand Jury Report. Specifically, you seek an update concerning educational opportunities being expanded to include technical training programs, as well as opportunities for career and technical training. The Probation Department thanks you for the continued hard work of the Grand Jury and is happy to provide an update as to our progress, as set forth below.

Recommendation 1 states: "Educational opportunities for youth are expanded to include technical training programs."

The recommendation is being implemented.

- Placer County Probation, along with Placer County Office of Education (PCOE) and Sierra College, have been awarded the Rising Scholars Grant. This grant seeks to provide secondary ongoing education to justice involved youth. Placer County Probation has set up a computer lab, which allows our high school graduates to attend college courses virtually. Additionally, we have enrolled our high school graduates with the Department of Rehabilitation for further educational and vocational funding and assistance. In working with students and Sierra College to enroll our graduates, PCOE has dedicated a Transition Specialist to focus on assisting with junior college financial aid paperwork (FAFSA). We currently have two former youth enrolled in Sierra College full-time.
- PCOE has offered a Life Skills Class- CTE (Career Technical Education) for the past six years. This course is two hours per week for each student. CTE offers the following: Food handlers, Customer service, Preparing for college career, First aid, CPR, Success skills, Food and nutrition, and Financial literacy.

- PCOE has dedicated an Employment Placement Specialist that works with each youth's employment needs through their Workability program. This program provides pre-employment transition skills training and helps youth develop the skills necessary for employment. Services include vocational assessments and workplace etiquette and guidance.
- Additionally, each youth is offered Career Connect for emotional support from a Student Support Practitioner. This is offered one hour per week, and focuses on resume building, interviewing, and improving communication skills.
- In working with Sierra College, all youth will soon be offered a 2-unit business course designed to teach skills all modern workers need for success in the global economy. Some topics of this course include adaptability, collaboration, digital fluency, and resilience.
- Placer County Probation, along with PCOE, continue to look at the needs of each youth individually. At times, a PCOE Student Support Practitioner will work with a youth on an Independent Living Program (ILP). ILP is designed to serve youth ages 16-21 that are justice involved or in foster care. Each program staff member encourages the youth to integrate the course materials as part of their daily lives in the hope they are better prepared to transition to adulthood.

Recommendation 2 states: "Provide information on career and technical training opportunities."

The recommendation is being implemented.

- Our Placer County Re-Entry Program (PREP) will soon be integrating a Transitional Specialist two days a week at the Juvenile Detention Facility. With their help, any youth over the age of 18 or graduates will be provided the opportunity to meet with the Transition Specialist prior to leaving the facility to discuss their re-entry into the community. This will include setting up classes to complete any cognitive behavior or court ordered classes, as well as employment services. PREP Transition Specialists will work with Golden Sierra and Northern California Construction Training (NCCT) which provide training and job placement.
- Weekly transition team meetings have been occurring at the Juvenile Detention Facility. At this meeting, we discuss the needs and transition plans for all youth at the facility. The following entities actively participate in these weekly meetings to ensure collaboration: Placer County Office of Education staff, Wellpath medical staff, a Placer County Clinical Practitioner, and Placer County Probation Field Officers.
- The Juvenile Detention Facility offers youth a unique opportunity to participate in Placer Youth Center (PYC). If a youth is in need of family reunification, and appropriate for this program, then the youth is placed in the PYC. The PYC assists youth in transitioning back into the community with the goal of

independent living and/or family reunification. In addition to this, PYC focuses on school, work and vocational skills, and cognitive behavior skills. If a PYC youth is 16 years of age or older, they are allowed the opportunity to work with Hip Hop Congress through PCOE workability program.

Thank you for your attention to this issue.

Respectfully Submitted,



Marshall Hopper
Chief Probation Officer
Placer County Probation Department

Placer County Jails and Holding Facilities Annual Inspection

Recommendation 1 – Auburn Historic Courthouse

Install a strong grab handle on the outside of each sliding holding cell door.

Original 2019 Response: Recommendation R1 requires further analysis.

The Sheriff's Office defers to the Administrative Office of the Courts (AOC) for further investigation analysis on this issue, as they are responsible for the Auburn Historic Courthouse facility. The Sheriff's Office has advised the AOC of the Grand Jury's recommendation to install a grab handle on the outside of the sliding holding cell doors. Jake Chatters, the Court CEO, indicated the Court and Judicial Council will work with the Sheriff's Court Security Unit on implementation efforts.

Updated 2023 Response: Recommendation R1 will be implemented.

The Sheriff's Office deferred to the Administrative Office of the Courts (AOC) for further investigation or analysis on this issue as they are responsible for the Auburn Historic Courthouse Facility. The Sheriff's Office has advised the Judicial Council of the recommendation and the JCC reported they are unable to fund the recommendation. With approval from the AOC, the Sheriff's Office will be covering the cost for the installation to be completed within the next 6 months.

Recommendation 2 – Auburn Historic Courthouse

Install self-latching locks that are engaged when the sliding holding cells doors are slid shut.

Original 2019 Response: Recommendation R2 requires further analysis.

The Sheriff's Office defers to the AOC for further investigation analysis on this issue, as they are responsible for the Auburn Historic Courthouse facility. The Sheriff's Office has advised the AOC of the Grand Jury's recommendation to install self-latching locks on the sliding holding cell doors. Jake Chatters, the Court CEO, indicated the Court and Judicial Council will work with the Sheriff's Court Security Unit on implementation efforts.

Updated 2023 Response: Recommendation R2 will not be implemented.

The Sheriff's Office deferred to the Administrative Office of the Courts (AOC) for further investigation or analysis on this issue as they are responsible for the Auburn Historic Courthouse Facility. The Sheriff's Office has advised the Judicial Council of the recommendation and the JCC reported they are unable to fund the recommendation. The Sheriff's Office is unable to fund the recommendation.

Recommendation 3 – Auburn Historic Courthouse

Install video camera to monitor holding cell hallway (common area).

Original 2019 Response: Recommendation R3 requires further analysis.

The Sheriff's Office defers to the AOC for further investigation analysis on this issue, as they are responsible for the Auburn Historic Courthouse facility. The Sheriff's Office has advised the AOC of the Grand Jury's recommendation to install video camera to monitor the holding cell hallway. Jake Chatters, the Court CEO, indicated the Court and Judicial Council will work with the Sheriff's Court Security Unit on implementation efforts.

Updated 2023 Response: Recommendation R3 has been implemented.

The install for the video camera to monitor the holding cell hallway was completed.

Recommendation 4 – Placer County Main Jail

Repair vinyl floor in booking area.

Original 2018 Response: Recommendation R4 has not yet been implemented but will be implemented in the future.

The Sheriff's Office had identified the issues with the vinyl flooring in the Booking Unit prior to the Grand Jury's Final Report, and we have been working with Placer County Facility Services toward a solution. The Corrections Division is currently awaiting bids on different flooring options. Until the most durable flooring option is determined, we are unable to provide an estimated time frame for completion.

Updated 2023 Response: Recommendation R4 has been implemented.

The flooring in safety cells 26 and 27 were replaced in 2022 and 2023, respectively. The main booking floor was replaced in 2013/2014. The remaining cell floors are concrete slabs and do not need to be replaced.



PLACER COUNTY SHERIFF'S OFFICE

WAYNE WOO
SHERIFF-CORONER-MARSHAL

SHAYNE WRIGHT
UNDERSHERIFF

December 18, 2023

The Honorable Alan V. Pineschi
Presiding Judge of the Superior Court
County of Placer
PO Box 6169072
Roseville, CA 95661

Dear Judge Pineschi,

After carefully reviewing the findings and recommendations of the Placer County Grand Jury, I am pleased to submit the following responses to the Follow-up to responses to the 2018-2019 Placer County Grand Jury Final Report.

RECOMMENDATIONS:

By December 20, 2023, the Placer County Sheriff's Office will provide an updated response to the recommendations from the 2018-2019 grand jury report indicating a timeline for implementation in compliance with § 933.05.

Auburn Historic Courthouse

R1: Install a strong grab handle on the outside of each sliding holding cell door.

Original Response: Recommendation R1 requires further analysis.

The Sheriff's Office deferred to the Administrative Office of the Courts (AOC) for further investigation or analysis on this issue, as they are responsible for the Auburn Historic Courthouse Facility. The Sheriff's Office has advised the AOC of the Grand Jury's recommendation to install a grab handle on the outside of the sliding holding cell doors. Jake Chatters, the Court CEO, indicated the Court and Judicial Council will work with the Sheriff's Court Security Unit on implementation efforts.

Update 11/27/23- The Sheriff's Office deferred to the Administrative Office of the Courts (AOC) for further investigation or analysis on this issue as they are responsible for the Auburn Historic Courthouse Facility. The Sheriff's Office has advised the Judicial Council of the recommendation and the JCC reported they are unable to fund the recommendation. With approval from the AOC, The Sheriff's Office will be covering the cost for the installation to be completed within the next 6 months.

HEADQUARTERS
2929 RICHARDSON DRIVE
AUBURN, CA 95603
(530) 889-7800

AUBURN MAIN JAIL
2775 RICHARDSON DRIVE
AUBURN, CA 95603
(530) 745-8500

SOUTH PLACER STATION
6140 HORSESHOE BAR ROAD, SUITE D
LOOMIS, CA 95650
(916) 652-2400

SOUTH PLACER JAIL
11801 GO FOR BROKE ROAD
ROSEVILLE, CA 95678
(916) 409-8100

NORTH LAKE TAHOE STATION
P.O. BOX 1710
TAHOE CITY, CA 96145
(530) 581-6300



PLACER COUNTY SHERIFF'S OFFICE

WAYNE WOO
SHERIFF-CORONER-MARSHAL

SHAYNE WRIGHT
UNDERSHERIFF

R2: Install self-latching locks that are engaged when the sliding holding cell doors are slid shut.

Original Response: Recommendation R2 requires further analysis.

The Sheriff's Office deferred to the Administrative Office of the Courts (AOC) for further investigation or analysis on this issue, as they are responsible for the Auburn Historic Courthouse facility. The Sheriff's Office has advised the AOC of the Grand Jury's recommendation to install self-latching locks on the sliding holding cell doors. Jake Chatters, the Court CEO, indicated the Court and Judicial Council will work with the Sheriff's Court Security Unit on implementation efforts.

Update 11/27/23- The Sheriff's Office deferred to the Administrative Office of the Courts (AOC) for further investigation or analysis on this issue as they are responsible for the Auburn Historic Courthouse Facility. The Sheriff's Office has advised the Judicial Council of the recommendation and the JCC reported they are unable to fund the recommendation. The Sheriff's Office is unable to fund the recommendation.

R3: Install video camera to monitor holding cell hallway.

Original Response: Recommendation R3 requires further analysis.

The Sheriff's Office deferred to the AOC for further investigation or analysis on this issue, as they are responsible for the Auburn Historic Courthouse facility. The Sheriff's Office has advised the AOC of the Grand Jury's recommendation to install video camera to monitor the holding cell hallway. Jake Chatters, the Court CEO, indicated the Court and Judicial Council will work with the Sheriff's Court Security Unit on implementation efforts.

Update 11/27/23- The install for the video camera to monitor the holding cell hallway was completed.

Placer County Main Jail

R4: Repair vinyl floor in booking area

Original Response: recommendation R4 has not yet been implemented but will be implemented in the future. The Sheriff's Office had identified the issue with the vinyl flooring in the Booking Unit prior to the Grand Jury's Final Report, and we have been working with Placer County Facility Services toward a solution. The Corrections Division is currently awaiting bids on different flooring options. Until the most durable flooring option is determined, we are unable to provide an estimated time frame for completion.

Update 11/27/23- The flooring in safety cells 26 and 27 were replaced in 2022 and 2023, respectively. The main booking floor was replaced in 2013/2014. The remaining cell floors are concrete slabs and do not need to be replaced.

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(530) 745-8500

SOUTH PLACER STATION
6140 HORSESHOE BAR ROAD, SUITE D
LOOMIS, CA 95650
(916) 952-2400

SOUTH PLACER JAIL
11801 GO FOR BROKE ROAD
ROSEVILLE, CA 95678
(916) 409-9100

NORTH LAKE TAHOE STATION
P.O. BOX 1710
TAHOE CITY, CA 96145
(530) 551-6300



PLACER COUNTY SHERIFF'S OFFICE

WAYNE WOO
SHERIFF-CORONER-MARSHAL

SHAYNE WRIGHT
UNDERSHERIFF

Sincerely,

Wayne Woo
Sheriff-Coroner-Marshal

cc: Board of Supervisors
Daniel Chatigny, Acting Placer County Executive Officer
Julia Reeves, Placer County Counsel
Barbara Ferguson, Foreperson of the Placer County Grand Jury

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SOUTH PLACER STATION
6140 HORSESHOE BAR ROAD, SUITE D
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(916) 652-2400

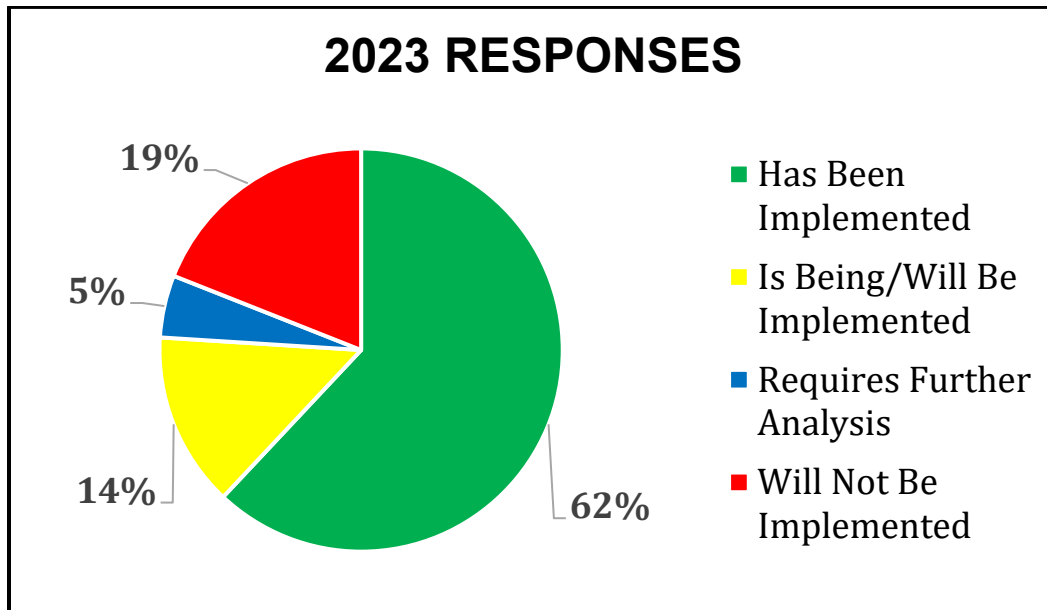
SOUTH PLACER JAIL
11801 GO FOR BROKE ROAD
ROSEVILLE, CA 95678
(916) 409-8100

NORTH LAKE TAHOE STATION
P.O. BOX 1710
TAHOE CITY, CA 96145
(530) 581-0300

After receiving updates, the grand jury found the success rate for the implementation of the recommendations from the 2018-2019 final report met the intention of the original recommendations. Additional recommendations had been implemented as well as several that are ongoing.

The PCGJ's primary concern was the fact that 5 percent of the recommendations still require further analysis. The grand jury believes after a five-year period, a decision regarding the implementation of the recommendations should have been made.

The chart below reflects the final tally of the responses from the 2018-2019 final report's recommendations.



Conclusion

The grand jury found 62 percent of the recommendations from the 2018-2019 final report have been implemented. In addition, 14 percent are being or will be implemented within the next six months. Once those recommendations are completed, the overall implementation will be 76 percent.

Findings

The grand jury found that:

- F1.** Thirty-four percent of the twenty-one recommendations were implemented within the first six months of the final report being published by the entities required to respond.
- F2.** Sixty-two percent of the twenty-one recommendations were implemented within the five-year review period by the entities required to respond.
- F3.** Five percent of the twenty-one recommendations still require further analysis by the entities required to respond.
- F4.** Nineteen percent of the twenty-one recommendations will not be implemented by the entities required to respond.

Recommendations

There are no recommendations for this report.

Copies sent to:

Lincoln City Council

Attention: Dan Karleskint, Mayor
600 6th Street
Lincoln, CA 95648

Placer County Executive Office

Attention: Daniel Chatigny, Acting County Executive Officer
175 Fulweiler Ave
Auburn, CA 95603

Placer County Probation Department

Attention: Marshall Hopper, Chief Probation Officer
2929 Richardson Dr, Suite B
Auburn, CA 95603

Placer County Sheriff's Office

Attention: Wayne Woo, Sheriff
2929 Richardson Dr
Auburn, CA 95604-6690

Roseville Police Department

Attention: Troy Bergstrom, Chief of Police
1051 Junction Blvd
Roseville, CA 95678

Compliance and Accountability with Penal Code § 933.05

**Studying the Responses to the
Placer County Grand Jury
2022-2023 Final Report**

**Originally Released
January 10, 2024**

Responses Included

Compliance with Penal Code § 933.05 and Accountability Studying the Responses to the Placer County Grand Jury 2022-2023 Final Report

Summary

The primary duty of the Placer County Grand Jury is to investigate the functions of city and county government, school districts, and special districts. Each year the grand jury conducts inspections of the jails, holding facilities, and the juvenile detention center in the county. Additionally, the grand jury investigates different aspects of city and county government. Reports are written on the inspections and investigations conducted during the term with each report listing the grand jury's findings and recommendations. These documents are combined into a final report published each June.

A Response Report is published in the fall of each term. The report contains the responses from the investigative entities to their respective recommendations. The current grand jury verifies responses are Penal Code § 933.05 compliant.

Background

The grand jury reviews the responses and compiles the Response Report for publication. In a review of past Placer County Grand Jury Final Reports the grand jury has identified several responses that have not complied with Penal Code § 933.05. The 2020-2021 grand jury issued the first compliance report which held responding entities accountable to the citizens of Placer County.

Methodology

The grand jury reviewed all the reports and responses to the 2022-2023 Placer County Grand Jury Final Report published on June 27, 2023. The final report contained nine individual reports, with thirty-seven findings and fourteen recommendations. The current grand jury did not review nor have access to the prior grand jury's investigative evidence, which is confidential.

Discussion

What is a Fact?

After research on a topic has been completed, the grand jury determines what facts of the investigation or inspection have been discovered. What are facts? They are:

- information proven to be true,
- verified by several sources,
- relative to the subject,
- objective – not subject to interpretation, and
- precise.

What is a Finding?

Once the grand jury has determined the facts, findings are developed based upon those facts. The grand jury's findings are listed in each report and may or may not lead to a recommendation. What are findings? They are:

- conclusions or value judgments based on verified facts which express approval or disapproval and
- the link between the facts and the recommendations.

What is a Recommendation?

Recommendations are actions the grand jury believes the investigated and inspected entities should implement. Recommendations should be SMART, meaning they are:

- **S**pecific
- **M**easurable
- **A**ctionable
- **R**easonable
- **T**ime framed

What is a Compliant Response?

Penal Code § 933.05 is very specific in what is required in a response. First, a respondent must address the findings listed in the report. There are only two responses allowed by the penal code. However, additional information is required if the respondent disagrees with a finding. If a report only lists findings and there are no recommendations, a response agreeing or disagreeing with each finding is not necessary. The responses allowed are:

| |
|--|
| <p><u>The respondent agrees with the finding.</u></p> |
| <p><u>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(s) therefore.</u></p> |

Table 1

The Placer County Grand Jury Final Report released in June 2023 included thirty-seven findings. An analysis of the responses was done to determine how many respondents agreed or disagreed with the findings or did not reply. The chart below shows the breakdown of the analysis.

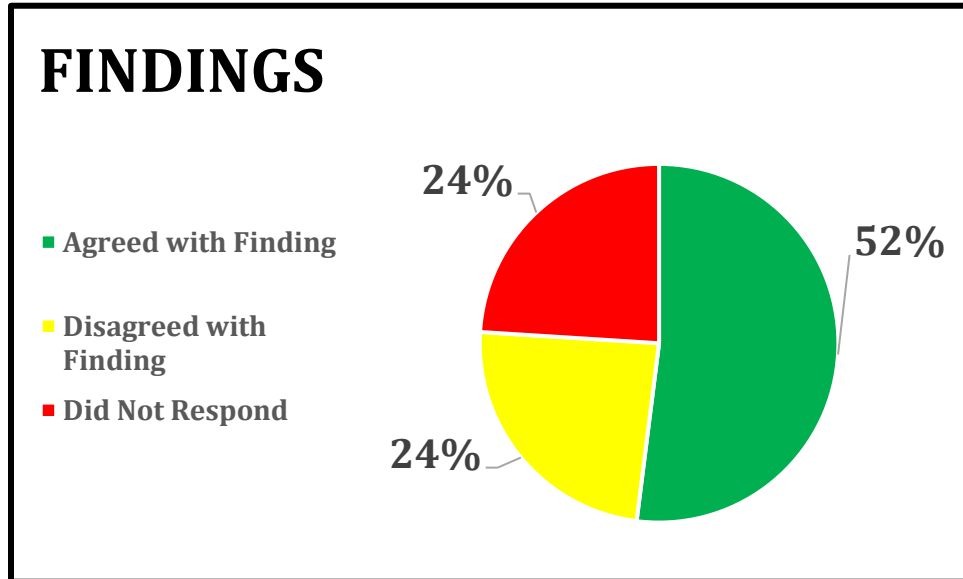


Chart 1

The second step is to address the recommendations in the report, which require the entities to respond. There were fourteen recommendations in the grand jury report that required twenty-two individual responses. For purposes of subdivision (b) of Penal Code § 933.05, the respondent shall report one of the following four actions with regards to the recommendation:

| |
|--|
| The recommendation <u>has been implemented</u> with a summary regarding the implemented action. |
| The recommendation <u>has not yet been implemented, but will be implemented</u> in the future, <i>with a timeframe for the implementation.</i> |
| The recommendation <u>requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe</u> for the matter to be prepared for discussion. <i>This timeframe shall not exceed six months from the date of publication of the grand jury's report.</i> |
| The recommendation <u>will not be implemented</u> because it is not warranted or is not reasonable, <i>with an explanation</i> , therefore. |

Table 2

The chart below provides the implementation statistics by the respondents for the recommendations to the nine reports published by the Placer County Grand Jury in June 2023.

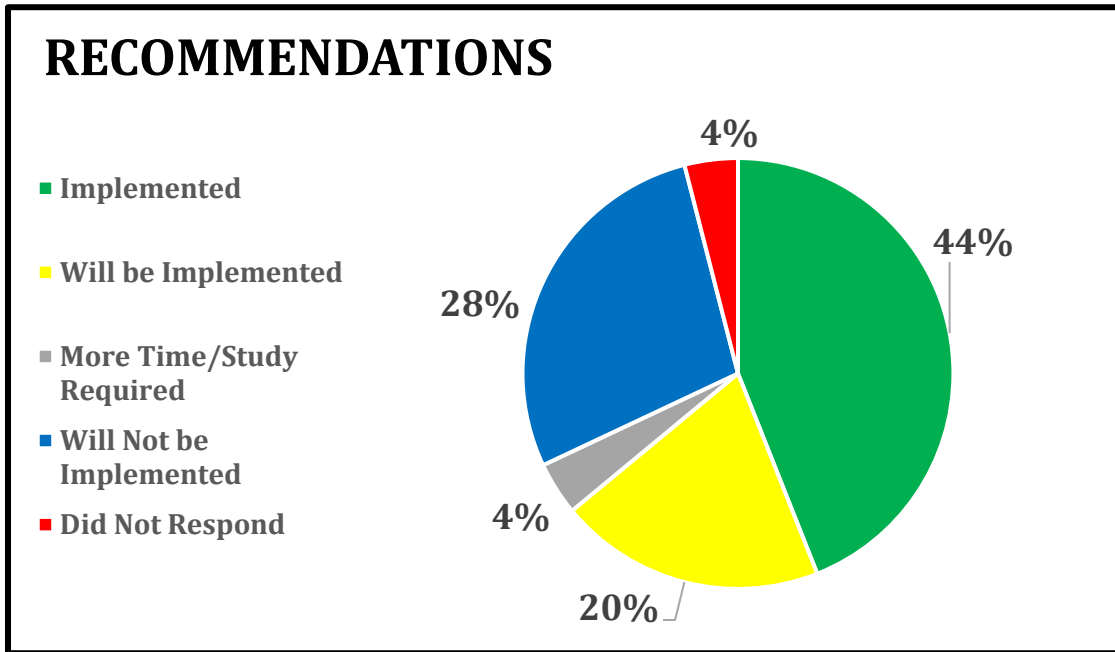


Chart 2

The tables on the following pages list each of the nine reports. Included is the summary of each report along with the findings, recommendations, and if the response(s) given to each recommendation is compliant with the penal code. From the data provided in these tables, the current grand jury developed their findings and recommendations for this report, which can be found starting on page 43. Penal Code § 933.05 can be found at the end of the report. Refer to Table 1 (above) for further explanation of the color coding on the tables.

A Closer Look at Placer County Veterans Service Office

The Placer County Veterans Service Office presented an overview of their services to the Placer County Grand Jury. As a result, the grand jury decided to further investigate the Veterans Service Office and its operations. During its investigation, the Placer County Grand Jury found the Veterans Service Office performs much needed services for veterans, regardless of county or state of residency.

The Veterans Service Office is an integral part of the county's Department of Health and Human Services. The veteran population in Placer County currently stands at 24,986, ranking fifteenth among the fifty-eight counties in the state. This office aids veterans in receiving benefits by confirming veteran status, assisting with filing compensation claims, and providing guidance with pension and tuition information for family members. The lack of accredited staff, however, has resulted in a loss of funding from the CalVet County Subvention Program.

Despite the office having a limited staff and ruled by federal regulations required in filing an application, the veterans service representatives strive to process all claims in a timely manner. The grand jury found the Veterans Service Office staff to be dedicated to their job and to the veteran's seeking assistance.

RESPONSE FROM PLACER COUNTY BOARD OF SUPERVISORS

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|---|---|-----|-----|---|----|----|----|-----|-------------------------------|
| F1: The Veterans Service Office is underfunded. | | x | x | | R1: The Veterans Service Office budget be increased dramatically to reflect the importance of our veterans and their service to our country by January 1, 2024. | | | | x | YES |
| F2: The Veterans Service Office does not have adequate accredited veteran service representatives to answer phones and process approved claims in a timely manner to receive subvention funds. | | x | x | | R2: Additional accredited Veterans Service Office positions be added to process claims and answer phones by January 1, 2024. | x | | | | YES |
| F3: There are opportunities to partner with other programs in the Placer County Department of Health and Human Services to further support veterans. | x | | | | | | | | | |

RESPONSE FROM PLACER COUNTY BOARD OF SUPERVISORS

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|---|---|-----|-----|---|----|----|----|-----|-------------------------------|
| F4: The Veterans Service Office's social media presence is insufficient in providing online information and promotion of their services. | x | | | | | | | | | |
| F5: The Veterans Service Office is working to increase their outreach through the Veterans Advisory Council. | x | | | | | | | | | |
| F6: There are benefits available to veterans and their families of which they may not be aware. | x | | | | | | | | | |
| F7: The Promise to Address Comprehensive Toxics Act broadens the benefits and services for which veterans may be eligible. | x | | | | | | | | | |
| F8: There has been a high turnover of the County Veteran Service Officer over the past five years. | x | | | | | | | | | |

RESPONSE FROM PLACER COUNTY BOARD OF SUPERVISORS

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|---|---|-----|-----|---|----|----|----|-----|-------------------------------|
| F9: The grand jury found the Veterans Service Office staff to be dedicated to their job and to the veterans seeking assistance. | x | | | | | | | | | |
| F10: Depending on the complexity of the claim, it can take an accredited staff member up to four hours to compile required documentation and manually input into VetPro. | x | | | | | | | | | |

RESPONSE FROM PLACER COUNTY HEALTH & HUMAN SERVICES DIRECTOR

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|---|---|-----|-----|--|----|----|----|-----|-------------------------------|
| F1: The Veterans Service Office is underfunded. | | x | x | | R1: The Veterans Service Office budget be increased dramatically to reflect the importance of our veterans and their service to our country by January 1, 2024. | | | | x | YES |
| F2: The Veterans Service Office does not have adequate accredited veteran service representatives to answer phones and process approved claims in a timely manner to receive subvention funds. | | x | x | | R2: Additional accredited Veterans Service Office positions be added to process claims and answer phones by January 1, 2024. | x | | | | YES |
| F3: There are opportunities to partner with other programs in the Placer County Department of Health and Human Services to further support veterans. | x | | | | R3: The Placer County Department of Health and Human Services will identify opportunities to cross train CalFresh, Medi-Cal, and Veterans Service programs by December 1, 2023. | | x | | | YES |

RESPONSE FROM PLACER COUNTY HEALTH & HUMAN SERVICES DIRECTOR

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|---|---|-----|-----|--|----|----|----|-----|-------------------------------|
| F4: The Veterans Service Office’s social media presence is insufficient in providing online information and promotion of their services. | x | | | | R4: The Veterans Service Office will work with the Placer County Department of Health and Human Services to develop and implement a social media presence by January 1, 2024. | x | | | | YES |
| F5: The Veterans Service Office is working to increase their outreach through the Veterans Advisory Council. | x | | | | R5: The Veterans Service Office continue with the Veterans Advisory Council to increase outreach among veterans. | x | | | | YES |
| F6: There are benefits available to veterans and their families of which they may not be aware. | x | | | | | | | | | |
| F7: The Promise to Address Comprehensive Toxics Act broadens the benefits and services for which veterans may be eligible. | x | | | | | | | | | |
| F8: There has been a high turnover of the County Veteran Service Officer over the past five years. | x | | | | | | | | | |

| RESPONSE FROM PLACER COUNTY HEALTH & HUMAN SERVICES DIRECTOR | | | | | | | | | | |
|---|----------|----------|------------|------------|---|-----------|-----------|-----------|------------|-------------------------------|
| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
| F9: The grand jury found the Veterans Service Office staff to be dedicated to their job and to the veterans seeking assistance. | x | | | | | | | | | |
| F10: Depending on the complexity of the claim, it can take an accredited staff member up to four hours to compile required documentation and manually input into VetPro. | x | | | | | | | | | |

A Look into Mental Health Services in Placer County Schools

The COVID-19 pandemic closed industries, businesses, and educational institutions across the nation. Those shutdowns were a visible precaution to curtail the spread of an invisible virus. The shutdowns, however, affected more than just buildings. Studies show students of all ages began to manifest mental health issues during the enforced closures of educational facilities. With the reopening of schools, educational administrators have noted a marked increase in behavioral issues in students. Not all students' emotional issues can be blamed on the pandemic.

The grand jury found Placer County schools have a multitude of interventions and mental health services and programs available to staff, students, and families. This report will detail many of the programs available within the school systems as well as community resources, which are accessible by the public and free to the community.

**This report included two findings but no recommendations.
Therefore, no responses were required.**

Placer County Animal Services to the Rescue!

The last report published by the Placer County Grand Jury, which focused on Placer County Animal Services, was published in June 2014. The report was titled, "Placer County Animal Services Facility—in a Perfect World." The report recommended the original facility be "fixed versus replaced" and disagreed with a proposal presented to the Placer County Board of Supervisors to build a new facility.

Given it has been nine years since the last report, and a new facility was constructed in 2016, the 2022-2023 Placer County Grand Jury determined it was time to revisit Placer County Animal Services. This report focuses on the new facility, animal shelter operations, and animal control procedures in the greater Placer County community. Placer County Animal Services faces unique challenges due to the growth of Placer County's Wildland Urban Interface and increased occurrences of wildfires. Their motto, "Saving people from animals and animals from people," drives Animal Control Officers and Animal Services personnel to provide the best care and services in its daily and emergency operations. The grand jury found that Placer County Animal Services lives up to its motto while administering the many duties of their department.

**This report included three findings but no recommendations.
Therefore, no responses were required.**

South Placer Fire District Fiscal Challenges and Station Closures

South Placer Fire District was formed in 1952 as a special district. Special districts are a form of local government created by a community to meet a specific need. Inadequate tax bases and competing demands for existing taxes can make it hard for cities and counties to provide services for citizens. When landowners want new services or higher levels of existing services, they can form their own district to pay for and administer them.

The South Placer Fire District has reported ongoing financial difficulties over the past several years, due in part to its operational costs increasing faster than its sources of funding. Increased administrative and operational costs, diminished revenue streams, and changing service provision demands have required Division 2 of the South Placer Fire District to make significant changes to maintain their level of community service. These challenges, however, are not unique to South Placer Fire District, as they are being reported throughout the State of California. Financial shortfalls within established revenue collections are requiring fire districts to become more creative in manpower distribution, facility usage, and asset allocations. In many instances, potential reorganization of districts is a necessary, viable solution, allowing for increased overall efficiency.

RESPONSE FROM SOUTH PLACER FIRE DISTRICT BOARD

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|--|----------|----------|------------|------------|---|-----------|-----------|-----------|------------|-------------------------------|
| F1: South Placer Fire District existing revenue streams are insufficient for the district to maintain their current level of operations. | | x | x | | R1: South Placer Fire District explore other revenue resources by September 20, 2023, to maintain their current level of operations. | x | | | | YES |
| F2: South Placer Fire District Division 2 parcel assessment is insufficient for the division to maintain their current level of operations. | x | | | | R2: South Placer Fire District Division 2 continue efforts to reintroduce a special assessment ballot measure, that will also adjust for inflation, by November 30, 2023. | | | x | | YES |
| F3: South Placer Fire District constituents seem unaware of the district's performance and operating needs. | x | | | | R3: South Placer Fire District increase constituents' awareness of district performance and operating costs by proactively advising the public through town hall meetings, newsletters, social media, email, and direct mail before the next special election date by November 30, 2023. | x | | | | YES |

RESPONSE FROM SOUTH PLACER FIRE DISTRICT BOARD

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|--|---|---|-----|-----|---|----|----|----|-----|-------------------------------|
| F4: Budget shortfalls will result in additional justification for reorganization of South Placer Fire District. | | x | x | | R4: South Placer Fire District and the Local Agency Formation Commission reorganize and consolidate administrative and/or operational functions with neighboring districts by December 31, 2023. | | | | x | YES |

RESPONSE FROM PLACER COUNTY LAFCo

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|--|---|---|-----|-----|---|----|----|----|-----|---|
| F1: South Placer Fire District existing revenue streams are insufficient for the district to maintain their current level of operations. | | | | x | R4: South Placer Fire District and the Local Agency Formation Commission reorganize and consolidate administrative and/or operational functions with neighboring districts by December 31, 2023. | | | | x | NO Did not respond to any of the findings required by Penal Code § 933.05 |
| F2: South Placer Fire District Division 2 parcel assessment is insufficient for the division to maintain their current level of operations. | | | | x | | | | | | |
| F3: South Placer Fire District constituents seem unaware of the district's performance and operating needs. | | | | x | | | | | | |
| F4: Budget shortfalls will result in additional justification for reorganization of South Placer Fire District. | | | | x | | | | | | |

Spending on Homelessness Within Placer County

The 2020-2021 and 2021-2022 Placer County Grand Juries published reports on the homeless population in Placer County. On June 14, 2022, the Board of Supervisors published a chart showing Placer County government spending of approximately \$20 million for FY 2021 to 2022. The 2022-2023 grand jury found the total spending by city, town, and county during July 2021 through March 2023 amounted to more than \$80 million.

RESPONSE FROM PLACER COUNTY BOARD OF SUPERVISORS

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|----------|----------|------------|------------|--|-----------|-----------|-----------|------------|-------------------------------|
| F1: Spending for homelessness in Placer County exceeded \$80 million for the periods covered in this report and is made up of funding by city, town, county, state, federal, and non-profit organizations. | | x | x | | R1: Placer County establish a full accounting of homeless funding and expenditures to citizens on an annual basis by January 1, 2024, and include in the annual budget going forward. | | | | x | YES |
| F2: The Placer County does not clearly define or report all sources of funding and expenditures on homelessness in the county budget. | | x | x | | | | | | | |
| F3: It appears there is little to no communication or coordination of spending among the incorporated cities and town, and the county. | | x | x | | | | | | | |
| F4: Funding for homelessness services comes from various sources including city, town, county, state and federal governments, and non-profit organizations. | x | | | | | | | | | |

RESPONSE FROM PLACER COUNTY BOARD OF SUPERVISORS

| FINDINGS A -Agree with Finding D -Disagree with Finding RGD -Reason Given for Disagreement DNR -Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR -Implemented Recommendation WI -Will be Implemented with Target Date MT -More Time Needed with Target Date WNI -Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|--|----------|----------|------------|------------|---|-----------|-----------|-----------|------------|-------------------------------|
| F5: The five incorporated cities and one incorporated town in Placer County do not have homeless budget line items that define sources of funding and expenditures. | | x | x | | | | | | | |

RESPONSE FROM THE CITY OF AUBURN

| FINDINGS A -Agree with Finding D -Disagree with Finding RGD -Reason Given for Disagreement DNR -Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR -Implemented Recommendation WI -Will be Implemented with Target Date MT -More Time Needed with Target Date WNI -Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|----------|----------|------------|------------|--|-----------|-----------|-----------|------------|---|
| F1: Spending for homelessness in Placer County exceeded \$80 million for the periods covered in this report and is made up of funding by city, town, county, state, federal, and non-profit organizations. | | | | x | R2: Each of the five incorporated cities and one incorporated town in Placer County establish a full accounting of homeless funding and expenditures to its citizens on an annual basis by January 1, 2024, and include in the annual budget going forward. | | | | x | NO Did not respond to any of the findings required by Penal Code § 933.05 |
| F3: It appears there is little to no communication or coordination of spending among the incorporated cities and town, and the county. | | | | x | | | | | | |
| F4: Funding for homelessness services comes from various sources including city, town, county, state and federal governments, and non-profit organizations. | | | | x | | | | | | |

RESPONSE FROM THE CITY OF AUBURN

| FINDINGS A -Agree with Finding D -Disagree with Finding RGD -Reason Given for Disagreement DNR -Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR -Implemented Recommendation WI -Will be Implemented with Target Date MT -More Time Needed with Target Date WNI -Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|--|----------|----------|------------|------------|---|-----------|-----------|-----------|------------|-------------------------------|
| F5: The five incorporated cities and one incorporated town in Placer County do not have homeless budget line items that define sources of funding and expenditures. | | | | x | | | | | | |

RESPONSE FROM THE CITY OF COLFAX

| FINDINGS A -Agree with Finding D -Disagree with Finding RGD -Reason Given for Disagreement DNR -Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR -Implemented Recommendation WI -Will be Implemented with Target Date MT -More Time Needed with Target Date WNI -Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|----------|----------|------------|------------|--|-----------|-----------|-----------|------------|--|
| F1: Spending for homelessness in Placer County exceeded \$80 million for the periods covered in this report and is made up of funding by city, town, county, state, federal, and non-profit organizations. | | | | x | R2: Each of the five incorporated cities and one incorporated town in Placer County establish a full accounting of homeless funding and expenditures to its citizens on an annual basis by January 1, 2024, and include in the annual budget going forward. | | | | | NO Did not respond to any of the findings or recommendation as required by Penal Code § 933.05 |
| F3: It appears there is little to no communication or coordination of spending among the incorporated cities and town, and the county. | | | | x | | | | | | |
| F4: Funding for homelessness services comes from various sources including city, town, county, state and federal governments, and non-profit organizations. | | | | x | | | | | | |

RESPONSE FROM THE CITY OF COLFAX

| FINDINGS A -Agree with Finding D -Disagree with Finding RGD -Reason Given for Disagreement DNR -Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR -Implemented Recommendation WI -Will be Implemented with Target Date MT -More Time Needed with Target Date WNI -Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|--|----------|----------|------------|------------|---|-----------|-----------|-----------|------------|-------------------------------|
| F5: The five incorporated cities and one incorporated town in Placer County do not have homeless budget line items that define sources of funding and expenditures. | | | | x | | | | | | |

RESPONSE FROM THE CITY OF LINCOLN

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|---|---|-----|-----|---|----|----|----|-----|--|
| F1: Spending for homelessness in Placer County exceeded \$80 million for the periods covered in this report and is made up of funding by city, town, county, state, federal, and non-profit organizations. | | | | x | R2: Each of the five incorporated cities and one incorporated town in Placer County establish a full accounting of homeless funding and expenditures to its citizens on an annual basis by January 1, 2024 and include in the annual budget going forward. | | x | | | NO Responded to only one of five findings. Response to all findings is required by Penal Code § 933.05 |
| F3: It appears there is little to no communication or coordination of spending among the incorporated cities and town, and the county. | | | | x | | | | | | |
| F4: Funding for homelessness services comes from various sources including city, town, county, state and federal governments, and non-profit organizations. | | | | x | | | | | | |

RESPONSE FROM THE CITY OF LINCOLN

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|--|---|---|-----|-----|---|----|----|----|-----|-------------------------------|
| F5: The five incorporated cities and one incorporated town in Placer County do not have homeless budget line items that define sources of funding and expenditures. | x | | | | | | | | | |

RESPONSE FROM THE TOWN OF LOOMIS

| FINDINGS A -Agree with Finding D -Disagree with Finding RGD -Reason Given for Disagreement DNR -Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR -Implemented Recommendation WI -Will be Implemented with Target Date MT -More Time Needed with Target Date WNI -Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|----------|----------|------------|------------|--|-----------|-----------|-----------|------------|-------------------------------|
| F1: Spending for homelessness in Placer County exceeded \$80 million for the periods covered in this report and is made up of funding by city, town, county, state, federal, and non-profit organizations. | x | | | | R2: Each of the five incorporated cities and one incorporated town in Placer County establish a full accounting of homeless funding and expenditures to its citizens on an annual basis by January 1, 2024, and include in the annual budget going forward. | | | | x | YES |
| F3: It appears there is little to no communication or coordination of spending among the incorporated cities and town, and the county. | | x | x | | | | | | | |
| F4: Funding for homelessness services comes from various sources including city, town, county, state and federal governments, and non-profit organizations. | | x | x | | | | | | | |

RESPONSE FROM THE TOWN OF LOOMIS

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|--|---|---|-----|-----|---|----|----|----|-----|-------------------------------|
| F5: The five incorporated cities and one incorporated town in Placer County do not have homeless budget line items that define sources of funding and expenditures. | x | | | | | | | | | |

RESPONSE FROM THE CITY OF ROCKLIN

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|---|---|-----|-----|--|----|----|----|-----|-------------------------------|
| F1: Spending for homelessness in Placer County exceeded \$80 million for the periods covered in this report and is made up of funding by city, town, county, state, federal, and non-profit organizations. | x | | | | R2: Each of the five incorporated cities and one incorporated town in Placer County establish a full accounting of homeless funding and expenditures to its citizens on an annual basis by January 1, 2024, and include in the annual budget going forward. | | x | | | YES |
| F3: It appears there is little to no communication or coordination of spending among the incorporated cities and town, and the county. | | x | x | | | | | | | |
| F4: Funding for homelessness services comes from various sources including city, town, county, state and federal governments, and non-profit organizations. | x | | | | | | | | | |

RESPONSE FROM THE CITY OF ROCKLIN

| FINDINGS A -Agree with Finding D -Disagree with Finding RGD -Reason Given for Disagreement DNR -Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR -Implemented Recommendation WI -Will be Implemented with Target Date MT -More Time Needed with Target Date WNI -Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|--|----------|----------|------------|------------|---|-----------|-----------|-----------|------------|-------------------------------|
| F5: The five incorporated cities and one incorporated town in Placer County do not have homeless budget line items that define sources of funding and expenditures. | | x | x | | | | | | | |

RESPONSE FROM THE CITY OF ROSEVILLE

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|---|---|-----|-----|---|----|----|----|-----|-------------------------------|
| F1: Spending for homelessness in Placer County exceeded \$80 million for the periods covered in this report and is made up of funding by city, town, county, state, federal, and non-profit organizations. | x | | | | R2: Each of the five incorporated cities and one incorporated town in Placer County establish a full accounting of homeless funding and expenditures to its citizens on an annual basis by January 1, 2024 and include in the annual budget going forward. | | x | | | YES |
| F3: It appears there is little to no communication or coordination of spending among the incorporated cities and town, and the county. | | x | x | | | | | | | |
| F4: Funding for homelessness services comes from various sources including city, town, county, state and federal governments, and non-profit organizations. | x | | | | | | | | | |

RESPONSE FROM THE CITY OF ROSEVILLE

| FINDINGS A -Agree with Finding D -Disagree with Finding RGD -Reason Given for Disagreement DNR -Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR -Implemented Recommendation WI -Will be Implemented with Target Date MT -More Time Needed with Target Date WNI -Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|--|----------|----------|------------|------------|---|-----------|-----------|-----------|------------|-------------------------------|
| F5: The five incorporated cities and one incorporated town in Placer County do not have homeless budget line items that define sources of funding and expenditures. | | x | x | | | | | | | |

Placer County Jails and Holding Facilities Annual Inspection Report 2022-2023

The Placer County Grand Jury conducted required inspections at Placer County jails and holding facilities located in Roseville, Auburn, and Tahoe City between the months of August 2022 and February 2023. Multiple visits, both announced and unannounced, were made to the facilities. The grand jury found these facilities to be secure and well organized but found that cleanliness at the Placer County Main Jail and the South Placer Adult Correctional Facility was substandard.

RESPONSE FROM PLACER COUNTY SHERIFF

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|---|---|-----|-----|---|----|----|----|-----|-------------------------------|
| F1: Showers, toilets, sinks, and cells are not adequately cleaned in the Placer County Main Jail and South Placer Adult Correctional Facility. | x | | | | R1: The Placer County Sheriff develop written policies and procedures for cleaning of the cells, showers, and common areas that meet Board of State and Community Corrections standards for all facilities by September 1, 2023. | x | | | | YES |
| F2: The Placer County Sheriff's Office lacks detailed procedures for cleaning of the facilities and staff follow-up. | x | | | | R2: The Placer County Sheriff develop a method to measure, follow-up, and track the cleaning of holding cells, showers, and common areas for all facilities by September 1, 2023 | x | | | | YES |
| F3: The Placer County Sheriff's Office Tahoe Substation is outdated and needs to be replaced. | x | | | | | | | | | |
| F4: All facilities appeared well organized, safe, and secure. | x | | | | | | | | | |
| F5: California Assembly Bill 109 continues to have a profound negative impact on the county jail system. | x | | | | | | | | | |

RESPONSE FROM PLACER COUNTY BOARD OF SUPERVISORS

| FINDINGS A-Agree with Finding D-Disagree with Finding RGD-Reason Given for Disagreement DNR-Did Not Respond | A | D | RGD | DNR | RECOMMENDATIONS IR-Implemented Recommendation WI-Will be Implemented with Target Date MT-More Time Needed with Target Date WNI-Will Not be Implemented | IR | WI | MT | WNI | Compliance of Response |
|---|---|---|-----|-----|--|----|----|----|-----|-------------------------------|
| F1: Showers, toilets, sinks, and cells are not adequately cleaned in the Placer County Main Jail and South Placer Adult Correctional Facility. | x | | | | R3: The Placer County Board of Supervisors provide a public progress report and timeline to the citizens of Placer County on the status of the Placer County Sheriff's Office Tahoe Substation's new facility by October 1, 2023. | x | | | | YES |
| F2: The Placer County Sheriff's Office lacks detailed procedures for cleaning of the facilities and staff follow-up. | x | | | | | | | | | |
| F3: The Placer County Sheriff's Office Tahoe Substation is outdated and needs to be replaced. | x | | | | | | | | | |
| F4: All facilities appeared well organized, safe, and secure. | x | | | | | | | | | |
| F5: California Assembly Bill 109 continues to have a profound negative impact on the county jail system. | x | | | | | | | | | |

Placer County Juvenile Detention Facility Annual Inspection Report

The California Penal Code § 919(b) authorizes county grand juries to inspect all jails and holding facilities within county boundaries. Historically, although not legally mandated, the Placer County Grand Jury (PCGJ) has also included the inspection of the Juvenile Detention Facility (JDF) located in Auburn. The 2022-2023 grand jury toured and inspected the facility on October 7, 2022.

A supervising deputy probation officer conducted the inspection tour. The grand jurors found the facility to be clean and well maintained. Services provided include education, health, mental health, social awareness, and special programs. These programs are taught by contracted providers, credentialed teachers, volunteers, and probation staff. The JDF staff are well-trained, knowledgeable, and supportive of the detainees and are involved in all aspects of services available.

**This report included three findings but no recommendations.
Therefore, no responses were required.**

Five-Year Follow-Up to the 2017-2018 Placer County Grand Jury Final Report

Every year the Placer County Grand Jury (PCGJ) publishes a final report. The reports provide citizens of the county an insight into county and city governments, special districts, schools, libraries, and jails. These reports may offer recommendations to the different entities for possible improvement in their procedures or operations. This year the 2022-2023 grand jury looked back five years to the recommendations from the 2017-2018 final report and investigated the updated status of those recommendations.

**This report included four findings but no recommendations.
Therefore, no responses were required.**

Continuity and Accountability – Responses to the 2021-2022 Placer County Grand Jury Final Report

The primary duty of the Placer County Grand Jury is to investigate the functions of city and county government, schools, and special districts. Each year the grand jury conducts inspections of the jails, holding facilities, and the juvenile detention center in the county. Additionally, the grand jury investigates different aspects of city and county government. Reports are written on the inspections and investigations

**This report included one finding but no recommendations.
Therefore, no responses were required.**

Conclusion

The 2023-2024 Placer County Grand Jury is following the precedent set by the past three grand juries by publishing a Compliance and Accountability Report. It is important the grand jury verify respondents are Penal Code § 933.05 compliant. In conclusion, this report is required for each Placer County Grand Jury going forward.

Findings

The grand jury found:

- F1:** Most replies from respondents were compliant with Penal Code § 933.05.
- F2:** Replies from Placer County LAFCO Board, City of Auburn, and City of Lincoln were not compliant as they did not respond to all the findings in their respective reports.
- F3:** The City of Colfax did not respond to the Spending on Homelessness Within Placer County report and is therefore not in compliance with Penal Code § 933.05.

Recommendations

- R1:** By April 10, 2024, the City of Auburn, City of Lincoln, and the Placer County LAFCO Board will update their response to address their agreement or disagreement with each finding in their respective reports.
- R2:** By April 10, 2024, the City of Colfax will respond to the grand jury with their agreement or disagreement to each finding in the Spending on Homelessness Within Placer County report as well as responding to the recommendation.

Required Responses:

Pursuant to Penal Code § 933.05, the Placer County Grand Jury requires a response from the following governing body:

| | <u>Recommendations Requiring Response</u> | <u>Response Due Date</u> |
|--|--|-------------------------------------|
| Auburn City Council City of Auburn 1225 Lincoln Way Auburn, CA 95603 | R1 | March 22, 2024 |
| Lincoln City Council City of Lincoln 600 Sixth St Lincoln, CA 95648 | R1 | March 22, 2024 |

| <u>Responding Entity</u> | <u>Recommendations Requiring Response</u> | <u>Response Due Date</u> |
|--|--|---------------------------------|
| Placer County LAFCO Board of Directors 110 Maple St Auburn, CA 95603 | R1 | March 22, 2024 |
| Colfax City Council City of Colfax PO Box 702 Colfax, CA 95713 | R2 | March 22, 2024 |

Copies sent to:

Placer County Board of Supervisors

175 Fulweiler Ave
Auburn, CA 95603

Placer County Health and Human Services Director

3091 County Center Dr
Suite 290
Auburn, CA 95603

Placer County Sheriff

Placer County Sheriff's Office
2929 Richardson Dr
Auburn, CA 95604-6990

Rocklin City Council

City of Rocklin
3970 Rocklin Rd
Rocklin, CA 95677

Roseville City Council

City of Roseville
316 Vernon St
Roseville, CA 95678

South Placer Fire District

Board of Directors
110 Maple St
Auburn, CA 95603

CALIFORNIA PENAL CODE

Section 933.05

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- (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 reasons therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (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 timeframe for implementation.***
 - (3) The recommendation 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 agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe 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, therefore.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Auburn City Council Response



CITY OF AUBURN

1225 LINCOLN WAY • AUBURN, CA 95603 • PHONE (530) 823-4211 • FAX (530) 823-4212

RECEIVED

APR 01 2024

**PLACER COUNTY
GRAND JURY**

March 25, 2024

The Honorable Alan V. Pineschi
Presiding Judge of the Superior Court
County of Placer
P.O. Box 619072
Roseville, CA 95661

Barbara Ferguson, Foreperson
Placer County Grand Jury
11532 B Avenue
Auburn, CA 95603

RE: Response to Placer County Grand Jury Report Entitled, "Compliance and Accountability to Penal Code § 933.05, Studying the Responses to the Placer County Grand Jury 2022-2023 Final Report" Released January 10, 2024

Dear Judge Pineschi and Foreperson Ferguson:

The City of Auburn has carefully reviewed and considered the Placer County Grand Jury report entitled, "Compliance and Accountability to Penal Code § 933.05, Studying the Responses to the Placer County Grand Jury 2022-2023 Final Report" released January 10, 2024 (the "Compliance Report"), which relates to the City's response to the 2022-23 Placer County Grand Jury Report entitled, "Spending on Homelessness Within Placer County" (the "Original Report").

The Original Report only requested the City's response to "R2" (i.e., recommendation two) which the City provided by formal letter dated September 11, 2023. In the Compliance Report, however, the Grand Jury now requests the City's response to all findings and recommendations in the Original Report. The Compliance Report also only requests the City's response to "R1" (i.e., recommendation one) but the City assumes a response to all findings and recommendations in the Compliance Report is also requested. Accordingly, the City provides the following responses regarding the Original Report and the Compliance Report, pursuant to California Penal Code section 933.05, subdivision (b).

Regarding the Original Report:

F1: Spending for homelessness in Placer County exceeded \$80 million for the periods covered in this report and is made up of funding by city, town, county, state, federal, and non-profit organizations. The Auburn City Council neither agrees nor disagrees with this Finding as the City Council is not privy to the total amount of spending throughout all of Placer County.

F2: The Placer County does not clearly define or report all sources of funding and expenditures on homelessness in the county budget. The Auburn City Council neither agrees nor disagrees with this Finding as the City Council is not privy to how Placer County defines or reports all sources of funding and expenditures on homelessness in the County budget.

F3: It appears there is little to no communication or coordination of spending among the incorporated cities and town, and the county. **The Auburn City Council PARTIALLY DISAGREES with this finding. The cities, town and County routinely discuss coordination of how to address homelessness in Placer County. Those discussions have included funding discussions as well, though there has not been, as the Grand Jury points out, a coordination of spending on homelessness.**

F4: Funding for homelessness services comes from various sources including city, town, county, state and federal governments, and non-profit organizations. **The Auburn City Council AGREES with this finding. The City Council would like to point out that the City has not received any Federal, State or County funding for homelessness in recent memory.**

F5: The five incorporated cities and one incorporated town in Placer County do not have homeless budget line items that define sources of funding and expenditures. **The Auburn City Council neither agrees nor disagrees with this finding as the City Council is not privy to how the other cities, town or Placer County budget for homelessness.**

R1: Placer County establish a full accounting of homeless funding and expenditures to citizens on an annual basis by January 1, 2024, and include in the annual budget going forward. **The recommendation will not be implemented by the City of Auburn because it is not warranted or is not reasonable. The City of Auburn has no authority over Placer County's accounting of homeless funding and expenditures or the inclusion of these topics in Placer County's budget.**

R2: Each of the five incorporated cities and one incorporated town in Placer County establish a full accounting of homeless funding and expenditures to its citizens on an annual basis by January 1, 2024, and include in the annual budget going forward. **This recommendation will not be implemented by the City of Auburn because it is not reasonable. The City of Auburn does not have singular-focused unit or personnel dedicated specifically to homelessness. This governmental function is spread across several different City departments and, as such, extracting that data would be an unreasonable burden on City resources. Any ongoing budgetary line item would also similarly be unreasonable for the same reasons.**

Regarding the Compliance Report:

F1: Most replies from respondents were compliant with Penal Code § 933.05. **The Auburn City Council neither agrees nor disagrees with this finding as the City Council is not privy to all information used by the Grand Jury to make the finding.**

F2: Replies from Placer County LAFCO Board, City of Auburn, and City of Lincoln were not compliant as they did not respond to all findings in their respective reports. **The Auburn City Council neither agrees nor disagrees as to Placer County LAFCO and the City of Lincoln as the City Council is not privy to all information used by the Grand Jury to make the finding. As to the City of Auburn, the Auburn City Council disagrees and notes the past and common practice of Grand Juries to request specific responses and for the City to respond to only those findings relevant to the City and/or the recommendations for which a response is requested (see the City of Auburn's response to the Placer County**

Grand Jury 2019-2020 Final Report). The City of Auburn is always available and willing to respond to those findings and recommendations requested.

F3: The City of Colfax did not respond to the Spending on Homelessness Within Placer County report and is therefore not in compliance with Penal Code § 933.05. **The Auburn City Council neither agrees nor disagrees with this finding as beyond its purview.**

R1: By April 10, 2024, the City of Auburn, City of Lincoln, and the Placer County LAFCO Board will update their response to address their agreement or disagreement with each finding in their respective reports. **As to the City of Auburn, this recommendation has been implemented by the responses in this letter. As to the City of Lincoln and Placer County LAFCo, this recommendation will not be implemented by the City of Auburn because it is not reasonable. The City of Auburn has no authority over the responses by the City of Lincoln and Placer County LAFCo.**

R2: By April 10, 2024, the City of Colfax will respond to the grand jury with their agreement or disagreement to each finding in the Spending on Homelessness Within Placer County report as well as responding to the recommendation. **This recommendation will not be implemented by the City of Auburn as it is not reasonable. The City of Auburn has no authority over the responses from the City of Colfax.**

The City of Auburn welcomes and appreciates the Grand Jury's interest in the City's operations, as well as the opportunity to respond to the findings and recommendations above.

Sincerely,



Rachel Radell-Harris, Mayor
City of Auburn

Colfax City Council Response



P. O. Box 702, Colfax, CA 95713

April 10, 2024

The Honorable Alan V. Pineschi
Judge of the Superior Court
County of Placer
P.O. Box 619072
Roseville, CA 95661

Placer County Grand Jury
11532 B Ave.
Auburn, CA 95603

RECEIVED

APR 10 2024

**PLACER COUNTY
GRAND JURY**

RE: Grand Jury Final Report: Spending on Homelessness Within Placer County

Dear Judge Pineschi and Members of the Grand Jury:

The City of Colfax has carefully reviewed and considered the findings and recommendations of the Placer County Grand Jury in its report dated June 26, 2023, entitled, "Spending on Homelessness within Placer County." By letter dated January 4, 2024, the Grand Jury requested the City's agreement or disagreement to each finding and a response to Recommendation R2. The City's responses follow.

RESPONSES TO FINDINGS

Finding F1: Spending for homelessness in Placer County exceeded \$80 million for the periods covered in this report and is made up of funding by city, county, state, federal, and non-profit organizations.

Response to Finding F1: The City of Colfax agrees that whatever amount is spent on homelessness in Placer County is made up of funding by city, town, county, state, federal and non-profit organizations, and possibly others, so it agrees with this finding to that extent. The City cannot verify the amount spent for the periods covered by the Grand Jury's report, or how the Grand Jury calculated the amount spent, so it disagrees with this finding to that extent.

Finding F2: The County of Placer does not clearly define or report all sources of funding and expenditures on homelessness in the county budget.

Response to Finding F2: The City of Colfax disagrees with this finding because the substance and subject matter of this finding pertains to the County of Placer's budget and is outside of the City's purview. The City has not determined, and cannot reasonably determine, the accuracy of this finding.

Ph: (530) 346-2313
Fax: (530) 346-6214

Web: www.colfax-ca.gov
info@colfax-ca.gov



P. O. Box 702, Colfax, CA 95713

Finding F3 : There appears to be little to no communication or coordination of spending among the incorporated cities and town, and the county.

Response to Finding F3: The City of Colfax disagrees wholly with this finding. Colfax is a member of the Placer Regional Homelessness Action Plan Ad Hoc Committee whereby its members, which includes Placer County, the City of Colfax and others seek to make homelessness rare, brief, and non-recurring by supporting unhoused community members in a coordinated system as they work toward self-sustaining futures. Colfax also agrees with the County's response to this finding.

Finding F4: Funding for homelessness services comes from various sources including city, town, county, state and federal governments, and non-profit organizations.

Response to Finding F4: The City of Colfax agrees with this finding.

Finding F5: The five incorporated cities and one incorporated town in Placer County do not have homeless budget line items that define sources of funding and expenditures.

Response to Finding F5: The City of Colfax agrees with this finding as to the Colfax but takes no position regarding this finding as to the other incorporated cities and town because their budgets are outside the City's purview.

RESPONSE TO RECOMMENDATION

Recommendation R2: Each of the five incorporated cities and one incorporated town in Placer County establish a full accounting of homeless funding and expenditures to its citizens on an annual basis by January 1, 2024, and include in the annual budget going forward.

Response to Recommendation R2: This recommendation will not be implemented because it is not reasonable. The City of Colfax cannot implement this recommendation because the City does not have sufficient staff or any source of funding to meaningfully address homelessness.

This concludes the City's responses to the Grand Jury's report. The City would like to thank the Grand Jury for its valuable service.

Sincerely,

A handwritten signature in blue ink that reads "Kim Douglass".

Kim Douglass
Mayor, City of Colfax

Ph: (530) 346-2313
Fax: (530) 346-6214

Web: www.colfax-ca.gov
info@colfax-ca.gov

Lincoln City Council Response

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JAN 23 2024

PLACER COUNTY
GRAND JURY

Response to Placer County Grand Jury Report Form

Report Title: Spending on Homelessness within Placer County
Response By: Sean Scully Title: City Manager of Lincoln

What is a Compliant Response?

Penal Code § 933.05 is very specific in what is required in a response. First, a respondent must address the findings listed in the report. There are only two responses allowed by the penal code. However, additional information is required if the respondent disagrees with a finding. If a report only lists findings and there are no recommendations, a response agreeing or disagreeing with each finding is not necessary.

FINDINGS

For purposes of subdivision (b) of Penal Code § 933.05, the respondent shall report one of the following two actions with regards to each finding.

| |
|---|
| <p>The respondent agrees with the finding.</p> |
| <p>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(s) therefore.</p> |

- I (we) **agree** with the finding(s) numbered: F4 & F5.
- I (we) **disagree** wholly or partially with the finding(s) numbered: F1, F2 & F3
Describe any portions of the finding(s) that are disputed or not applicable; include an explanation of the reason(s).

RECOMMENDATIONS

For purposes of subdivision (b) of Penal Code § 933.05, the respondent shall report one of the following four actions with regards to each recommendation.

| |
|---|
| The recommendation has been implemented with a summary regarding the implemented action. |
| The recommendation has not yet been implemented , but will be implemented in the future, with a timeframe for the implementation . |
| The recommendation 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. This timeframe shall not exceed six months from the date of publication of the grand jury's report. |
| The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation , therefore. |

- Recommendations numbered _____ **have been** implemented.
(Describe the implemented actions.)
- Recommendations numbered R2 **have not yet been** implemented but will be *partially* implemented in the future, with a targeted completion date of June 30, 2025.
Per Penal Code § 933.05(b)(2), a time frame for implementation must be included.
- Recommendations numbered _____ **require further analysis**. The further analysis will be completed by _____.
Describe the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six (6) months from the date of publication of the grand jury report.
- Recommendations numbered R2 **will not be** implemented because they are not warranted or are not reasonable, *see attach correspondence*.
Provide an explanation.

Date: 1/8/2024 Signed: 

Number of pages attached 2.



January 8, 2024

The Honorable Alan V. Pineschi
Presiding Judge of the Superior Court
County of Placer
PO Box 619072
Roseville, CA 95661

RE: Grand Jury Final Report – Spending on Homelessness Within Placer County

Dear Judge Pineschi:

The City of Lincoln has reviewed the 2022-2023 Placer County Grand Jury Report Section titled "Spending on Homelessness Within Placer County" and hereby submits its response to Finding 5 (F5) and Recommendation 5 (R5) of the Grand Jury as requested.

FINDING

- F1:** *Spending for homelessness in Placer County exceeded \$80 million for the periods covered in this report and is made up of funding by city, town, county, state, federal, and non-profit organizations.*
- F2:** *The Placer County does not clearly define or report all sources of funding and expenditures on homelessness in the county budget.*

Response to F1 and F2: We disagree with findings 1 and 2 as they are not relevant to the City of Lincoln.

- F3:** *It appears there is little to no communication or coordination of spending among the incorporated cities and town, and the county.*

Response to F3: We disagree with finding 3 as the City of Lincoln coordinates with the other incorporated cities/towns as well as Placer County via the Homeless Task Force.

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600 Sixth Street
Lincoln, CA 95648
(916) 434-2400

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F4: *Funding for homelessness services comes from various sources including city, town, county, state and federal governments, and non-profit organizations.*

Response to F4: We agree with finding 4.

F5: *The five incorporated cities and one incorporated town in Placer County do not have homeless budget line items that define sources of funding and expenditures.*

Response to F5: We agree with finding 5 as it relates to the City of Lincoln, with the following caveat, the City of Lincoln does not adopt its budget on a line-item basis as is common with most California Cities, rather it operates on a fund-based budget.

RECOMMENDATION

R2: *Each of the five incorporated cities and one incorporated town in Placer County establish a full accounting of homeless funding and expenditures to its citizens on an annual basis by January 1, 2024, and include in the annual budget going forward.*

Response to R2 (not yet implemented): The City is in partial agreement with this recommendation and will institute a portion of the requirement. The City will agree to form a narrative perspective within its biennium budget document, the next cycle will be in 2025-27, to indicate anticipated funding and expenditures on homelessness in each budget cycle. The City will not provide line-item detail of expenditures within its budget. The City, much like most California Cities, does not have a line-item budget, rather it presents a fund-based budget. Fund-based budgeting is an accepted practice in government agencies at the local, state, and federal level throughout the country. The city will continue with this practice. Additionally, restructuring of the budget is unnecessary as the City can adequately address this matter through the narrative function of the budget. Since the budget document is adopted at an open and public meeting and posting on the City's website, an additional annual report is unnecessary.

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Response to R2 (will not be implemented): The City does not agree with and will not institute a full separate annual report of homelessness funding and budget on a yearly basis as the recommendation is redundant on a number of levels. First, the City of Lincoln discusses homelessness actively and openly at public meetings and receives (and will receive in the future) regular updates on homeless programs and any funding associated with homelessness. Second, the budgetary process provides a similar ongoing opportunity to evaluate homeless fundings through the budgetary narrative. Finally, the City of Lincoln and its residents have access to robust financial transparency tools to review City budgets at any time not just during an annual report.

* * * * *

This concludes the City's response to the Grand Jury's recommendation from its 2022-2023 report regarding "Spending on Homelessness Within Placer County". Please do not hesitate to contact me at 916-434-2490 if you have questions regarding this response.

Regards,



Sean Scully
City Manager

cc: Barbara Ferguson, Foreperson
2022-2023 Placer County Grand Jury
Lincoln City Council

City Hall

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LAFCO Response

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**PLACER COUNTY
GRAND JURY**

FRANK S. SWEET (1918-1978)
MARGARET KELLER (1911-1997)
JAMES D. LOEBL (1927-2003)
BRETT L. PRICE (1980-2021)

PETER C. DOWLER (Retired)

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MICHAEL M. ISRAEL
THOMAS J. HUTCHINSON
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SAM MOJABI
MICHAEL G. WALKER

January 11, 2024

The Honorable Alan V. Pineschi
Presiding Judge of the Superior Court
County of Placer
Post Office Box 619072
Roseville, California 95661

Barbara Ferguson, Foreperson
Placer County Grand Jury
11532 B Avenue
Auburn, California 95603

Re: Placer County Grand Jury's "Compliance and Accountability
to Penal Code § 933.05," Released January 10, 2024

Dear Judge Pineschi and Foreperson Ferguson:

This firm represents the Placer County Local Agency Formation Commission (LAFCO). This letter is sent to you in response to the statement on page 16 of the Placer County Grand Jury's "Compliance and Accountability to Penal Code § 933.05," released January 10, 2024, that LAFCO's response to the Grand Jury's "South Placer Fire District, Fiscal Challenges and Station Closures" report was not in compliance with Penal Code section 933.05 because it "[d]id not respond to any of the findings required by" that section.

First, the Grand Jury's June 21, 2023, letter to LAFCO asking it to respond to the report requested that LAFCO respond only to the recommendations, not the findings. A copy of the letter is attached as Attachment B to Item 7C on LAFCO's September 13, 2023, agenda, available online at https://www.placer.ca.gov/AgendaCenter/ViewFile/Agenda/_09132023-5079 (see pages 1082-1084). As you will see, only the portion of the Grand Jury's form relating to recommendations is included with its letter.

The Honorable Alan V. Pineschi
Presiding Judge of the Superior Court
County of Placer
Barbara Ferguson, Foreperson
Placer County Grand Jury
January 11, 2024
Page 2

Second, the Grand Jury's request that LAFCO respond only to the recommendations, and not the findings, was appropriate since none of the findings concern LAFCO. Each finding expressly relates only to the South Placer Fire Protection District (SPFPD). (Similarly, three of the four recommendations relate only to SPFPD.) Moreover, LAFCO's response amply explains that it is in the midst of a lengthy study of the Western Placer County fire agencies, including the SPFPD, that is not expected to be concluded until mid-2024, thus any substantive response by LAFCO to the report would be premature.

Finally, as the Grand Jury's June 21, 2023, letter to LAFCO also appropriately implies, Penal Code section 933.05 does not require a public agency to agree or disagree with findings that do not relate to that agency. This is both a matter of common sense – since any such response would be merely an opinion and thus not helpful to the grand jury process – and a matter of statutory construction, since the public agency is not a “responding entity” or “respondent” as to those findings.

For those reasons, LAFCO requests that the Grand Jury amend the “Compliance and Accountability to Penal Code § 933.05,” released on January 10, 2024, to properly reflect that LAFCO's response was in compliance with Penal Code section 933.05.

Very truly yours,

NORMAN DOWLER LLP



By Michael G. Walker

cc: Michelle McIntyre, Executive Officer
Placer County Local Agency Formation Commission

