

2010/2011

AMADOR COUNTY

CIVIL GRAND JURY

FINAL REPORT



June 2011

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AMADOR COUNTY Grand Jury

MAIL: P.O. Box 249, Jackson, CA 95642 - Phone: (209) 223-2574 - Fax: (209) 257-1471

June 6, 2011

The Honorable Judge David Richmond, Presiding Judge
Amador County Superior Court
500 Argonaut Lane
Jackson, California 95642

Dear Judge Richmond:

The 2010-2011 Amador County Grand Jury is pleased to present to you and the citizens of Amador County our final report. This final report is the result of reviews, inspections, interviews and investigations based on concerns of citizens and those of the Grand Jury.

The Grand Jury is mandated by law to investigate city and county government as well as special districts to insure that the interests of the citizens of Amador County are served. The members of the Grand Jury worked together many hours in interviews, reviewing of documents, visits to many governmental agencies, along with discussion and analysis of the facts gathered. This report describes numerous concerns and recommendations to solve the problems, along with acknowledgement of many effective departments and operations. The Grand Jury trusts that the agencies will review and evaluate our findings to help improve their programs. .

I would like to thank the members of the 2010-2011 Grand Jury for the hard work, time, initiative and integrity they brought to their individual and collective tasks throughout the year.

The Grand Jury would like to extend its appreciation to Heather Korsgaard for all of her help and support during the year. For their help with legal advice and information we like to thank, Martha Shaver and Jennifer Magee of the County Counsel, Todd Riebe, District Attorney, and Alexandra Asterlin of the Superior Court. For guidance and information in regard to financial matters Auditor-Controller Joe Lowe. And last we would like to thank you Judge Richmond, for your help, time, support and confidence in us. It was greatly appreciated and helped us to stay focused on our task and responsibilities.

Respectfully,

A handwritten signature in cursive script that reads "John Pretto".

John Pretto
Foreperson

Amador County Grand Jury 2010-2011



CHAMBERS OF
DAVID S. RICHMOND
JUDGE

Superior Court of the State of California
County of Amador

500 Argonaut Lane
Jackson, CA 95642

June 2, 2011

John Pretto, Foreman
Amador County Grand Jury
P.O. Box 249
Jackson, CA 95642

Dear Mr. Pretto and Members of the 2010-2011 Grand Jury:

The Court thanks you for your exceptional efforts in the preparation of this Grand Jury Report. Your report is very concise and well written. The Court knows this has been a demanding experience. We appreciate the insight and expertise shown by your report. Your willingness to serve our justice system strengthens it and makes it better. Thank you again for your hard work and dedication to completing this task.

Sincerely,

A handwritten signature in cursive script, appearing to read "David S. Richmond".

David S. Richmond
Presiding Judge, Amador Superior Court



HISTORY OF THE GRAND JURY

The grand jury is an investigatory body created for the protection of society and the enforcement of the law. The U. S. Constitution's Fifth Amendment and the California Constitution call for grand juries. Grand juries were established throughout California during the early years of statehood. As constituted today, the grand jury is part of the judicial branch of government, an arm of the court.

It is a privilege and an honor to be selected. The opportunity to serve may only occur once in a lifetime. If and when you are asked to serve as a grand juror, you are encouraged to accept this unique opportunity to represent the community in which you live.

2010/2011 Amador County Civil Grand Jurors

John Pretto, Foreman

Barbara Allen

Mary Jane Bixler

Judith Bunting

Mark Custino

Kathleen Delaney

Thomas Ellison

Donald Freitas

Anthony Holt

Donald Hoverson

Maxine Kirkpatrick

Sarah Lewis

Niels Markert

Robert Paradis

John Scott

John Sullivan

George White

Robert Woodside

Robert Yates

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CITY ADMINISTRATION



CITY ADMINISTRATION CITY OF IONE

INTRODUCTION

The Amador Civil Grand Jury conducted an investigation of the City Management and City Council of the City of Ione based on complaints from the citizens of Ione regarding financial mismanagement. The investigation is based on past audits, interviews and financial documents.

BACKGROUND

The City Council is responsible for making all final decisions by a majority vote in all matters presented to them from the City Manager. All proceedings are held in a public forum for the public to witness except for certain confidential matters.

RESPONSIBLE AGENCY:

IONE CITY COUNCIL
1 EAST MAIN STREET
IONE, CA 95640

JUSTIFICATION / JURISDICTION

The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit. California Penal Code § 925a

METHOD OF EVALUATION

1. Interviews were conducted with past and current City council members.
2. Interviews were conducted with City staff and employees.
3. Reviewed financial documents.
4. Attended city council meetings.

FACTS

1. Dating back to 2003, 2004 the audits were relatively good. However, from 2005 to the present the auditors were not able to complete the audits since the City failed to provide requested documentation.

A. Audit reports were prepared by a CPA for each year 2006-2009. (Copies of these reports are available at <http://www.ione-ca.com/home/ione/financials.htm>)

2. Ione's Local Agency Investment Fund (LAIF) was \$7,527,531.61 in May 2008. On January 14, 2011 the ending balance was \$1,754,789.84. This fund is where the City places funds not needed for current operations. It is essentially a rainy day fund.

3. IONE MUNICIPAL CODE 2.08.030- DUTIES OF THE CITY TREASURER.

“The city treasurer shall be directly responsible to the city council, and shall accomplish all duties specifically assigned and delegated by the city council, subject to and within the parameter of California Government Code Section 41000 et seq. Specifically, the city treasurer shall:

A. Make bank deposits three times a week and on the last day of the month;

B. Make monthly bank reconciliation of all accounts, tying the reconciliation balance back to the books and records of the city:

C. Make timely recording of all cash transfers between the various city accounts.”

4. IONE MUNICIPAL CODE 2.08.040- DIRECTOR OF FINANCE.

“Pursuant to Sections 37209 and 40805.5 of the California Government Code, there is established the office of the director of finance, who shall have the following duties:

A. The director of finance shall cause a summary of the city's financial report required by Section 53891 of the Government Code, in a form prescribed by the State Controller, to be published once in a newspaper of general circulation, pursuant to Article 1 (commencing with 6000), Chapter 1, Division 7, Title 1 of the Government Code. The report shall be published not later

than 120 days after the close of the fiscal year for which the report is compiled.

B. The director of finance shall cause the city clerk to maintain records readily reflecting the financial condition of the city.

C. The salary and hours of the director of finance shall be set by resolution.”

5. IONE MUNICIPAL CODE 2.08.050- DUTIES OF CITY CLERK.

“The city clerk shall have the following duties:

A. The city clerk shall keep an accurate record of the proceedings of the legislative body in books bearing appropriate titles and devoted exclusively to such purposes, respectively. The books shall have a comprehensive general index.

B. Under the direction and control of the director of finance, the city clerk shall maintain records readily reflecting the financial condition of the city.

C. The city clerk shall keep and maintain in a book marked ‘ordinances’ and record in it all city ordinances with her certificate annexed to each stating:

1. It is a true and correct copy of a city ordinance;
2. The ordinance number;
3. It has been posted or published pursuant to law.

D. The city clerk is the custodian of the city seal.

E. The salary and hours of the city clerk shall be set by resolution.”

6. IONE MUNICIPAL CODE 2.10.070 - POWERS AND DUTIES – GENERALLY.

“The city manager shall be the administrative head government of the city under the direction and control of the city council except as otherwise provided in this chapter. He or she shall be responsible for the efficient administration of all the affairs of the city which are under his or her control. In addition to his or her general

powers as administrative head, and not as a limitation thereon, it shall be his or her duty and he or she shall have the powers set forth in Sections 2.10.080 through 2.10.210.”

7. IONE MUNICIPAL CODE 2.10.140- POWERS AND DUTIES—FINANCIAL REPORTS.

“It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial conditions and needs of the city. The city manager shall assume the duties of the director of finance as set forth in Section 2.08.040.”

8. IONE MUNICIPAL CODE 1.08.010 - VIOLATION A MISDEMEANOR.

“Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city shall be guilty of a misdemeanor, unless the violation is made an infraction by ordinance.”

9. IONE MUNICIPAL CODE 1.08.030 - PENALTIES FOR INFRACTION.

“Any person convicted of an infraction for violation of an ordinance of the city is punishable by (1) a fine not exceeding \$50.00 for a first violation; (2) a fine not exceeding \$100.00 for a second violation of the same ordinance within one year; (3) a fine not exceeding \$250.00 for each additional violation of the same ordinance within one year.”

10. IONE MUNICIPAL CODE 1.08.04- EACH DAY A SEPARATE OFFENSE.

“Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and he or she shall be punishable accordingly.”

11. The General plan was written by the current City Manager and consultant firm PMC World. It was adopted by the City Council in 2008. The General Plan assumes a growth rate of 6% per year. Many actions of the City Council and City Manager have been based upon the General Plan’s growth rate.

12. The Grand Jury requested certain financial documents from the City of Ione. The Grand Jury was told that the documents did not exist.

FINDINGS:

1. Audit reports for 2006, 2007, 2008 and 2009 report significant financial shortcomings. (See Auditors report at <http://www.ione-ca.com/home/ione/financials.htm>) (Facts #1, 6)
2. Required Bank reconciliations have not been made in the last two years. (See Auditors report at <http://www.ione-ca.com/home/ione/financials.htm>) (Facts 2 b., 6 and 12)
3. Cash transfers between accounts are not properly documented as required. (Facts 2 c., 6 and 12)
4. Monthly Treasurer Reports have not been prepared since 2003. (Fact 4 b., 6 and 12)
5. The City Treasurer, who is under the direction of the City Council, has failed to prepare monthly bank reconciliations as required by Ordinance. (Fact 3 b, 6 and 12)
6. The fact monthly treasurer reports are not currently being prepared means the City Council does not have sufficient information in order to make intelligent financial decisions.(Fact 6)
7. The City of Ione's General Plan is being used to justify expenditures at a growth rate that has not been realized. (Fact 6, 11)
8. The General Plans annual status report has not been reported. (Fact 12)
9. The City is outspending its current income and has been heavily dipping into the LAIF account. (Fact 2, 6)
10. At the current rate of depletion the LAIF account will be fully depleted in the next year or two. (Fact 2, 6)
11. When the LAIF account is fully depleted the City will be unable to meet current obligations from current revenue. (Fact 2, 6)
12. The failure to reconcile bank statements promptly enhances the possibility that embezzlement would go undetected.

RECOMMENDATIONS:

1. The City should immediately stop using the growth rates predicted in the General Plan in making financial decisions and actual growth rates should be used instead. Ideally the General Plan should be revised using more accurate population figures and anticipated growth rates.

2. The City Council should immediately require the City Treasurer and City Manager have all bank accounts reconciled on a monthly basis
3. The City Council should recommend that the City Manager should stop all further projects until bank reconciliations are completed and it is determined that sufficient funds are available to meet obligations as they are incurred.
4. The City Manager should immediately require the appropriate employee prepare the Financial Reports on a monthly basis.
5. The City Council should immediately require the City Manager prepare a written report to the Council regarding each deficiency noted in the Audit Reports for the last three years stating what was being done to correct each deficiency and when it would be corrected.
6. The City's waste water plant proposal should be revised based upon a more accurate growth rate, not at 6% growth as projected in the current general plan.
7. The Grand Jury recommends that the 2011-2012 Grand Jury continue the investigation on the City of Ione.

COMMENT

1. The City Administration Committee of the Amador Grand Jury is to remain on for another year to continue its investigation. This is due to a lack of information in the City of Ione's financial documents obtained by our investigation thus far and by the Auditors report from past audits.

RESPONSE REQUIRED:

Pursuant to California Penal Code §933 (c) a response to this report is required. No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the Superior court on the finding and recommendations.

COUNTY GOVERNMENT



ELECTIONS
AMADOR COUNTY REGISTRAR OF VOTERS/ELECTION BOARD

INTRODUCTION:

The 2010/2011 AMADOR COUNTY CIVIL GRAND JURY received a letter from other County Grand Juries suggesting an investigation into the handling of absentee ballots. The Grand Jury was also invited to attend the Election Observer Panel held October, 14, 2010.

CONCERNS:

- Counting of Absentee Ballots
- Signature Switching
- General Election Procedure

RESPONSIBLE AGENCY:

AMADOR COUNTY REGISTRAR OF VOTERS
810 Court Street
Jackson, CA 95642

JUSTIFICATION/JURISDICTION:

The Amador County Grand Jury was invited to participate on the EOP pursuant to California Penal Code § 925, "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. . ."

METHOD OF EVALUATION:

Grand Jurors attended the EOP and observed different locations in the County during the November election and the counting of ballots.

FACTS:

Observers found the operation of the polls and counting of ballots, including absentee ballots, was done in the proper manner.

FINDINGS:

NONE.

RECOMMENDATIONS:

NONE.

RESPONSE REQUIRED:

NONE.

AMADOR COUNTY HEALTH AND HUMAN SERVICES

INTRODUCTION

The 2010/2011 Civil Grand Jury elected to investigate the Health Services Department and the Social Services Department of Amador County. The purpose of the investigation was to look at the structural reorganization, funding, and function of the Departments with the exclusion of Public Health.

BACKGROUND

The Health and Human Services Director position was deleted by consent of the Board of Supervisors on March 22, 2011. Health and Human Services has been restructured into the Health Services Department and the Social Services Department.

The Health Services Department encompasses Public Health and Behavioral Health (Mental Health and Alcohol/Drug Services).

The Social Services Department has become an independent department, which includes Eligibility, Work Services, Child Protective Services (CPS), Adult Protective Services (APS), and Public Authority (In Home Support Services-IHSS).

The Departments are funded through a combination of Federal, State, County, and grant monies.

There is no Federal funding for the Mental Health Services Act (MHSA). This program, established by Proposition 63, is funded by a 1% California State tax on personal income in excess of \$1 million.

Staffing levels continue to be limited due to budget constraints.

RESPONSIBLE AGENCIES

AMADOR COUNTY DEPARTMENT OF HEALTH SERVICES
10877 Conductor Boulevard
Sutter Creek, CA 95685

AMADOR COUNTY DEPARTMENT OF SOCIAL SERVICES
10877 Conductor Boulevard
Sutter Creek, CA 95685

JUSTIFICATION/JURISDICTION:

Pursuant to California Penal Code § 925, "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. . ."

METHOD OF EVALUATION

- Interview Health Services Director
- Interview Community Services Director
- Interview Acting Social Services Director
- Review Amador County Web Site
- Attend Review of Annual MHSA update
- Attend Amador County Board of Supervisors meetings

FACTS

1. Health and Human Services has been restructured into two departments, Health Services and Social Services.
2. The Amador County Board of Supervisors deleted the position of Health and Human Services Director on March 22, 2011.
3. The County website is not current with respect to the restructuring of Health and Human services, at the time this report was finalized.
4. The Health and Human Services Building, 10877 Conductor Boulevard, Sutter Creek, was built to suit, as there was no other adequate building available
5. The Health and Human Services Building is leased by Amador County.
 - The rent for 2010 was \$1.436 million. This included:
 - Social Services rent: approximately \$564,000
 - Health Services rent: approximately \$573,000
 - The remainder of the rent was derived from other services located in the building.
6. The Health and Human Services Building rent is tied to the Consumer Price Index (CPI) and checked every year.

7. The structured lease began 12/01/07 and is a 20-year term.
 - At this time, the lease is not being renegotiated.
8. Funding sources for Social Services are 88% Federal and California State reimbursement and 12% Health realignment dollars. Realignment dollars are State monies disbursed to Counties to be used only for specific categories.
9. Due to a lack of sufficient staff and monies, it is not possible for the Social Services Department to explore independent funding opportunities at this time (i.e. grant dollars).
10. Funding sources for Health Services operating revenue are approximately 78% Federal and California State dollars and 22% Health realignment dollars. Some services are billed for, some are allocated by a definite tax, some are defined by legislation and some are requested by grant.
11. Neither Social Services, nor Health Services receive monies for direct services from the Amador County General Fund.
12. The MHSA annual update 2010/2011 revealed a net funding decrease of 8.5% from the State of California to all Counties. For the entire State, this equates to \$64 million less in allocations than expected.
13. There is no mandated adult MHSA funding but 25% is mandated for children.
14. The Food Stamp entitlement program numbers demonstrate a steady increase over the last few years
 - \$195,560 issued September 2008
 - \$331,423 issued September 2009
 - \$398,898 issued September 2010
 - \$411,336 issued February 2011
15. Food Stamp monies are showing a tendency to be spent more in Amador County than outside the County.
16. Social Services have a continuing caseload of 3,035 with roughly 500 applications for various services per month. These numbers fluctuate throughout the year.
17. Social Service programs are based on entitlements. All who apply and qualify receive services.
18. Health Services programs are based on mandates and entitlements.

19. Both Departments utilize Full Service Partnerships (FSP) and independent agencies.
20. An in depth survey of homeless persons in Amador County was conducted in January, 2011. This survey was funded through monies from Housing and Urban Development (HUD), and was administered by the Amador Board of Supervisors. It was conducted by the Amador Tuolumne Community Action Agency (ATCAA).

FINDINGS

1. Full Service Partnerships (FSP) and independent agencies are essential for the operation of both the Health and the Social Service Departments. Both close cooperation and communication between Health, Social Services, FSP, and independent agencies are necessary for maximizing the monies available. These services provide continuity and an extension of care to clients and their families. Some examples of FSP and independent agencies include:

- Amador Tuolumne Community Action Agency (ATCAA)
- The Resource Connection
- The Wellness Center
- Sierra Wind Support Center
- Operation Care
- Interfaith Food Bank

(Fact #19)

2. With the decrease in MHSA funding, it is not the intention of Health Services to reduce core services. Staff responsibility would be shifted and combined, resulting in a reduction of administrative costs. (Fact #12)
3. Some job descriptions in Health Services have been blended to include a variety of duties. *For example, a receptionist may now also assist with billing duties.* (Facts #11, #13)
4. Both Departments pursue every source that is appropriate and utilize every allocation possible "to the last penny." (Facts #8, #9, #10 & #11)".
5. Food Stamp money spent in Amador County enhances the local economy. (Facts #14 & #15)

6. Due to the uncertainty of the Federal and State budgets, it is difficult for the Health and Social Service Departments to plan for future needs. (Facts #8, #10, #12, #17 & #18)
7. Due to Amador County's "minimal allocation" status (based on population), the decrease of MHSA funding monies is less significant than for more populated counties. *For example, a 10% decrease on an allocation of \$10,000 would reflect a \$1,000 loss versus a 10% decrease on an allocation of \$1,000,000 would reflect a \$100,000 loss.* (Fact #10, #12)
8. The homeless persons survey had not been released at the time this report was finalized. However, it is anticipated that the report will show that the number of homeless persons has significantly increased. The ramifications of needs for County services are unknown at this time. (Fact #20)

RECOMMENDATIONS

1. The Health Services Department should consider a regional program for researching and applying for grant funds with other rural California counties.
2. The County should update the Amador County web site to reflect the Departmental changes.
3. Encourage Amador County to explore the possibility of revising the terms of the current Health and Human Services building lease.

RESPONSE REQUIRED

Pursuant to California Penal Code §933 (c) a response to this report is required. No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the Superior court on the finding and recommendations.

REFERENCE MATERIALS

- Data sheets from Health Services and Social Services
- Review 2009/2010 Amador County Civil Grand Jury report regarding Amador County Health and Human Services, Recommendations and Responses
- Amador County Website: www.co.amador.ca.us
- Communication with ATCAA Director

Comment

During the investigation for this report, the committee was impressed by the commitment and dedication of the Health Services and Social Services departments. We are encouraged by the close communication, cooperation, and camaraderie that exists between Health Services, Social Services, FSPs and independent agencies.

CRIMINAL JUSTICE



CRIMINAL JUSTICE AMADOR COUNTY DETENTION FACILITY

INTRODUCTION:

The 2010/2011 Amador county Civil Grand Jury conducted the required inspection and review of the Amador County Detention Facility (ACDF) on November 17, 2010.

BACKGROUND:

The ACDF is operated and maintained by the Amador County Sheriff's Office (ACSO). Historically, the County Jail was housed in the old court house building in Jackson, California. The current jail was built in 1984 as a separate facility and is part of the ACSO headquarters. The planned useable life span of this facility was 20 years. It outlived this term in 2004. A new facility is being planned to house more inmates and with modern technology.

The ACDF is a Type II facility used for the detention of adults pending arraignment, during trial, awaiting transfer to other facilities, and serving Court-ordered sentences to County Jail.

The Corrections and Standards Authority (CSA), the California State Fire Marshal, the local Jackson Fire Department, and the public Health and Environmental Health Departments inspect the jail every other year. The Amador County Grand Jury inspection takes place each year.

The CSA inspection is held pursuant to Penal Code §6031.1, for compliance with Titles 15 and 24 of the California Code of Regulations. The holding facility at the court house has a capacity of 29 inmates. This includes five holding cells, one group cell, and one attorney-client cell. The CSA inspects the holding facility at the time that it inspects the detention facility.

The current ACDF budget is \$3,916,518, which includes employees, services and supplies, and medical.

RESPONSIBLE AGENCY:

AMADOR COUNTY SHERIFF'S DEPARTMENT
700 Court Street
Jackson, California 95642

JUSTIFICATION/JURISDICTION:

The Grand Jury shall inquire into the condition and management of the public prisons within the county. California Penal Code §919(b).

METHOD OF EVALUATION:

INTERVIEWS & TOUR

Interview with ACSO Sheriff

Interview with ACSO Lieutenant

Tour of facility

DOCUMENTS

Power Point presentation and hard copies

Portions of the Jail Manual, Amador County Sheriff's Office:

Grievance Policy and Procedure

Telephone Guidelines

Correspondence

Medical Receiving Screening

Inmate Discipline

Daily Inmate Plan

Medical Receiving-Screening

Felony Release Criteria

Penal Code 4925: Inmate Welfare Fund

FACTS:

1. Comparing to fiscal 98/99 to 09/10:
 - 11% increase in staff
 - 117% increase in jail population
 - A typical shift is 1 Sergeant and 2 officers
2. Staffing includes a Correctional Officer classification. Besides working in the jail, a Correctional Officer handles transportation of inmates to Court and other appointments. The education requirements for this classification are a high school diploma, attendance at a correctional officer academy, and on-the-job training.
3. The current capacity is 65 males and 11 females.
4. The current facility is overcrowded. There are currently 67 males and 17 females. The 2008 Needs Assessment has projected a need for 162 beds by 2011.
5. The average length of Stay in 2009 was 20.05 days
6. The existing site is too small to allow the current facility to be enlarged. Overcrowding has forced the Sheriff to place bunks in dayrooms. The required separation of inmates by classification cannot occur.
7. Limited jail capacity has made it necessary for the Sheriff's Office to use alternative release programs. Non-violent felons are reviewed for release on Agreement to Appear, Sheriff's Parole and Home Electronic Monitoring.
8. Misdemeanants are reviewed for release by citation. They must have been arrested for no-violent violations, have no outstanding warrants, and meet the Penal Code §853.6 criteria.
9. Since 2001, the ACDF inmate population has increased due to community growth, casino growth, and the reintroduction of state prisoners into the community.
10. Title 15 of the California Code of Regulations for the safekeeping of inmates has added to the staffs' responsibilities by requiring hourly cell checks, suicide prevention, sobering cell checks, medical treatment, and protective custody for inmates.
11. The Inmate Welfare Fund is used to conform to Penal Code §4025. Income is produced from inmate purchases of telephone card and commissary products. These funds can be used for programs, services, repairs from inmate vandalism, and for facility maintenance. At the time of the inspection, there was approximately \$110,000 currently in the Inmate Welfare Fund.

12. No one under the age of 18 can be housed at ACDF. Juvenile custodial arrests are handled through the County Probation Department. When a minor is arrested, the Probation officer responds and takes custody.
13. Video arraignments are conducted on Monday, Tuesday, Wednesday, and Friday in the Video Conferencing Station at the jail.
14. The County facility has been at or over capacity since 2003.
15. Booking fees are set by State law. The fees are reimbursed to the County by the State once a year. The state is not currently reimbursing the county for the full amount due.
16. AB900 authorizes \$7.7 billion (\$7.3 billion in bonds and \$350 million from the state's general fund) to fund the addition of 53,000 state prison and local jail beds to relieve severe overcrowding, improve conditions and offender outcomes, and ward off the threat of federal court intervention.

FINDINGS:

1. The philosophy of the current administration is to treat inmates with dignity and to provide a safe and secure environment.
2. Because of overcrowding, the safety and security of staff, inmates, and visitors are at risk.
3. The house monitoring equipment is so antiquated that it is increasingly difficult to find repair personnel.
4. There is no effective means to keep track of an inmate once released from custody.
5. Inmate classes are currently being held in library and in hallways. Some activities are no longer available because of staffing constraints.
6. There is no longer a community Work Crew because of staffing shortages.
7. As per 2008 recommendations ACSO has continued to pursue funding for a new facility through matching funds legislation. The County received a conditional award of up to \$22,712,000. The conditions of this award require that the county raise matching funds of approximately \$7-\$8 million. Property has been purchased for the new facility.
8. The morale of the staff is better due to efforts to move forward with AB900. (Fact # 16)
9. Sheriff's Deputies with Law Enforcement Officer Classification are forced to work in the

correctional facility to make up for understaffing. As a result, there are fewer officers on patrol. (Facts #1, #2)

10. Felony Release Criteria have been used for the early release of non-violent felons due the overcrowding of the facility. This program has not been very successful because ACSO is unable to keep track of persons once they are released from custody.

11. Booking fees reimbursed by the state do not adequately offset costs. (Fact#15)

RECOMMENDATIONS:

1. Pursue matching funds for AB900.
2. Petition the state to reimburse the total amount of booking fees due the ACDF.

RESPONSE REQUIRED:

Pursuant to California Penal Code §933 (c) a response to this report is required. No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the Superior court on the finding and recommendations.

CRIMINAL JUSTICE MULE CREEK STATE PRISON

INTRODUCTION

The 2010/2011 Amador County Civil Grand Jury conducted the required inspection and review of the Mule Creek State Prison (MCSP) on August 16, 2010.

BACKGROUND:

MCSP is located in the City of Ione adjacent to the CDF/CALFIRE Academy and Preston Youth Correctional Facility. The prison opened on June 10, 1987. It is considered a minimum, medium and maximum security prison, with Custody Levels I through IV. It has close custody capability. There are three facilities: A, B and C, including a Sensitive Needs yard.

Although the design capacity of MCSP is 1,700 inmates, the average inmate count at the time of the Grand Jury visit was 3,761. Current staffing includes 550 non-custody personnel and 693 custody personnel. There are 1,626 inmates serving life terms with possibility of parole and 199 inmates serving life terms without possibility of parole. Of these, 23 inmates are considered high-notoriety Public Interest Cases (PICs).

Minimum security inmates work outside the secured perimeter, participating in the MCSP Community Crew work programs within the City of Ione. Prison Industries Authority (PIA) offers income programs including digital mapping, coffee roasting and textiles. Inmates also have access to self-help groups.

The Annual operating budget for fiscal year 2010/2011 is \$136,699,467 of which \$ 3,570,769 is for education and \$ 52,485,060 is for health care.

RESPONSIBLE AGENCY:

MULE CREEK STATE PRISON
CALIFORNIA DEPARTMENT of CORRECTIONS & REHABILITATION
DIVISION of ADULT INSTITUTIONS
4001 State Highway 104
P.O. Box 409099
Ione, CA 95640

JUSTIFICATION/JURISDICTION:

The Grand Jury shall inquire into the condition and management of the public prisons within the county. California Penal Code §919(b).

METHOD OF EVALUATION:

INTERVIEWS & TOUR

Pre-inspection briefing was provided by the Administrative Assistant/Public Information Officer and Chief Deputy Warden.

Tour of Facility A

Exercise Yard

Chapel

Classrooms

Cell Block

Level III gymnasium, converted into overflow housing for inmates

Prison Industries Authority (PIA)

DOCUMENTS REVIEWED

MCSP Mission Design

Chart: California Institution Population by County of Commitment 2008

Statistical Analysis 2010

Fire Department Activity Logs

Non-Revocable Parole Today

2008-09 and 2009-10 Budget and Non- Budget Act (Totals)

FACTS:

1. Three gymnasiums have been converted into inmate housing with dormitory-style living arrangements. Up to 360 levels I, II, III inmates are housed in these gymnasiums. Each is provided a bunk and a small locker for his personal affects. The bunks are tripled-stacked and placed in close proximity. A podium manned by two officers with surveillance equipment watch over the inmates. Officers also patrol the floor.

2. Overcrowding is a problem experienced by all California correctional facilities. Approximately 8,000 inmates statewide have been sent to other states for incarceration. An additional 2,500 will be sent during 2009/2010.

3. The inmate's medical needs are accommodated by either in-house services for less serious conditions or by transportation to regional hospitals and clinics. In-house medical resources cover medical, dental, pharmaceutical, and psychiatric needs. These resources include estrogen shots for transsexual inmates. Interpreters are provided for the hearing impaired and the non-English speaking population.
4. The inmates are provided access to formal religion from several denominations in the MCSP chapels, and sacred religious grounds in the yard.
5. The inmates are provided access to a legal library at the prison.
6. Counseling, academic, and educational programs are part of MCSP rehabilitation efforts.
7. Currently MCSP offers academic programs of K through 12, and GED with the successful completion of high school equivalency requirements. MSCP also offers independent studies and "distance learning" for those who wish to continue their education.
8. Vocational programs include landscape gardening, milling and cabinet making, welding, auto mechanics, AC/refrigeration, office services, electronics, small engine repair, and graphics arts.
9. The PIA (Prison Industry Authority) program offers the inmates an opportunity to learn a vocation while earning money. PIA programs include textiles, coffee roasting, digital mapping, laundry, administration and warehouse work. Digital mapping is a sought-after trade, and requires an interview and resume from each inmate interested. Inmates PIA earnings are placed in a trust account.
10. There is a long waiting list for inmates wishing to participate in any of the Educational, Vocational, and PIA programs.
11. Many of the inmates at MCSP are designated "sensitive needs," defined as those inmates who may be subject to harm or have "enemy situations." They include high notoriety/highly publicized cases, those convicted of heinous crimes, and those considered high risk. Sensitive needs inmates are provided safe-housing facilities to prevent inmate interaction.
12. There are two family units used for conjugal visits. These visits are very hard to earn and are thoroughly monitored by staff.

13. Inmate records are in the process of being converted to electronic format.
14. There is absolutely no smoking allowed on the prison's premises, either by inmates or staff.
15. The Mule Creek Fire Department is responsible for incidents that occur at the prison. Staff and inmate firefighters also participate in mutual aid assistance in the community. The Mule Creek Fire Chief cooperates with the Ione City Fire Department, the Amador County Fire Chief's Association, the Amador County Disaster Council and the Amador County Sheriff's Office Emergency Service.
16. There are two perimeter posts manned 24 hours a day. Each housing unit has an armed correctional officer manning the observation posts 24 hours a day. There is electric fencing surrounding the entire facility.
17. Budget- related legislation in January, 2010 forced MCSP to reduce its staff. In preparation for the anticipated cutbacks, the prison initiated many precautionary measures in 2009 to compensate for the staff cutbacks.

FINDINGS:

1. Overcrowding continues to be a problem at MCSP. This complicated by budget issues. An early release program for inmates has become necessary. (Facts # 1 and 2)
2. As programs are eliminated, opportunities for rehabilitation are lost and will have a negative effect on inmates. (Facts #6, #7, #8)

RECOMMENDATIONS:

1. Maintain academic and vocational programs by soliciting help from the community to keep them viable.
2. PIA programs should not be eliminated because they are cash positive.

RESPONSE REQUIRED:

Pursuant to California Penal Code §933 (c) a response to this report is required. No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the Superior court on the finding and recommendations.

CRIMINAL JUSTICE
PINE GROVE YOUTH CONSERVATION CAMP

INTRODUCTION

The 2010/2011 Amador Grand Civil Grand Jury conducted the required inspection and review of the Pine Grove Youth Conservation Camp (PGYCC) on October 19, 2010.

BACKGROUND

PGYCC is located two miles east of Pine Grove on Aqueduct-Volcano Road. It was built in the 1930's as a Civilian Conservation Corp facility. When the California Youth Authority acquired the camp in 1945, it became the first of six Youth Conservation Camps in the state. PGYCC is a division of the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (CDCR-DJJ), and is operated in conjunction with the California Department of Forestry and Fire Prevention (CALFIRE). It is dedicated to the rehabilitation and education of incarcerated young men and to the conservation of California's natural resources. PGYCC is the oldest continuously operated Youth Conservation Camps in California.

PGYCC is a privilege-based program. Qualifying youths must meet strict criteria before placement in the camp. The youths receive training in the wild land firefighting by CALFIRE. They are required to advance their education and participate in programs designed to improve life skills. The PGYCC provides fire protection throughout California, performs local community services, and prepares the young men for successful re-entry into society.

The housing, education, health care, and youth programs are funded by the CDCR-DJJ.

Fire fighting and "Grade Projects" (Facts #16, 17) are funded by CALFIRE. Both land and the facility are owned by CALFIRE, which is responsible for its maintenance and water supply.

RESPONSIBLE AGENCY:

PINE GROVE YOUTH CONSERVATION CAMP
CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION
DIVISION OF JUVENILE JUSTICE
13630 Aqueduct-Volcano Road
P.O. Box 1040, Pine Grove, CA 95665

JUSTIFICATION/JURISDICTION

The Grand Jury shall inquire into the condition and management of the public prisons within the county. California Penal Code §919 (b).

METHOD OF EVALUATION

Interview with CDCR-DJJ Chief

Tour of the facility

FACTS

1. At the time of the Grand Jury visit, 80 youths were enrolled. The facility is capable of housing 120. Their ages range from 18 to 25. Occasionally a young man can begin at age 17 providing he will reach his 18th birthday by the time his fire training is completed. No one under the age of 18 is allowed to participate in fire suppression activities with CALFIRE.
2. Juveniles at PBYCC must have been convicted of a crime prior to the age of 18. They are granted the privilege of coming to PBYCC from other institutions because of good behavior.
3. Crimes that disqualify a candidate from PGYCC include sexual offenses, arson, and most Category 1 offenses, such as murder.
4. The wards at PGYCC must be California residents.
5. Certain mental and physical health requirements must be met. Medical problems can be an obstacle to being placed at PGYCC. A case management worker from the Intake Unit determines an individual's competence in advance.
6. PGYCC's Limitation Parole Requirements specifies that an individual must have between 6 to 36 months remaining before release.
7. There is zero tolerance of gang activity at PGYCC. Each young man must make a commitment to stop all gang involvement at the time of his assignment.
8. The average stay for a ward of PGYCC is 13 months. Each is expected to be on a CALFIRE crew after an extensive training program.
9. The CDCR-DJJ has a four-point program:

GROUP LIVING

Individuals learn respect for the rules and staff, and how to improve interaction with others.

COUNSELING

Participation is required. Each individual is assigned a Youth Correctional Counselor, who sees to it that he gets the counseling appropriate to his needs. The average youth-to-counselor ratio is less than 7 to 1. Case conferences are held every 30 days.

EDUCATION

The high school diploma program is administered by the CDCR-DJJ. Graduation is the number one goal. Higher education can be obtained through college courses designed for incarcerated students.

EMPLOYABILITY SKILLS

The needs of an individual are identified and a plan set up based upon those needs. Upon parole, each youth is provided with 3 to 7 job referrals.

10. Staff receives training in violence prevention and control and use of force. Mental health problems are quickly identified and a counselor referral made. There are no psychotropic or behavior control drugs administered.
11. A youth count is conducted every 30 minutes, whether they are participating on strike teams, in community crews, or at the facility.
12. Privileges are given on a phase system; those at a higher phase get more privileges. This system encourages them to work harder, attain their educational goals, and be more productive members of their crews. Any credits or points earned on the phase system may contribute to an early parole.
13. The daily PT program requires each individual to run, work out in the weight room, and participate in evening sports. All are encouraged to participate in competitive athletic programs. A sport field is under construction and the staff hopes that other entities in the community will hold sporting events at the camp. At this time, PGYCC participates in the Pine Grove Softball and Jackson Baseball Leagues.
14. An individual "corrective action plan" is developed for each youth to help him adjust to his program. If he is unable to adapt to PGYCC requirements, he can be returned to higher level institution.
15. The primary responsibility of PGYCC is to assist in fire fighting. CALFIRE supervises a total of four Type 1 Hand Crews, consisting of 15 individuals per crew and a captain. CALFIRE takes strike teams throughout California.

16. The PGYCC employability training is conducted in partnership with CALFIRE. Each youth is given a year-round employment assignment. During the summer, hand crews participate in statewide fire suppression. In winter, the crews perform tasks at the county and city level, referred to as Grade Projects.

17. Grade Projects are community services work such as brush removal, creek maintenance, and other contracted projects. The community work crew can only benefit small city and county government entities.

18. Some agencies using the community work crew are charged for their services, but no more than \$200/day. That amount helps PGYCC to re-coup its cost.

19. Crew members are paid by voucher system. One half of any money earned goes toward restitution.

STATE BUDGETARY CONCERNS:

1. In 2009, it was not anticipated that PGYCC would be affected by state or federal budget cuts. PGYCC has been an asset to the state and CALFIRE, and the program has been well supported by the State Legislature and the Governor.

FINDINGS:

1. At PGYCC, members of the various gangs are required to live and work together. No gang activity is tolerated. A youth will be immediately transferred to another institution if this policy is violated. (Fact #7.)

2. Both the CDCR-DJJ and CALFIRE staff work to build a good relationship with each youth, using professional courtesy when addressing them. As a result, PGYCC has evolved from a strict military atmosphere to a more interactive one. (Facts #9 & 10)

3. The youths placed at PGYCC are considered the "cream of the crop." The staff feels responsible for making each one succeed in the program. A low rate of recidivism at PGYCC (28%) compares favorably to national figures (60%-70). (Facts # 2, 3 & 5)

4. Youths learn a strong work ethic. Many of them have grown up on the streets without an opportunity to acquire social and work-related skills. PGYCC focuses on steering them toward becoming productive members of society. (Facts # 9, 10, 12, 13, 14 & 16)

5. A concerted effort is made to find job opportunities for each young man. Case Managers keep in touch with them through phone follow-ups. (Fact #12)

6. The State of California benefits significantly from PGYCCs low cost, high quality firefighting resources. (Facts # 16 & 18)

RECOMMENDATIONS:

NONE

RESPONSE REQUIRED:

Pursuant to California Penal Code §933 (c) a response to this report is required. No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the Superior court on the finding and recommendations.

**CRIMINAL JUSTICE
PRESTON YOUTH CORRECTIONAL FACILITY**

INTRODUCTION:

The 2010/2011 Amador County Civil Grand Jury conducted the required inspection and review of the Preston Youth Correctional Facility (PYCF) on September 23, 2010.

BACKGROUND:

PYCF, located in the City of Ione, opened in 1894 and is one of the oldest institutions within the State that houses male juvenile offenders ages 14 through 25. It is a part of the California Department of Corrections and Rehabilitation, Divisions of Juvenile Justice (CDCR-DJJ). PYCF provides rehabilitation through education, intensive treatment programs, counseling, behavior treatment programs, and career training. The goal of the institution is to prepare troubled youth for re-entry into society as productive citizens.

PYCF also serves as a reception center for youths committed to Division of Juvenile Justice in Northern California and places majority of juveniles in the Pine Grove Youth Conservation Camp (PGYCC) which helps fight fires in the local areas of Amador County.

RESPONSIBLE AGENCY:

PRESTON YOUTH CORRECTIONAL FACILITY
CALIFORNIA DEPARTMENT of CORRECTIONS & REHABILITATION
DIVISION of JUVENILE JUSTICE
201 Waterman Road
Ione, CA 95640

JUSTIFICATION/ JURISDICTION:

The Grand Jury shall inquire into the condition and management of the public prisons within the county. California Penal Code §919 (b).

METHOD OF EVALUATION:

INTERVIEWS & TOUR:

Interview with Superintendent
Interview with PYCF Staff
Tour of Facility

DOCUMENTS:

Admin Summary for 9/21/2010.

FACTS:

1. The facility is quite old and is in need of major repairs from administration offices to cells and property.
2. The facility is slated to be closed in 2011.
3. The possibility of turning the facility into a Geriatric prison for inmates in the state of California was discussed briefly during the tour.

The facility would need major work to retrofit for the elderly and disabled inmates.

This would allow other prisons to reduce their population.

According to a study done by Brie Williams, MD., a Geriatrician at San Francisco VA Medical Center (SFVAMC), "Prisons aren't geared to the needs and vulnerabilities of older people. In the prison environment, there are a number of unique physical tasks that must be performed every day in order to retain independence. They're not the same tasks that are called for in the community." According to the study, while many aging prisoners share the same challenges faced by their counterparts in the community- such as bathing, dressing, and using the bathroom-they also must perform activities of daily living that are specific to prison. These include dropping to the floor rapidly when an alarm goes off, climbing onto a top bunk, hearing orders from correctional officers, standing in line to be counted, and walking to the dining hall, which may be a considerable distance from prisoner's cell.

The study found that 69 percent of women reported that at least one prison activity of daily living was very difficult to perform. Sixteen percent reported needing help with one or more daily activity- twice the rate of the general U.S. population aged 65 and older and 51 percent

reported falling in the previous year.

According to Williams, the issue of physical independence for older prisoners is becoming increasingly urgent. She observes that the prison system was never designed or built for geriatric prisoners, yet the population of older prisoners in the United States is increasing "exponentially" with the number of geriatric female prisoners in California up 350 percent in the last decade. "It is projected by 2030 . . . one third of the U.S. prison population will be geriatric."

FINDINGS:

1. If the facility is to remain open major repairs need to be done from the administration office to cells and property. (Fact #1)

RECOMMENDATIONS:

1. The Grand Jury recommends that the possible use of the facility as a Geriatric prison be explored. This would be the first of its kind in the United States. It will provide many jobs from labor to medical.

REFERENCE MATERIALS:

CDCR Website, www.cdcr.ca.gov

RESPONSE REQUIRED:

Pursuant to California Penal Code §933 (c) a response to this report is required. No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the Superior court on the finding and recommendations.

EDUCATION



EDUCATION

AMADOR COUNTY UNIFIED SCHOOL DISTRICT

INTRODUCTION:

The 2010/2011 Amador County Grand Jury elected to investigate K-12 campuses of Amador County Unified School District (ACUSD) with the exception of Community school (previously investigated 2009/2010). The focus was on the current and/or potential needs of the schools in these economic times.

BACKGROUND:

The campuses have had several changes over the past few years. Areas of school staffing have decreased. The school year was shortened by five student days and seven paid staff days were mandated. This general area has not been a focus within the last five years by previous Amador County Grand Juries. There are six elementary campuses, two junior high school campuses, and three high school campuses in Amador County. North Star School is the home school program for ACUSD and is located on the Independence High School Campus along with the Adult School.

RESPONSIBLE AGENCY:

Amador County Unified School District
217 Rex Avenue
Jackson, Ca. 95642
209-223-1750

JUSTIFICATION/JURISDICTION:

A grand jury may at any time examine the books and record of any special purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission. California Penal Code §933.5.

METHOD OF EVALUATION:

- Interview with Superintendent of ACUSD
- Campus tours
- Interview with individual School Principals
- Interview with Maintenance supervisor
- Review of ACUSD website

FACTS:

1. There are combination classes on all but one elementary campus (Plymouth).
2. Many single grade classes have increased in the number of students. However, class size remains in compliance with California criteria.
3. There are unused classrooms on most campuses.
4. There are two school nurses for ACUSD.
5. The nurses record and regulate all medications on the campuses.
6. All medications are logged and dispensed by office personnel.
7. There are no counselors available for “regular education” students on elementary and junior high campuses.
8. There are 1.5 counselors per Argonaut and Amador High Schools. There is one counselor for Independence High School, North Star, and the County Adult School.
9. No peer counseling programs are currently available.
10. Computer labs are available on every campus.

11. Power upgrades have not uniformly been addressed for current technology needs on all campuses.
12. There is direct visibility into some boys' bathrooms on some campuses.
13. Safety plans for natural and/or man-made disasters are in place on all ACUSD sites.
14. Support agencies have current site safety plans.
15. Due to attrition and budgetary issues, maintenance staffing has been decreased.
16. There are active and involved parent groups and civic organizations on ACUSD campuses which provide financial support for many physical improvements as well as donating time for classroom support.

FINDINGS:

1. ACUSD class size remains in compliance with California criteria. (Fact # 2).
2. Decrease in teaching staff has led to an increase in the number of combination classes. (Fact #1; #2)
3. Classrooms currently used are crowded. (Fact # 2)
4. Unused classrooms may be used for storage, and/or other school related programs, or left empty. (Fact # 3)
5. Counselors are used primarily for academic guidance. (Fact # 8)
6. Regular education students are referred to community services such as County Mental Health; Grief Busters, private resources, etc. for emotional and/or behavioral issues. (Facts #7; # 8)
7. Computer resources vary from campus to campus as to quantity and quality of equipment. Some campuses have inadequate wiring to accommodate modern technology. (Facts #10; # 11)
8. Some bathroom doors are left open to assist with supervision. (Fact # 12)
9. Some urinals are visible through the open doors. This environment creates privacy and safety issues. (Fact # 12)

10. The maintenance department has undergone reorganization. (Fact # 15)
11. Skilled jobs i.e. plumbing, electrical, etc. have been combined into one position (category Maintenance II). (Fact # 15)
12. The focus of the department is preventive maintenance. (Fact # 15)
13. Due to staffing levels, custodial services are minimal. (Fact #15)
14. Because of state and local budget cuts, many improvements to ACUSD campuses would not be possible without the active involvement and generosity of parents and the community. Some examples are computer and technology support, fine arts, gardens, dictionaries, library donations, playground equipment and renovations. (Fact # 16)

RECOMMENDATIONS:

1. ACUSD should review its policies and procedures for providing counseling services and consider pursuing counseling resources available possibly through college or university intern/externships to provide increased emotional/behavioral counseling services for the students. (Facts #7; #8; #9; Findings #5 and #6)
2. ACUSD should review its policies and procedures for providing counseling services and consider reinstating peer-counseling programs. (Fact #9)
3. ACUSD should review its policies and procedures for standardizing technology on all sites. (Fact # 11; Finding #7)
4. ACUSD should review its policies regarding bathroom visibility/safety issues. (Fact #12; Findings #8 and #9)
5. ACUSD should take steps to ensure all parents are aware of correct procedures during emergencies. (Facts # 13; # 14)
6. ACUSD should continue to support ongoing parent/community involvement in the schools. (Fact # 16, Finding # 15)

RESPONSE REQUIRED:

Pursuant to California Penal Code §933 (c) a response to this report is required. No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the Superior court on the finding and recommendations.

REFERENCE MATERIALS:

School Handbook

ACUSD Adopted Budget

Ledger Dispatch Letters to the Editor and articles

FOLLOWUP FROM 2009/2010 GRAND JURY REPORT



FOLLOW-UP
RESPONSES TO 2009/2010
CIVIL GRAND JURY

INTRODUCTION

As part of its duties and responsibilities, the 2010/2011 Amador County Civil Grand Jury followed up on the Findings and Recommendation of the 2009/2010 Grand Jury. The responses were received and recorded as written.

RESPONSES REQUIRED

Pursuant to California Penal Code §933 (c) a response to this report is required. No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the Superior court on the finding and recommendations.

RESPONSES RECEIVED

The following pages contain the Responses received from the 2009/2010 Grand Jury Report.



**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF AMADOR**

500 ARGONAUT LANE • JACKSON, CA 95642
(209) 257-2603

HUGH SWIFT, COURT EXECUTIVE OFFICER

October 5, 2010

State Archivist
California State Archives
1020 "0" Street
Sacramento, CA 95814

Re: Amador County Grand Jury Responses 2009/2010

Dear Sir/Madam:

Pursuant to Penal Code §933(b), enclosed herein is the following Response to the Amador County Grand Jury Final Report that was forwarded to you on July 1, 2010.

Please retain this Response with the Final Report.

1. Response by the Amador County Board of Supervisors

Additional responses will be mailed to you upon receipt from the pertinent agencies.

Upon receipt of the enclosed documents, please contact at (209) 257-2658 if you have any questions.
Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather M. Korsgaard".

Heather M. Korsgaard
Clerk, Superior Court Amador County

Cc: County Clerk (w/responses)
Board of Supervisors (w/out responses)

BOARD OF SUPERVISORS



September 22, 2010

The Honorable Susan Harlan
Superior Court of California
County of Amador
500 Argonaut Lane
Jackson, California 95642

Re: 2009-2010 Grand Jury Report – Response by the Amador County Board of Supervisors

Dear Judge Harlan:

The Amador County Board of Supervisors appreciates the opportunity to respond to the 2009-2010 Grand Jury Report. The report reflects a tremendous amount of effort on behalf of the grand jurors. The Board of Supervisors appreciates the dedication of each member of the grand jury and thanks them for their service.

Listed below you will find agency responses as well as the Board of Supervisors' response to each finding and recommendation for which the Board of Supervisors was requested to respond to the 2009-2010 Grand Jury Report.

Amador County Animal Control

Finding #1: ACAC strives to maintain an amicable relationship with the public, working out difficulties without involving law enforcement. Very few citations are issued. Those issued are usually in response to cases of neglect. The officer interviewed stated that issuing citations is only a small part of resolving problems. Better communication with pet owners has helped with most issues.

The respondent agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #2: The facility was clean and well kept. The animals were well cared for and appropriately kenneled. Personnel are pleased with the new administration and facility. The first priority for all staff is the care and welfare of the animals. The volunteers participate in the care of each of the animals. A new "play yard" aids in the animals' socialization and evaluation, improving their chances of being adopted.

The respondent **disagrees partially** with the finding; specifically with that part of the finding that states “The volunteers participate in the care of each of the animals.”

Volunteers are a valuable asset to the department. They maintain and improve the adoptability of adoptable animals; however, volunteers seldom participate in the care of each animal. Volunteers socialize and interact with animals that staff identifies as appropriate to be handled by volunteers. Unsocial, aggressive, feral, or sick animals are not handled or cared for by volunteers.

The respondent agrees with all other parts of the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #3: In cases of stray or wandering animals and nuisance complaints. ACAC recommends that the complainants call in to report every incident, even if repeated calls are necessary. Because the “offense” must be witnessed by an ACAC Officer, this repeated reporting is essential. Adequate documentation of dates and times is needed to identify habitual offenders.

The respondent **disagrees partially** with the finding; specifically with that part of the finding that states “offense” must be witnessed by an ACAC Officer”. Not all offenses must be witnessed by an ACAC Officer. For example, any misdemeanor offense may be investigated and reports filed with the District Attorney. The District Attorney may bring charges based on review of the reports. Animal noise is defined in the County Code as an infraction. Infractions must be witnessed for the Officer to issue a citation.

The respondent agrees with all other parts of the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #4: Many of the policies set forth in the *Animal Control Services Agreements* have been modified, but the agreements held at the GSA offices do not contain these modifications in writing (fact #9).

The respondent **disagrees** with the finding. The agreements have not been modified. Some agreements may be expired and do need to be renegotiated. Others continued in perpetuity until either party terminates the agreement. Each agreement has minor differences set forth in the terms and Cities often choose what level of services they request.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #5: County leash laws are defined by California Government Code 53074. Accordingly, ACAC can only seize or impound a dog or issue citations if the dog is on property other than that owned by its owner or the person who has the right to control the dog. A dog that has strayed but has then returned to its owners’ property cannot be seized or impounded, but a citation may be issued.

The respondent **disagrees** with the finding. California Government Code 53074 does not define County leash laws, it does prescribe actions that may or may not be taken by Animal Control Officers or employees regarding the seizure or impounding of dogs while on private property. If no owner is home the dog may be impounded; please see Section 53074 of the Government Code which in part states:

“**53074.** Notwithstanding any other provision of law or any local ordinance, an officer or employee of any animal control agency shall not seize or impound a dog for the violation of an ordinance requiring a dog to be leashed or issue citations for the violation of such ordinance when the dog has not strayed from and is upon private property owned by the dog owner or the person who has a right to control the dog, or upon private property to which the dog owner or person who has a right to control the dog has a right of possession.

A dog that has strayed from but then returned to the private property of his owner or the person who has a right to control the dog shall not be seized or impounded, but in such a case a citation may be issued; provided, however, that if in such a situation the owner or person who has a right to control the dog is not home, the dog may be impounded, but the officer or employee of any animal control agency shall post a notice of such impounding on the front door of the living unit of the owner or person who has a right to control the dog. Such notice shall state the following: that the dog has been impounded, where the dog is being held, the name, address, and telephone number of the agency or person to be contacted regarding release of the dog, and an indication of the ultimate disposition of the dog if no action to regain it is taken within a specified period of time by its owner or by the person who has a right to control the dog.”

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #6: When kenneling an animal on private property, there are standards for kennel size set by a formula in PC 597, which states “Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise size area.” This requirement is interpreted to mean that the kennel must be of adequate size for an animal to be able to assume all normal body positions, such as standing and sleeping. A responding Animal Control Officer makes a determination on kennel size based upon what the officer deems reasonable.

The respondent agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #7: Owner/Animal histories not being documented has led to problems. For example, after the owner surrender and subsequent adoption of a dog, ACAC received a report that the animal had been involved in a human bite incident shortly before it was surrendered.

The respondent **agrees** with the finding. For clarification, it is not possible for Animal Control to know if there are incidents unreported to Animal Control. Animal Control does not accept owner surrendered animals without obtaining the animal’s history from the owner. In the case mentioned above, this was not a failure for Animal Control to document history but a failure of the previous owner(s) to disclose information. For dogs only, Animal Control does perform formal behavioral assessments. Although these assessments aid in determining an animal’s behavior, they are still only evaluating an animal’s

behavior during a short time period while the animal is in our care and in different environments. Assessments are an invaluable tool and very few dogs assessed are ever returned for aggressive behaviors.

Finding #8: When the Sheriff's Office routes animal-related calls to other law enforcement agencies, reports of these dispatches are not always provided to ACAC, making it difficult for ACAC to compile accurate owner/animal histories.

The respondent agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #9: Animal bites involving humans are not always reported promptly to ACAC and to County Public Health by the responsible county agencies or cities.

The respondent agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #1: Update *Animal Control Services Agreements* and fee schedules with the cities on a yearly basis (Finding #4).

Response by Department Head:

The recommendation has not yet been implemented, but will be implemented in the future. Each city has been contacted to discuss updating agreements.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #2: Hire more officers when funds become available.

Response by Department Head:

The recommendation will not be implemented because it is not warranted at this time. Animal Control has three full-time officers with one extra-help officer. This is not including the Director who is also an officer. Animal Control's primary workload needs remain at the shelter, not in the field. Currently officers routinely assist with duties in the shelter removing them from field operations. The solution is to add staffing inside the shelter when economic circumstances allow for the funding of additional staff where the GSA Director deems appropriate.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #3: Provide additional training for Animal Control Officers when funds become available.

Response by Department Head:

The recommendation has not yet been implemented, but has been requested repeatedly. Expenditures for training require the approval of the CAO and Board of Supervisors.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #4: Request that the County pay for the mandated 2-week seminars, Animal Law Enforcement and Advanced Animal Laws, required for animal control personnel (Fact #5).

Response by Department Head:

The recommendation has been implemented. Referencing “Fact #5”. For clarification, the County requires this training as a minimum standard in order to be employed as an Animal Control Officer, much like any other position requiring minimum qualifications for employment. It is not mandated thereafter; however, the GSA Director is a proponent of continuing education and recognizes the value of keeping staff current and up to date with new information. In that regard, request for continuing education has been requested but requires the funding approval of the CAO and Board of Supervisors. All Animal Control Officers have attended the Animal Law Enforcement Academy with two officers completing the advanced course. Neither is required by law. In addition, the Animal Control Technicians referenced in Fact #5 are not required to have this training.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #5: Set up a more reliable record-keeping system for animal-related dispatches made by the Sheriff’s Office (Finding #8).

Response by Department Head:

The recommendation has been implemented. Animal Control always documents incidents reported by law enforcement. It is not possible for Animal Control to know if there are incidents unreported to Animal Control.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #6: Suspend charges to the cities for surrendered or stray animals.

Response by Department Head:

The recommendation will not be implemented because it is not warranted and is not reasonable. Only the Board of Supervisors has the authority to suspend such charges. Historically the Board of Supervisors and Cities have recognized their responsibilities for animal services as independent entities. In addition,

Section 30501 of the Food and Agriculture Code in part specifically states “Nothing in this division requires a county to enforce those provisions within the territorial limits of any city located within the county.” To suspend charges for surrendered or stray animals is in conflict with what has been reasonable and agreed to historically. This recommendation simply subsidizes Cities disproportionately with taxpayer dollars in the unincorporated areas of the County. The cost associated with the intake, care, and discharge of animals is substantial and because the responsibilities of Cities and the County remain independent, services and the cost for those services should too.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #7: Hold adoption fairs offering reduced adoption fees more frequently than once a year (Fact#20).

Response by Department Head:

The recommendation has been implemented and action was taken at the Board of Supervisors meeting held on July 27, 2010 were the Board authorized the Animal Control Director to reduce fees based on the following criteria:

1. For the month of August 2010
2. When animal population in the shelter exceeds 40 cats or 20 dogs
3. When an animal has been adoptable for 15 days

The Animal Control Fee Schedule has been updated.

In addition, the Board of Supervisors last year took action authorizing Animal Control to host two events per year with reduced adoptions fees.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #8: Report animal bites involving humans to ACAC within 24 hours occurrence.

Response by Department Head:

The recommendation has been implemented where Animal Control has made contact with all appropriate agencies to report animal bites within 24 hours. Reporting is dependent upon outside agencies implementing this recommendation.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Amador County Detention Facility

Finding #1

The philosophy of the current administration is to treat inmates with dignity and to provide a safe and secure environment.

Response to Finding #1

Respondent **agrees** with Finding #1.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

The Amador County Sheriff's Office strives to treat all citizens within Amador County, whether incarcerated in the Amador County Jail or not with dignity and respect, thereby adhering to our "Organizational Values" of "S.I.T.E." (Service, Integrity, Teamwork, Excellence).

Amador County Jail personnel continue to provide a safe and secure environment for inmates who are incarcerated within the Amador County Jail.

Finding #2

Because of overcrowding, the safety and security of staff, inmates, and visitors are at risk.

Response to Finding #2

Respondent **agrees** with Finding #2.

The Average Daily Population, (ADP), of the Amador County Jail for the fiscal year 2009 / 2010 was 86.75 inmates. This ADP exceeds the state's 76 bed rated capacity of the Amador County Jail. These conditions require personnel to place inmates in portable beds within each housing block dayroom, thereby exposing personnel, other inmates, as well as visitors of the Amador County Jail, to inmates who are not housed within a secure cell. These conditions increase anxiety for all inmates within the block, thus increasing the risk of an inmate assault on personnel, inmates or visitors. The Amador County Sheriff's Office continues to utilize all overcrowding mitigation measures at our disposal for those inmates qualified to participate in such programs as allowable by law.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #3

The house monitoring equipment is so antiquated that it is increasingly difficult to find repair personnel.

Response to Finding #3

Respondent **agrees** with Finding #3.

The Amador County Sheriff's Office / Jail was originally built in 1984. The current monitoring system for the facility to assist in monitoring the safety and security of the inmates, personnel and visitors is outdated and many of the functions of the system have failed. Due to the antiquated equipment, it has been difficult at best to find qualified repair personnel to work on this system. Many of the current cameras have failed, are no longer operational, and the system no longer has the ability to record video input from any of the few remaining operational camera's.

The Amador County Sheriff's Office has been working with the Amador County IT Department, as well as the Amador County General Service Administration in the preparation of "Requests for Proposals" (RFP) from qualified vendors for professional services to develop a video surveillance system that will provide the Amador County Sheriff's Office / Jail personnel with live access to monitor and to record from twenty-nine (29) color cameras located throughout the interior and exterior of the building. This project also involves the implementation of a new DVR recording solution to include DVR recording storage capabilities. The final draft of the RFP is currently being reviewed by County Counsel.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #4

There is no effective means to keep track of an inmate once released from custody.

Response to Finding #4

Respondent **partially agrees** with Finding #4.

Amador County Jail personnel are not required to monitor inmates who have been released from custody, unless they have qualified for an alternative sentencing program, such as Home Electronic Monitoring (HEM), which has been implemented by the Amador County Jail, to mitigate overcrowding conditions.

There are effective means to track those inmates who have qualified for and have been released from physical custody of the Amador County Jail on the HEM program. The current system does not however provide total coverage through out Amador County due to the varied terrain. However it is a relatively effective means to track those inmates who have been released from the Amador County Jail on this program.

With the assistance of the Amador County Probation Department, The Amador County Sheriff's Office / Jail is currently conducting research into a system, which will provide a more efficient and effective manner in which to monitor those inmates who have been released on HEM. The Amador County Probation Department is currently utilizing a GPS system and staff from the Amador County Jail has already met with their vendor, which is being utilized by the Probation

Department, to evaluate the system and determine if it does in fact meet the needs and requirements of the Amador County Jail HEM program.

Regarding the monitoring of those inmates who have been released on “Sheriff’s Parole”, the Amador County Sheriff’s Office does not have sufficient jail personnel to monitor those inmates who have qualified for this program and have been provided an early release.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #5

Inmate classes are currently being held in the library and in hallways. Some activities are no longer available because of staffing constraints.

Response to Finding #5

Respondent **partially agrees** with Finding #5.

The Amador County Jail began to continually exceed it’s maximum rated capacity in 2003 and in 2004 exceeded the developed life span of the jail facility, thus inmates services are being provided in the halls, library as well as in the visiting area of the Amador County Jail.

Although the Amador County Jail is currently experiencing a shortage of personnel, the State of California, Corrections and Standards Authority (CSA), requires the Amador County Jail to provide certain services and programs to inmates as mandated by the California Code of Regulations, Title 15 and Title 24.

The men and woman who work within the Amador County Jail ensuring the safety and security of those incarcerated, not only ensure that we meet the required standards of Title 15, they continually strive to exceed the standards even though they are tasked with more while working with less and no mandated services or programs have been discontinued due to staffing constraints.

Some discretionary programs have been eliminated due to lack of staff.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #6

There is no longer a Community Work Crew because of staffing shortages.

Response to Finding #6

Respondent **agrees** with Finding #6.

Due to a shortage of jail personnel, the Amador County Sheriff's Office was required to allocate all jail personnel to the daily operations of the Amador County Jail, to ensure the safety and security of all inmates; therefore the Community Work Crew program is no longer operational.

The Amador County Sheriff's Office has been working with the Amador County Board of Supervisors, as well as the CAO, to hire additional Jail personnel. Upon reaching full staffing levels for the Amador County Jail, it is the intent of the Amador County Sheriff's Office to re-establish the Community Work Crew program to the benefit of both the community and the inmates.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #7

As per last year's recommendation, ACSO has continued to pursue funding for a new facility through matching funds legislation. The County received a conditional award of up to \$22,712,000.00. The conditions of this award require that the county raise matching funds of approximately \$7 - \$8 million. Property has been purchased for the new facility.

Response to Finding #7

Respondent **agrees** with Finding #7.

On November 13, 2008 Amador County received a conditional award of \$22.7 million dollars from the State of California, California Department of Corrections and Rehabilitation, Corrections and Standards Authority Board, towards the construction of a new 165 bed jail facility.

The conditional state award requires that Amador County, pursuant to Assembly Bill 900, provide \$2,565,346.00 in Cash Match (8.47% of the total project cost) plus ongoing staffing costs.

On October 19, 2009, Amador County, using the Capital Facilities Fee funds, purchased a 200+ acre parcel for the future site of the new jail facility.

The Amador County Sheriff's Office is continuing to work with the Amador County Board of Supervisors in an attempt to obtain the matching funds to pursue the construction of a new jail facility on the parcel which was purchased on October 19, 2009.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #8

The morale of the staff is better due to efforts to move forward with AB900.

Response to Finding #8

Respondent **agrees** with Finding #8.

The morale of the Amador County Jail personnel continues to be positive; however with the recent setbacks due to the economic environment and budgetary constraints, jail personnel remain cautiously optimistic with regard to the eventual construction of a new jail facility.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #9

Sheriff's Deputies with Law Enforcement Officer Classification are forced to work in the correctional facility to make up for understaffing. As a result, there are fewer officers on patrol. (Facts #1, #2)

Response to Finding #9

Respondent **disagrees** with Finding #9.

Although the Amador County Jail staffing levels have been reduced, the Amador County Sheriff's Office has not been utilizing Deputy Sheriff Personnel from patrol to supplement the staffing needs of the Amador County Jail. The jail personnel have stepped up during the current economic crisis and have been going above and beyond by working an average of 223 hours of overtime per month for fiscal year 2009 / 2010. There has been no reduction in Patrol services as a result of jail staffing deficiencies.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #10

Felony Release Criteria have been used for the early release of non-violent felons due the overcrowding of the jail facility. This program has not been very successful because ACSO is unable to keep track of persons once they are released from custody. (Fact #4)

Response to Finding #10

Respondent **disagrees** with Finding #10.

It is not the responsibility of the Amador County Jail personnel to monitor inmates who have been released from our custody, unless they have qualified for an alternative sentencing program.

A non-violent felon can be released on his/her own recognizance, pursuant to Superior Court of California, County of Amador, General Order No. 06-004 upon completion of booking if the arrestee is evaluated by the Amador County Jail personnel who determine if that subject meets the 12 terms of the "Felony Release Criteria" program. Many of the arrestees fail to qualify for this program, as they have previously been arrested for a felony within the last 12 months, or they are on probation or parole. All which are disqualifications to participate in this program.

To state "This program has not been very successful because ACSO is unable to keep track of persons once they are released from custody" could lead one to believe that the program is a failure, when in fact it is not. The program is successful; however very rarely used because of the disqualification of an arrestee to participate in the "Own Recognizance Felony Pre-Trial Releases" due to their prior criminal history.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #11

Booking fees reimbursed by the state do not adequately offset costs. (Fact #17)

Response to Finding #11

Respondent **agrees** with Finding #11.

The guidelines in which fees may be imposed for reimbursement of county expenses incurred with respect to the booking or processing of persons arrested and where the person arrested is brought to the county jail for booking, is outlined in §29550 - §29550.4 of the California Government Code.

If the State of California appropriates \$35,000,000.00 dollars for Jail Booking Fees, the police departments within the incorporated cities, as well as other law enforcement entities are not to be billed for bookings. If the State of California appropriates less than \$35,000,000.00 dollars for Jail Booking Fees, then the county may choose to bill those law enforcement entities a reasonable fee as outlined in the aforementioned statute. The Amador County Sheriff's Office Administration has determined that the associated costs of time spent by personnel to obtain the data necessary to bill those law enforcement entities who have booked an arrestee into the Amador County Jail, outweighs the actual revenues recovered through this billing process.

The Amador County Jail receives booking reimbursement fees from the State of California on a Quarterly basis. During the fiscal year 2009 / 2010 the Amador County Jail received a combined Booking Fee reimbursement in the amount of \$15,869.35. This amount does not equal the staffing time and costs actually required to process bookings.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #1

Replace the outdated electronic monitoring system. (Finding #3)

Response to recommendation #1

The Amador County Sheriff's Office is currently working with the Amador County IT Department, as well as the General Services Administration in the preparation of "Requests for Proposals" (RFP) from qualified vendors for professional services to develop a video surveillance system. The final draft of the RFP is currently being reviewed by County Counsel.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #2

Pursue the matching funds for AB900. (Finding #7)

Response to recommendation #2

The Amador County Sheriff's Office is continuing to work with the Amador County Board of Supervisors in an attempt to obtain the matching funds to pursue the construction of a new jail facility on the parcel which was purchased on October 19, 2009.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #3

Petition the State to reimburse the total amount of booking fees due to the ACDF. (Finding #11)

Response to recommendation #3

With the current economic downturn and the State of California budget crisis, it is unlikely the State of California will be forthcoming with any additional monies for booking fees in the foreseeable future.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #4

Continue to petition County Administration for the exemption to fill vacant staff positions that are required to comply with CSA guidelines. (Finding #12)

Response to recommendation #4

The Amador County Sheriff's Office has been working cooperatively with the Board of Supervisors and the CAO to remedy the staffing shortages within the Amador County Jail. The Board of Supervisors and CAO have provided the Amador County Sheriff's Office authorization to fill some staffing vacancies within the Amador County Jail and that work is in progress.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

BEHAVIORAL HEALTH DEPARTMENT

Finding #1: Management monitors and administers services provided by state, federal and county funding.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors agrees with the response by the Department Head.

Finding #2: The Department of Behavioral Health is audited by the State of California.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #3: There has been a continued increase in families needing services within the past year, due to economic conditions and loss of jobs.

Respondent Agrees with the finding. The Department agrees with the funding and continues to implement Mental health Services Act funding to promote services to families.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #4: The department receives MHSA funding from the State by submitting paperwork pertaining to its Mental Health plans. Amador County has received set-up funding of \$465,000 and Mental Health Services Act funding of \$1.8 Million.

Respondent Agrees with the finding. The Department has utilized funding to establish enhanced service to eligible clients.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #5: Monies received from Proposition 63 (MHSA) have been put in trust by Amador County.

Respondent Agrees with the finding. The Department agrees with the finding as referenced in items 3, 4, and 5.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #6: Contract employees with experience filing annual plans were used to write the Amador County plan, resulting in successful Proposition 63 funding from the State.

Respondent Agrees with the finding.

Contractors and department employees with experience preparing annual plans were utilized to write and submit the Amador County plan, resulting in the approval of Proposition 63 funding from the State of California.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #7: Management is proud of the work being done by its dedicated employees.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #8: Monitoring and evaluation of applications for services and benefits has resulted in successful early fraud detection. Applicants income is verified, fingerprinting is done, and applications are given a target date of completion within compliance criteria.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #9: Child Protective and Adult Protective cases have increased while staffing has decreased. These two services increased activity would be better served by additional employees.

Respondent Agrees with the finding.

The department agrees that cases have increased in both Child Protective Services and Adult Protective Services. The Board of Supervisors has continued to support the department's efforts to maintain staffing levels.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #10: Behavioral Health patient billing must be made within 6 months, or the department will lose its ability to get a refund.

Respondent Agrees with the finding. The Department agrees with the funding and has implemented stringent policies and procedures effective July 1, 2010 to capture all available funding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #11: Behavioral Health is negotiating with UC Davis to obtain a psychiatrist who would shadow the current contract labor psychiatrist. Salary for the “shadow psychiatrist” would be paid by UC Davis. The UC Davis psychiatrist would accomplish residency through this program.

Department Response: See response to recommendation #3.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #12: One third of the patients using Behavioral Health services cannot pay for them.

Respondent Agrees with the finding. The Department agrees with the finding and has established a sliding scale for payment based on income and a referral system for additional services provided in the community.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #13: Amador County Behavioral Health does not receive funds from the General Fund to support jail or hospital mandatory counseling.

Respondent Agrees with the finding. The Department agrees with the finding but provides services utilizing revenue based on sales taxes provided through realignment funds from the State.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

DEPARTMENT OF SOCIAL SERVICES

Finding #14: Client In-Person Reception contracts averaged 1,576 per month from September 2008 to September 2009, with a peak of 1,770 applications.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #15: Applications for all assistance programs averaged 399 per month from September 2008 to September 2009, with a peak of 453 applications. This is due to a 12%+ unemployment rate for the county.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #16: In a year, the value of Food Stamps issued nearly doubled from \$195,560 in September, 2008, \$327,321 in September 2009.

Respondent Agrees with the finding.

Food Stamps monthly issuance has increase in July 2010 to \$381,174.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #17: Between September 2008 and September 2009, continuing cases for all assistance programs averaged 2,083 per month, with a peak of 2,094.

Respondent Agrees with the finding.

Continuing cases for all assistance programs for the month of July, 2010 was 2,989.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #18: Eligibility workers are the front line against fraud.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #19: When fraud is discovered in an application, the applicant is prosecuted and penalized.

Respondent Agrees with the finding with the following clarification.

The department, when appropriate, makes referrals to the District Attorney's Office for investigation of fraud, and referrals to the California Department of Health Services investigator for suspected Medi-Cal fraud by recipients and Medi-Cal providers. The District Attorney's Office and the Attorney General's Office prosecute fraud.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #20: Every Social Services program is at maximum capacity, and there is currently a hiring freeze within the county.

Respondent Agrees with the finding.

Critical positions have been filled by department with approval from the Board of Supervisor.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #21: The staff is handling the increased workload/caseload admirably. Detailed charts were provided to the Grand Jury showing the increase in request for services. The department is down by 5-6 employees due to reorganization.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #22: Employees have gone from a 40 to a 36 hour work week and have experienced a 10% pay cut.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #23: Social Services conducts annual “peer audits” from neighboring counties to ensure the programs are working as designed.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #24: The Department has an on-call employee, on standby 24/7, paid \$3.00/hour.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

SIERRA WIND SUPPORT CENTER

Finding #25: The Support Center has been moved to a new location which serves the community in a less threatening environment.

Department Response: This move created separate identity, i.e. wellness focus and needed space and not done because there was a “threatening environment”.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #26: The family of its clients is supported, including children.

Respondent Agrees with the finding. The Department agrees with the finding as they monitor the Sierra Wind Support Center.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #27: Referrals from Health and Human Services, the Amador County Sheriff’s Office, and walk-in’s seeking help with addiction recovery are all supported.

Respondent Agrees with the finding.

All clients are welcomed and linked to appropriate resources.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #28: Twenty to fifty people a day are seen by the Support Center.

Department Response: The Department, through the Support Center states, an average of 40 contacts is recorded at the center per day. 107 unduplicated contacts were made during the period of April through June, 2010.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding # 29: The Support Center is renting its current facility. The facility was outgrown the day it moved in.

Respondent Agrees with the finding. The Department agrees with the finding. The Support Center is currently actively seeking a larger facility.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #30: Staff will make jail visits as required.

Department Response: The Department agrees services are necessary and staff will continue to provide services as resources allow. There is no funding from the state for these services. Funds used are from Mental Health Services Act and Mental Health Trust Fund (Realignment).

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #31: The program calendar includes:

Monday- Friday, 9:00 am to 4:00 pm: special evening programs Wednesday: dedicated to the support of Native Americans Thursday evening: dedicated to Five Alive, a teen suicide-prevention program.

Respondent Agrees with the finding.

Programs are developed and evaluated by participants based on what supports recovery and daily functioning. Additional programs are added based on Community need.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #32: Continuous suicide prevention counseling is provided.

Respondent Agrees with the finding.

Risk for self harm is assessed and linkage to appropriate services is provided.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #33: The Center operates in partnership with the Church of the Nazarene, Jackson.

Respondent Agrees with the finding.

The faith based community provides many resources including food and housing support.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

AMADOR COUNTY AUDITOR/CONTROLLER

Finding #34: The County Auditor/Controller performs audits of the Amador County Treasury and audits for budget compliance with State laws.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #35: The County Auditor/Controller does not audit the budgets of departments within the county, only the overall County budget.

Department Response: The County Auditor reviews and process claims submitted from departments and monitor's department's revenue and expenditures and notifies department of needed transfers.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #36: County departments hire independent auditors to review and audit their budgets annually.

Department Response: The Board of Supervisors hires an independent auditor.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #37: Department Management can approve expenditures up to \$20,000. Proposed expenditures over \$20,000 require approval from the Board of Supervisors, a Request for Proposal (RFP), and a review process.

Respondent disagrees with the finding.

Expenditures are approved by the Board of Supervisors through the budget process and any expenditure (goods and services) over \$2,000 a Request for Proposal is required.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

AMADOR COUNTY CONSERVATOR'S OFFICE

Finding #38: The Conservators Office reports to the Amador County Department of Social Services.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #39: The Conservators Office budget is established by the Amador County Department of Social Services.

Department Response: Budget is developed by the department and reviewed and approved by the Board of Supervisor's.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #40: Separate accounts are provided for each client.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #41. The Conservators Office is audited by an outside auditor; Galina & Co. LLP.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #42: The Conservators Office has 4 employees.

Respondent Agrees with the finding.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

GRAND JURY RECOMMENDATIONS:

Recommendation #1: Continue to ensure proper Mental Health funding by evaluating and demonstrating caseload activity and implementing programs and treatments that will serve the community to its fullest possible advantage (Finding #4).

Department Response: This recommendation **has been implemented**. Eligibility and Medical definitions for services for applicable diagnoses are being enforced. Productivity guidelines are being monitored to be advantageous to Amador County.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #2: Monitor patient caseload and track billing to ensure timely refunds for services (Finding #10).

Department Response: This recommendation **has been implemented**. Enhanced policies are now being implemented to ensure optimum payment.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #3: Continue efforts to obtain a UC Davis psychiatrist who can shadow the current contract Psychiatrist (Finding #11).

Department Response: This recommendation **will not be implemented**. The department successfully recruited a full time psychiatrist. The department will continue to pursue a U.C. Davis medical school psychiatric resident as a better means to provide improved services.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #4: Provide a budget from the General Fund to pay Behavioral Health staff for mandatory jail and hospital patient counseling (Finding #13).

Department Response: This recommendation will **not be implemented** due to budget constraints. Patient counseling services are funded by the Mental Health Services Act and realignment funds from the Mental Health Trust Fund.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #5: Track and report the results from neighboring county “Peer Audits” (Finding #23).

Department Response: This recommendation will **not be implemented** due to budget constraints. Child Welfare Services is funded by the state to conduct Peer Quality Case Reviews every three years. The last review was conducted last spring. There is no state funding for other programs but the state provides annual reviews of program compliance.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #6: Monitor and report increases and decreases in caseload and activities at the Wellness Center (Finding #28)

Department Response: This recommendation **has been implemented**. The Mental Health Services Act (MHSA) Coordinator and the Health Services Department Director review quarterly report with the MHSA steering committee and Mental Health Board, and provide feedback to the Wellness Center.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #7: Change the title of the Amador County Auditor/Controller to Amador County Controller, to reflect accurately the functions of that office (Findings #34, 35)

Department Response: This recommendation **will not be implemented** because it is not warranted or is not reasonable. The County Auditor is an elected position and the Controller is appointed by the Board of Supervisors per Government Code Section 26880.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #8: Determine whether Amador County would save money by hiring one auditing firm for the entire county, rather than multiple auditors (Finding #37).

Department Response: This recommendation **will not be implemented** because it is not warranted. One firm does independent department audits. The contract is for three years and the contracts go out for bid every three years and the Board of Supervisor's selects the firm.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Thank you for allowing the Amador County Board of Supervisors the opportunity to respond to the 2009-2010 Grand Jury Report. Hopefully the information contained within this response addresses any questions or concerns the Grand Jury may have regarding the policies, procedures, and functions of services being provided by Amador County. Should there be remaining questions please do not hesitate to contact County Administrative Officer Chuck Iley or me.

Sincerely,



Brian Oneto, Chairman
Amador County Board of Supervisors

- c: Mr. Chuck Iley, County Administrative Officer
- Ms. Martha Shaver, County Counsel
- The Honorable Martin Ryan, Sheriff-Coroner
- Mr. Jon Hopkins, General Services Administration Director
- Amador Ledger-Dispatch Newspaper
- Amador Community News
- Hometown Radio
- TSPN
- file



AMADOR COUNTY PUBLIC SCHOOLS

A.C.U.S.D./A.C.O.E.
GRAND JURY
REPORT RESPONSE
2009/2010

Amador County Grand Jury
P.O. Box 249
Jackson, CA 95642



**Amador County Unified School District
Community School**

FINDINGS

Finding #1. Bussing of students by ACUSD is problematical. Regularly, there will be only one student on return trips, even for long-range (upcountry) destinations.

Response #1. *Alternate means of transporting students has been researched; the district is committed to helping students at this school continue/improve their academic and social performance. We do not want lack of transportation to prevent these students from advancing. We will ask our new Transportation Director to research routing again. The District's primary concern is, students having a ride to and from school (not whether it's on a bus or in a van).*

Finding #2. The Administrator and Teacher(s) work diligently to build rapport with all students and their parents. Parents are kept up-to-date on the behavioral and academic progress of the students.

Response #2. *Staffing is assigned based on need and numbers of students enrolled. The position referred to was 'permanent' last year; it is this year, 2010-2011; and we expect it will be in the foreseeable future.*

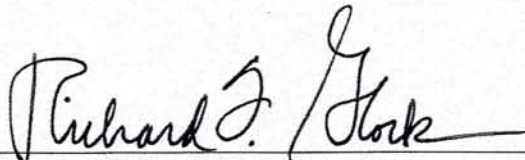
Finding #3. Provide more varietal and nutritious lunches to maintain a solid learning program.

Response #3. *The Principal and the Director of Food Services have worked to enhance the lunch offerings. The lunches have and will continue to meet Federal Nutrition Program standards. Below are several student comments:*

"The lunch is way better than last year" and "Thank you for the new food you are giving us. I like the variety."

Finding #4. Continue funding and support for the Community School.

Response #4. *We expect to continue funding and supporting the Community School in an ongoing manner.*


Richard F. Glock, Superintendent

9.28.10
Date



August 23, 2010

Honorable David S. Richmond
Superior Court of California
County of Amador
500 Argonaut Lane
Jackson, CA 95642

RE: 2009 / 2010 Grand Jury Report Response

Dear Judge Richmond,

This letter serves as the official Amador County Sheriff's Office response to the 2009 / 2010 Amador County Grand Jury Report concerning the Amador County Sheriff's Office Detention Facility (Amador County Jail).

Finding #1

The philosophy of the current administration is to treat inmates with dignity and to provide a safe and secure environment.

Response to Finding #1

Respondent **agrees** with Finding #1.

The Amador County Sheriff's Office strives to treat all citizens within Amador County, whether incarcerated in the Amador County Jail or not with dignity and respect, thereby adhering to our "Organizational Values" of "S.I.T.E." (Service, Integrity, Teamwork, Excellence).

Amador County Jail personnel continue to provide a safe and secure environment for inmates who are incarcerated within the Amador County Jail.

SERVICE • INTEGRITY • TEAMWORK • EXCELLENCE

700 COURT STREET • JACKSON, CA 95642 • (209) 223-6500 • FAX (209) 223-1609

ADMINISTRATION (209) 223-6515 • EMERGENCY SERVICES (209) 223-6384 • CIVIL (209) 223-6544

CORONER (209) 223-6754 • JAIL (209) 223-6522

Finding #2

Because of overcrowding, the safety and security of staff, inmates, and visitors are at risk.

Response to Finding #2

Respondent **agrees** with Finding #2.

The Average Daily Population, (ADP), of the Amador County Jail for the fiscal year 2009 / 2010 was 86.75 inmates. This ADP exceeds the state's 76 bed rated capacity of the Amador County Jail. These conditions require personnel to place inmates in portable beds within each housing block dayroom, thereby exposing personnel, other inmates, as well as visitors of the Amador County Jail, to inmates who are not housed within a secure cell. These conditions increase anxiety for all inmates within the block, thus increasing the risk of an inmate assault on personnel, inmates or visitors. The Amador County Sheriff's Office continues to utilize all overcrowding mitigation measures at our disposal for those inmates qualified to participate in such programs as allowable by law.

Finding #3

The house monitoring equipment is so antiquated that it is increasingly difficult to find repair personnel.

Response to Finding #3

Respondent **agrees** with Finding #3.

The Amador County Sheriff's Office / Jail was originally built in 1984. The current monitoring system for the facility to assist in monitoring the safety and security of the inmates, personnel and visitors is outdated and many of the functions of the system have failed. Due to the antiquated equipment, it has been difficult at best to find qualified repair personnel to work on this system. Many of the current cameras have failed, are no longer operational, and the system no longer has the ability to record video input from any of the few remaining operational camera's.

The Amador County Sheriff's Office has been working with the Amador County IT Department, as well as the Amador County General Service Administration in the preparation of "Requests for Proposals" (RFP) from qualified vendors for professional services to develop a video surveillance system that will provide the Amador County Sheriff's Office / Jail personnel with live access to monitor and to record from twenty-nine (29) color cameras located throughout the interior and exterior of the building. This project also involves the implementation of a new DVR recording solution to include DVR recording storage capabilities. The final draft of the RFP is currently being reviewed by County Counsel.

Finding #4

There is no effective means to keep track of an inmate once released from custody.

Response to Finding #4

Respondent **partially agrees** with Finding #4.

Amador County Jail personnel are not required to monitor inmates who have been released from custody, unless they have qualified for an alternative sentencing program, such as Home Electronic Monitoring (HEM), which has been implemented by the Amador County Jail, to mitigate overcrowding conditions.

There are effective means to track those inmates who have qualified for and have been released from physical custody of the Amador County Jail on the HEM program. The current system does not however provide total coverage through out Amador County due to the varied terrain. However it is a relatively effective means to track those inmates who have been released from the Amador County Jail on this program.

With the assistance of the Amador County Probation Department, The Amador County Sheriff's Office / Jail is currently conducting research into a system, which will provide a more efficient and effective manner in which to monitor those inmates who have been released on HEM. The Amador County Probation Department is currently utilizing a GPS system and staff from the Amador County Jail has already met with their vendor, which is being utilized by the Probation Department, to evaluate the system and determine if it does in fact meet the needs and requirements of the Amador County Jail HEM program.

Regarding the monitoring of those inmates who have been released on "Sheriff's Parole", the Amador County Sheriff's Office does not have sufficient jail personnel to monitor those inmates who have qualified for this program and have been provided an early release.

Finding #5

Inmate classes are currently being held in the library and in hallways. Some activities are no longer available because of staffing constraints.

Response to Finding #5

Respondent **partially agrees** with Finding #5.

The Amador County Jail began to continually exceed it's maximum rated capacity in 2003 and in 2004 exceeded the developed life span of the jail facility, thus inmates services are being provided in the halls, library as well as in the visiting area of the Amador County Jail.

Although the Amador County Jail is currently experiencing a shortage of personnel, the State of California, Corrections and Standards Authority (CSA), requires the Amador County Jail to provide certain services and programs to inmates as mandated by the California Code of Regulations, Title 15 and Title 24.

The men and woman who work within the Amador County Jail ensuring the safety and security of those incarcerated, not only ensure that we meet the required standards of Title 15, they continually strive to exceed the standards even though they are tasked with more while working with less and no mandated services or programs have been discontinued due to staffing constraints.

Some discretionary programs have been eliminated due to lack of staff.

Finding #6

There is no longer a Community Work Crew because of staffing shortages.

Response to Finding #6

Respondent **agrees** with Finding #6.

Due to a shortage of jail personnel, the Amador County Sheriff's Office was required to allocate all jail personnel to the daily operations of the Amador County Jail, to ensure the safety and security of all inmates; therefore the Community Work Crew program is no longer operational.

The Amador County Sheriff's Office has been working with the Amador County Board of Supervisors, as well as the CAO, to hire additional Jail personnel. Upon reaching full staffing levels for the Amador County Jail, it is the intent of the Amador County Sheriff's Office to re-establish the Community Work Crew program to the benefit of both the community and the inmates.

Finding #7

As per last year's recommendation, ACSO has continued to pursue funding for a new facility through matching funds legislation. The County received a conditional award of up to \$22,712,000.00. The conditions of this award require that the county raise matching funds of approximately \$7 - \$8 million. Property has been purchased for the new facility.

Response to Finding #7

Respondent **agrees** with Finding #7.

On November 13, 2008 Amador County received a conditional award of \$22.7 million dollars from the State of California, California Department of Corrections and Rehabilitation,

Corrections and Standards Authority Board, towards the construction of a new 165 bed jail facility.

The conditional state award requires that Amador County, pursuant to Assembly Bill 900, provide \$2,565,346.00 in Cash Match (8.47% of the total project cost) plus ongoing staffing costs.

On October 19, 2009, Amador County, using the Capital Facilities Fee funds, purchased a 200+ acre parcel for the future site of the new jail facility.

The Amador County Sheriff's Office is continuing to work with the Amador County Board of Supervisors in an attempt to obtain the matching funds to pursue the construction of a new jail facility on the parcel which was purchased on October 19, 2009.

Finding #8

The morale of the staff is better due to efforts to move forward with AB900.

Response to Finding #8

Respondent **agrees** with Finding #8.

The morale of the Amador County Jail personnel continues to be positive; however with the recent setbacks due to the economic environment and budgetary constraints, jail personnel remain cautiously optimistic with regard to the eventual construction of a new jail facility.

Finding #9

Sheriff's Deputies with Law Enforcement Officer Classification are forced to work in the correctional facility to make up for understaffing. As a result, there are fewer officers on patrol. (Facts #1, #2)

Response to Finding #9

Respondent **disagrees** with Finding #9.

Although the Amador County Jail staffing levels have been reduced, the Amador County Sheriff's Office has not been utilizing Deputy Sheriff Personnel from patrol to supplement the staffing needs of the Amador County Jail. The jail personnel have stepped up during the current economic crisis and have been going above and beyond by working an average of 223 hours of overtime per month for fiscal year 2009 / 2010. There has been no reduction in Patrol services as a result of jail staffing deficiencies.

Finding #10

Felony Release Criteria have been used for the early release of non-violent felons due the overcrowding of the jail facility. This program has not been very successful because ACSO is unable to keep track of persons once they are released from custody. (Fact #4)

Response to Finding #10

Respondent **disagrees** with Finding #10.

It is not the responsibility of the Amador County Jail personnel to monitor inmates who have been released from our custody, unless they have qualified for an alternative sentencing program.

A non-violent felon can be released on his/her own recognizance, pursuant to Superior Court of California, County of Amador, General Order No. 06-004 upon completion of booking if the arrestee is evaluated by the Amador County Jail personnel who determine if that subject meets the 12 terms of the "Felony Release Criteria" program. Many of the arrestees fail to qualify for this program, as they have previously been arrested for a felony within the last 12 months, or they are on probation or parole. All which are disqualifications to participate in this program.

To state "This program has not been very successful because ACSO is unable to keep track of persons once they are released from custody" could lead one to believe that the program is a failure, when in fact it is not. The program is successful; however very rarely used because of the disqualification of an arrestee to participate in the "Own Recognizance Felony Pre-Trial Releases" due to their prior criminal history.

Finding #11

Booking fees reimbursed by the state do not adequately offset costs. (Fact #17)

Response to Finding #11

Respondent **agrees** with Finding #11.

The guidelines in which fees may be imposed for reimbursement of county expenses incurred with respect to the booking or processing of persons arrested and where the person arrested is brought to the county jail for booking, is outlined in §29550 - §29550.4 of the California Government Code.

If the State of California appropriates \$35,000,000.00 dollars for Jail Booking Fees, the police departments within the incorporated cities, as well as other law enforcement entities are not to be billed for bookings. If the State of California appropriates less than \$35,000,000.00 dollars for Jail Booking Fees, then the county may choose to bill those law enforcement entities a reasonable fee as outlined in the aforementioned statute. The Amador County Sheriff's Office Administration has determined that the associated costs of time spent by personnel to obtain the

data necessary to bill those law enforcement entities who have booked an arrestee into the Amador County Jail, outweighs the actual revenues recovered through this billing process.

The Amador County Jail receives booking reimbursement fees from the State of California on a Quarterly basis. During the fiscal year 2009 / 2010 the Amador County Jail received a combined Booking Fee reimbursement in the amount of \$15,869.35. This amount does not equal the staffing time and costs actually required to process bookings.

Recommendation #1

Replace the outdated electronic monitoring system. (Finding #3)

Response to recommendation #1

The Amador County Sheriff's Office is currently working with the Amador County IT Department, as well as the General Services Administration in the preparation of "Requests for Proposals" (RFP) from qualified vendors for professional services to develop a video surveillance system. The final draft of the RFP is currently being reviewed by County Counsel.

Recommendation #2

Pursue the matching funds for AB900. (Finding #7)

Response to recommendation #2

The Amador County Sheriff's Office is continuing to work with the Amador County Board of Supervisors in an attempt to obtain the matching funds to pursue the construction of a new jail facility on the parcel which was purchased on October 19, 2009.

Recommendation #3

Petition the State to reimburse the total amount of booking fees due to the ACDF. (Finding #11)

Response to recommendation #3

With the current economic downturn and the State of California budget crisis, it is unlikely the State of California will be forthcoming with any additional monies for booking fees in the foreseeable future.

Recommendation #4

Continue to petition County Administration for the exemption to fill vacant staff positions that are required to comply with CSA guidelines. (Finding #12)

Response to recommendation #4

The Amador County Sheriff's Office has been working cooperatively with the Board of Supervisors and the CAO to remedy the staffing shortages within the Amador County Jail. The Board of Supervisors and CAO have provided the Amador County Sheriff's Office authorization to fill some staffing vacancies within the Amador County Jail and that work is in progress.

Respectively submitted,

A handwritten signature in cursive script, appearing to read "Martin A. Ryan", with a long horizontal flourish extending to the right.

MARTIN A. RYAN
Sheriff-Coroner

MAR/ds

Cc: Brian Oneto, Chairman, BOS

Sept 2 2010

To Grand Jury of Amador County

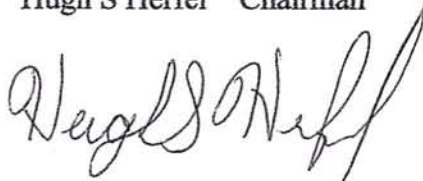
I Hugh S Herfel (Jake) chair person of the Jackson Valley Fire Dept had been given one year to get the fire board trained in the Brown Act; This was done by having County Council (Martha Shaver) give us classes on the Brown Act.

We all have taken Ethic training and the certificates turned in to the county.

We have adopted a new Policy and Procedures with up dates being worked on as this is a work in progress as things change.

We hope this satisfies what you ordered us to do. We would be happy to see the Grand Jury at our meeting so you could see that we have improved our way of running our Fire Dept.

Hugh S Herfel Chairman



6370 MARTIN LANE
IONE, CA. 95640



**DEPARTMENT OF ADULT INSTITUTIONS
MULE CREEK STATE PRISON**

P.O. Box 909099
one, CA 95640



July 1, 2010

Michael Phalen
Foreperson
2009-2010 Grand Jury

RE: Response to the 2009/2010 Grand Jury Report

Findings in the Grand Jury Report 2009/2010 for Mule Creek State Prison:

The reduction of staff and academic/vocational programs will have a negative effect on the inmates and result in a state prison system that deals exclusively with the incarceration of inmates, not with their rehabilitation.

The Grand Jury's Recommendation for Mule Creek State Prison:

Maintain academic and vocational programs by soliciting help from community to keep them viable.

Response:

Due to significant budget reductions, the California Department of Corrections and Rehabilitation (CDCR) is in the process of revising the way in which educational services are provided which is consistent with the Bureau of State Audit's (BSA) recommendation. As part of these changes, CDCR is developing a staffing plan that allocates educational staff based on the target population at each institution. It is important to note these allocations are limited by the funding identified in the enacted budget.

In addition to educational assignments, inmates may also participate in activities that are generally known as self help programs, such as Alcoholic Anonymous (AA), Narcotics Anonymous (NA), Veteran's Support groups, Victim's Awareness Offender Program, Juvenile Diversion Program and other Inmate Leisure Time Activity Groups (ILTAGs).

Mule Creek State Prison has increased the ILTAG's through staff sponsors and community volunteers. Continues attempts are being made by Mule Creek's managerial staff to increase community volunteerism and save several programs. Ultimately, the resources available will be dependent upon funding availability.

Please feel free to contact me at (209) 274-5000 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "M. Martel".

M. MARTEL
Warden
Mule Creek State Prison

**DIVISION OF JUVENILE JUSTICE
PRESTON YOUTH CORRECTIONAL FACILITY**201 Waterman Road
Jackson, CA 95640

July 6, 2010

Mr. Michael E. Phalen, Foreperson
Amador County Grand Jury
P.O. Box 249
Jackson, CA 95642

Dear Mr. Phalen:

This is in response to the Grand Jury's 2009-2010 report on Preston Youth Correctional Facility (PYCF).

Pursuant to Penal Code Section 933.05, our responses to the findings and recommendations are as follows:

Preston Youth Correctional Facility

Finding #1

The two BTP units at PYCF have made a positive contribution to the life-skills of the youth incarcerated there. (Facts #7, #8)

Response by the Department Head:

We agree with the finding of the Grand Jury.

Preston Youth Correctional Facility

Finding #2

As per last year's grand jury recommendations, no kitchen and power upgrades have been made.

Response by the Department Head:

We agree with the finding of the Grand Jury.

Preston Youth Correctional Facility

Finding #3

Adequate parking for staff and visitors has not been added.

Response by the Department Head:

We agree with the finding of the Grand Jury.

Preston Youth Correctional Facility

Finding #4

Although inspections by Ione City Fire Department or a State Fire Marshall have not occurred within the last year, internal inspections are conducted. The institutions within the County of Amador are having difficulty obtaining State Fire Marshall inspections.

Response by the Department Head:

We agree with the finding of the Grand Jury.

Preston Youth Correctional Facility

Finding #5

Fire extinguishers are inspected monthly and serviced regularly.

Response by the Department Head:

We agree with the finding of the Grand Jury.

Preston Youth Correctional Facility

Finding #6

The movement sensors (alarm) in the low risk dorms have been repaired and periodic inspections are performed. The school is shut down when the sensors malfunction.

Response by the Department Head:

We agree with the finding of the Grand Jury.

Preston Youth Correctional Facility

Recommendation #1

Expand the Behavioral Treatment Program to other units within the facility. (Finding #1)

Response by the Department Head:

The headquarters of our division directs each institution as to the type and numbers of all of our living units.

The Behavioral Treatment Programs (BTP's) are a short term residual unit designed to assist the youth in modification of their behavior. As soon as the youth has demonstrated the behavior changes he is returned to the sending unit.

The numbers of youth assigned to the BTP's is very low at this point so there is no need to expand the BTP's. If those numbers change and the need is there, we will ask our headquarters to permit additional BTP's.

Preston Youth Correctional Facility

Recommendation #2

Continue to expand the vocational programs.

Response by the Department Head:

We agree with the Grand Jury. Both the Principal, Russ Harris, of our high school, and I agree to continue to expand our vocational classes. This will depend upon resources and maintaining the correct numbers of academic teachers to keep us within our accreditation.

Preston Youth Correctional Facility

Recommendation #3

Initiate kitchen and power upgrades pursuant to the recommendation of the 2008/2009 Grand Jury.

Mr. Michael E. Phalen, Foreperson
Page 4

Response by the Department Head:

The process for approval and implementation of repairs and upgrades is extensive. The monies provided within our Departmental budget are used to address the most serious first.

Our projects are on the list and will be funded when the resources become available. This administration continues to remind our headquarters of our needs.

Preston Youth Correctional Facility

Recommendation #4

Provide adequate parking for staff and guests at the facility.

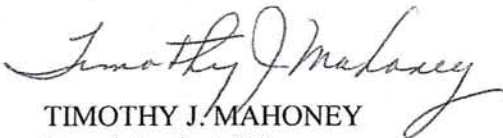
Response by the Department Head:

We have provided minor improvements in our parking area. We have also submitted requests for funds to improve the parking situation.

The request for funds is an ongoing process and the priorities are set by the leadership of this Department. It is a difficult task of staying within our budget limits and completing all of the project requests. With almost forty institutions, it is a very difficult task, especially given our current budget limitations.

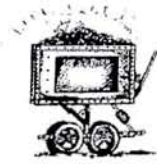
If you have any further questions or concerns, feel free to contact my office at (209) 274-8102.

Respectfully Submitted,



TIMOTHY J. MAHONEY
Superintendent (A)
Preston Youth Correctional Facility

cc: Bernard Warner, Chief Deputy Secretary
Sandra K. Youngen, Director, Juvenile Facilities
Steve Kruse, Deputy Director, Juvenile Facilities
Judge Susan Harlan, Superior Court



City of Sutter Creek

Amador County Grand Jury
Attn: Foreman
Post Office Box 249
Jackson, CA 95642

September 1, 2010

Dear Foreman,

Please find attached to this cover letter the City of Sutter Creek's response to the 2009/2010 Amador County Grand Jury Report.

The Sutter Creek City Council appreciates the seriousness of the issues raised in the 2009 Civil Grand Jury Report, and acknowledges that the City Council has the final overall responsibility for all aspects of the City operations. This includes the responsibility to assure that staff charged with implementing the City Council's directions does so in compliance with all applicable public standards and laws. Failure by staff to comply with proper procedure constitutes a failure of the City Council's duty to direct and oversee the staff. The effective operation of the City requires close team work between the Council members, staff, consultants and public. The body of this response includes specific responses to each finding and recommendation of the Grand Jury Report.

In addition to mandated responses, the City Council feels very strongly that it must respond to a comment included in the Introduction of the Grand Jury Report. The Grand Jury report states that the "City Council should have been aware of the issues and taken action prior to the start of this investigation". This implies that if it were not for the Grand Jury Report many of these issues would never have been revealed or corrected. This is incorrect, especially regarding the Finance, Administration and Personnel section of the report. The City Council has taken very significant actions to correct many of these issues long before they were referred to the Grand Jury.

For example:

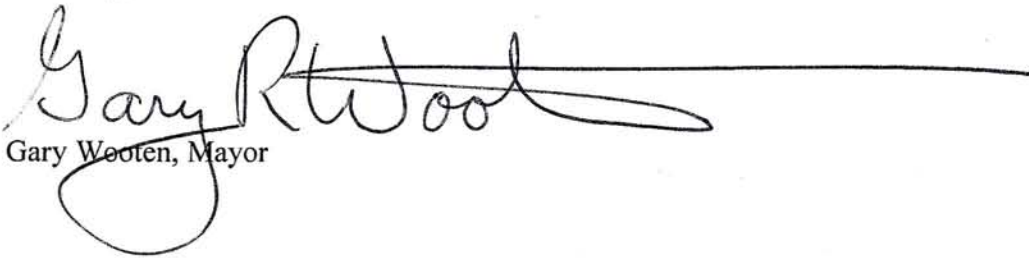
1. Findings 1, 2, 3, 4, 5 and 9 (in the Finance, Administration and Policy portion of the report) related to the Musetti house, hiring practices and contracting. The Mayor and Councilman Murphy met with the City Manager immediately after these issues were discovered in March 2008. All agreed that these actions had not been handled properly, and extra effort would be made to assure greater involvement by the entire Council in such decisions.
2. Findings 10, 11, 13, 14, 18 and 19 (in the Finance, Administration and Policy portion of the report) related to compliance with personnel policies, the use of credit cards and conflict of interest. These issues were brought to the Council's attention in September 2009. The City Personnel Committee immediately met with the appropriate staff to discuss these concerns. This was followed by a series of closed session discussions with the City Manager concerning the need to address these issues. The Council prepared a detailed checklist of the issues and plan of correction in December 2009, well before we were aware of any interest by the Grand Jury. This checklist and other summaries of financial and organizational issues being addressed by the City Council, were developed over the period of October – December 2009 and presented by Council Person Rianda at the January 10, 2010 City Council meeting. Copies of these three documents are attached. Prior to this presentation it is understandable that the public were not fully aware of the actions taken by the City to resolve these issues since many of the actions were part of confidential personnel performance discussions.

City of Sutter Creek 2010 Grand Jury Response

However, the City Council's efforts to address these issues are a matter of public record which the Grand Jury should have considered prior to beginning their investigation.

Again, the Sutter Creek City Council wishes to thank the members of the Grand Jury for their hard work.

Sincerely,

A handwritten signature in cursive script that reads "Gary R. Wooten". The signature is written in black ink and extends across the page with a long horizontal flourish.

Gary Wooten, Mayor

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

FINANCE, ADMINISTRATION AND POLICY

FACTS:

1. California Public Contract Codes § 20162 and 20168 set forth requirements pertaining to the bidding process for public projects and the proper procedure for declaring emergencies. The CM, after consulting only one City Council member, without approval from the full Council, entered into an “emergency” contract agreement to upgrade the Sutter Creek Wastewater Treatment Plant (WWTP).

THE CITY COUNCIL AGREES

2. The CM declared an “emergency” on the city-owned Musetti House because of an eroding foundation. A remodel of the interior of the house was begun without an RFB and without approval of the City Council. The CM did not follow proper procedure to begin construction. The Sutter Creek Planning Commissioner reports the project has cost over \$59,000. The foundation work was ultimately stopped due to lack of funds. It has not been completed.

THE CITY COUNCIL AGREES

3. Sutter Creek does not maintain inventory records. Movable and fixed assets owned by the City are unaccounted for. These assets include, but are not limited to, City vehicles, computers, and smart communications devices.

THE CITY COUNCIL AGREES

4. The City Council has been advised annually, by an outside finance auditor, to track depreciation of capital assets. This has not been done.

THE CITY COUNCIL AGREES

5. The *Employee Handbook*, § 5C1 and §5F1, states that City employment opportunities should be advertised, tested and reviewed.

THE CITY COUNCIL AGREES

6. A police officer left work on medical leave in November 2008. A Workers’ Compensation claim, filed in January 2009, was denied April 14, 2009. The COP/CM approved continuation of pay to the officer at full salary including accumulation of vacation and sick leave, on the assumption

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

that denial of the Workers' Compensation claim would be reversed, and without the approval of City Council.

THE CITY COUNCIL AGREES

7. Sutter Creek has a *Policy Manual* and a *Personnel Handbook*. The policies are not dated and the pages for both documents are not numbered consistently or consecutively.

THE CITY COUNCIL PARTIALLY AGREES

The pages in the City's *Personnel Handbook* are numbered.

8. The *Policy Manual* defines the steps for purchasing equipment, office supplies, and all office procedures.

THE CITY COUNCIL AGREES

9. Both the *Policy Manual* and the *Personnel Handbook* refer to leaves-of-absence that are in conflict with the Family Medical Leave Act of 1993.

THE CITY COUNCIL AGREES

10. According to Government Code § 53235, ethics training by the City Attorney is required every two years.

THE CITY COUNCIL AGREES

11. The *Policy Manual* states *when a City credit card is used, the employee will make a notation on the front of the charge slip stating the purpose of the charge and, in the case of meals charges, the names of the persons for whom meals were purchased.*

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

12. Finance Reports are not “user friendly”, making it difficult to interpret the City’s financial standing. City Council has asked the Finance Department on several occasions to simplify reports.

THE CITY COUNCIL AGREES

13. Because of the economic downturn, the 49 Bypass and the loss of tax revenues from the sale of new automobiles in Sutter Creek, revenue from sales tax decreased by over 50%. Sutter Creek tourism has decreased substantially and Transient Occupancy Taxes (TOTs) from hotels, motels, and bed & breakfasts has decreased. The Sutter Creek budget for Fiscal Year 2009/2010 is operating under a deficit.

THE CITY COUNCIL AGREES

14. The City Clerk, an elected official, is responsible for producing minutes of City Council meetings. Minutes are to be written and then approved at the next regular meeting. The City Clerk is also responsible for updating the Ordinance and Municipal Code book.

THE CITY COUNCIL AGREES

15. Sutter Creek employee contracts currently pay 100% of the Public Employees Retirement System (PERS) and Social Security contributions.

THE CITY COUNCIL PARTIALLY AGREES WITH THIS FACT.

The City does not pay the employee share of Social Security for the police employees. At the time of this report the City did pay 100% of Social Security and PERS for the Miscellaneous Employee unit.

16. A bridge in Sutter Creek was dedicated to a City Council member’s daughter. The dedication ceremony was funded in part by a fund-raising event sponsored by Gold Rush employees. Sutter Creek was in active negotiations with Gold Rush Development at the time.

THE CITY COUNCIL AGREES IN PART WITH THIS FINDING

The City Council disagrees with the assertion that the dedication was sponsored by Gold Rush employees. No fundraising event was held by Gold Rush Development or any other entity. The City Council agrees that the City was in active negotiations with Gold Rush Ranch at the time of the dedication. For clarification purposes, the bridge was dedicated to the memory of the Councilmember’s deceased daughter.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

17. Four positions: COP, CM, Director of Amador Regional Sanitation Authority (ARSA), and Wastewater Treatment Plant (WWTP) Manager are held by the same person.

THE CITY COUNCIL DISAGREES WITH THIS FACT:

There is no such position as WWTP Manager within the city. The City Manager, like all City Managers, is heavily involved in the WWTP. The operations of the plant are performed by appropriately licensed staff. All planning, design and technical analyses were performed by outside professional service contracts.

18. In December 2007, the City Council authorized the cash purchase of a Toyota Hybrid. In April 2008, a loan was secured against the vehicle, without the approval of City Council. In December 2008, the vehicle was sold without advertising or RFBs.

THE CITY COUNCIL AGREES

FINDINGS:

1. California Public Contract Code § 20168 states:
In case of an emergency, the legislative body may pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this chapter. If notice for bids to let contracts will not be given, the legislative body shall comply with Chapter 2.5 (commencing with Section 22050).

The CM was out of compliance with California Public Contract Code § 20162 and 20168. (Facts #1, #2)

THE CITY COUNCIL AGREES

2. Further specifications of the California Public Contract Code §22050 concerning emergencies include:

In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency and procure the necessary equipment, services and supplies for those purposes, without giving notice for bids to let contracts.

Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency

Neither of these specifications was taken into account by the CM. (Fact #2)

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

3. Section 20150.4 of the California Public Contract Code cites the following requirements relative to the cost of public projects:

Public projects between four thousand dollars (\$4,000) and ten thousand dollars (\$10,000) shall be let to contract by informal or formal bidding procedures. Public projects of ten thousand dollars (\$10,000) and more shall, in all instances, be let to contract by formal bidding procedure. These requirements were not observed by the CM. (Fact #2)

THE CITY COUNCIL AGREES

4. California Public Contract Code, §100 states:
The Legislature finds and declares that placing all public contract law in one code will make that law clearer and easier to find. Further, it is the intent of the Legislature in enacting this code to achieve the following objectives:
- *To clarify the law with respect to competitive bidding requirements*
 - *To ensure full compliance with competitive bidding statutes as a means of protecting the public from misuse of public funds.*
 - *To provide all qualified bidders with a fair opportunity to enter the bidding process, thereby stimulating competition in a manner conducive to sound fiscal practices*
 - *To eliminate favoritism, fraud and corruption in the awarding of public contracts*

Section 100 of the California Public Contract Code was ignored. (Facts #1, #2)

THE CITY COUNCIL AGREES

5. When the remodel was begun on the Musetti House, proper procedure for RFBs was not followed. Repair of the foundation should have been subject to the procedures cited in California Public Contract Code §100b. The foundation repair remains unfinished and the building is now occupied. (Fact #2)

THE CITY COUNCIL AGREES

6. Inventory Control Systems maintain records of movable and fixed assets. Sutter Creek has a *Fixed Assets Capitalization and Inventory Control Policy* adopted October 21, 2002. However, this policy is not being followed. (Fact #3)

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

7. Though City Council meetings are recorded, hard copies of the minutes are months out-of-date, the *Minutes Book* is out-of-date, and the minutes have not been approved by the City Council . (Fact #14)

THE CITY COUNCIL AGREES

8. City Ordinances and Municipal Codes are out-of-date by 4 to 5 years, according to the Deputy City Clerk. (Fact #14)

THE CITY COUNCIL AGREES IN PART WITH THIS FINDING:

The City Council agrees that some of the codes are out of date.

However, disagrees with the implication that all of the codes are out dated.

The Council acknowledges that a thorough review of all City policies, codes and records is needed. A detailed review will be completed within 120 days of this response.

9. Job openings for Public Works and Sewer Plant Heavy Equipment Operator were not properly advertised, tested and reviewed. CM hired two employees without following proper procedure. The City Council knew of these placements and did not intervene. (Fact #5)

THE CITY COUNCIL AGREES

10. When City Council became aware of the police officer's continued pay while on medical leave, legal counsel was consulted regarding legal remedies to correct the situation. City Council did not, however, stop the payments. (Fact #6)

THE CITY COUNCIL AGREES

11. California Labor Code § 4850.3 defines the eligibility for continued payment while a worker is on leave. It is unclear whether there was a final determination made that the cause of the medical leave arose from a work-related injury or not. If it was not, the payment was a misuse of public funds. (Fact #6)

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

12. The Finance Department is required to provide the City Council with financial status reports. Figures in these reports are inconsistent. Figures were questioned by the City Council; the explanation was that they had been entered incorrectly. Corrections were made and additional inconsistencies were found. During the investigation of the Finance Department, the 2009/2010 Grand Jury also found inconsistencies and the changing of figures. (Fact #12)

THE CITY COUNCIL AGREES

13. During interviews, it was determined that most employees and City workers were unaware of the *Employee Handbook* and *Policy Manual*. The *Personnel Handbook* has an acknowledgement form to be signed by the employee upon receipt of the handbook. The CM is responsible for assuring that employees and City workers are aware of these manuals. (Facts #7, #8, #9)

THE CITY COUNCIL AGREES

14. *Personnel Handbook, § L, page 47 states:*

An employee on an extended (medical) absence must apply for any other compensation and benefits, such as Workers' Compensation or disability insurance. Any leave of absence without pay exceeding fifteen (15) calendar days shall cause the employee's salary anniversary date to be postponed the number of calendar days equal to the number of days of the unpaid leave. Benefits accruals such as vacation, sick leave or holiday benefits will be suspended during the leave and will resume upon return to active employment.

This directive was not followed by the COP/CM in relation to the Police Officer's medical leave. (Fact #6)

THE CITY COUNCIL AGREES

15. The City Council has made efforts to reduce spending. Job positions have been either eliminated or bundled. Hours have been reduced and wages decreased. The City's share of PERS for new hires has been reduced from 100% to 50%. Some assets have been sold to reduce expenditures and some construction has been halted pending improvement to the financial situation. (Facts #2, #15, #18)

THE CITY COUNCIL AGREES

16. The Sutter Creek Business Association is partnering with the Amador Council of Tourism to promote tourism not only for the City of Sutter Creek but also Amador County. This partnership eases the burden of cost to Sutter Creek and its advertising reaches a wider market.

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

17. Government Code § 87301, 87302, "Conflict of Interest" law prohibits gifts from individuals or entities to a government agency, city, county or public official that could result in the financial gain of the individual or entity. (Fact #16)

THE COUNCIL DISAGREES WITH THIS FINDING:

This finding does not apply to "Fact 16", which the Council feels did not create a conflict of interest.

18. Record-keeping of the City's credit card charges is poor. Receipts are not always provided. Documentation of the reason for charges is incomplete. When meals are charged, the attendees are not listed. (Fact #11)

THE CITY COUNCIL AGREES

19. Sutter Creek officials use City credit cards to pay for meals with consultants and contractors, and then invoice reimbursement from the consultants or contractors. This practice has been seen as a conflict of interest, it also delays reimbursement to the city, presenting a cash flow problem. (Facts #7, #11)

THE CITY DISAGREES WITH THIS FINDING:

The City Attorney advised the Council in 2009 that this did not create a conflict of interest or constitute a gift of public funds. This practice has been discontinued.

20. On occasion, COP/CM must make decisions that require an opinion from both positions. These decisions may conflict with each other. This conflict may also exist between the interests of CM ARSA Director, and WWTP Manager. (Fact #17)

THE CITY COUNCIL AGREES

21. When asked about the Toyota hybrid transaction, none of the City Council members were aware of the loan. (Fact #18)

THE CITY COUNCIL AGREES

This issue is currently being researched by the City's Finance Director.

22. The CM has, on several occasions, not followed the policies and procedures of Sutter Creek City government. (Facts #1, #2, #3, #5, #6, #7, #8, #11, #18)

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

23. City Council has, on several occasions, not followed the policies and procedures of Sutter Creek City government. (Facts #1, #2, #3, #4, #5, #6, #7, #8, #11, #18)

THE CITY COUNCIL AGREES

24. Grand Jurors attending City Council meetings observed some members of the City Council managing by intimidation and being unresponsive to citizens' concerns.

THE COUNCIL AGREES IN PART WITH THIS FINDING:

The City Council agrees that there have been occasions when members of the Council, staff and public have spoken in anger and/or let frustration get the better of them. Such occasions certainly can be intimidating.

However, the City Council does not agree that there has been any deliberate pattern of intimation of the public by any member of the Council. The entire Council recognizes that we are responsible to set the tone of the meeting and interactions with the public and that anything less than common courtesy is unacceptable.

RECOMMENDATIONS:

THE CITY COUNCIL HAS ADDRESSED MANY OF THE FINDINGS AND RECOMMENDATIONS DISCUSSED IN THIS SECTION OF THE REPORT OVER THE PAST SEVERAL YEARS. THESE ACTIONS INCLUDED STAFF DIRECTION GIVEN IN CLOSED SESSION, STAFF PERFORMANCE REVIEWS, AS WELL AS PRESENTATIONS PROVIDED DURING REGULARLY SCHEDULED CITY COUNCIL MEETINGS.

To the SUTTER CREEK CITY Council:

1. Emergencies, as defined by Public Contract Codes §1101-1104, should not be declared without City Council approval and a 4/5ths vote. (Facts #1, #2 and Findings #1, #2, #3, #4, #5)

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THE APPROPRIATE CORRECTIVE ACTIONS.

This was discussed and agreed to in discussions between the City Manager, Mayor and Councilman Murphy in March 2008 and again in formal City Manager performance evaluation meetings in late 2009 and early 2010.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

2. Direct the City Manager to follow procedure for contracting projects, including those specified by the California Public Contract Code. (Facts #1, #2 and Findings #1, #2, #3, #4, #5, #22, #23)

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THE APPROPRIATE CORRECTIVE ACTIONS.

This was discussed and agreed to in discussions between the City Manager , Mayor and Councilman Murphy in March 2008 and again in formal City Manager performance evaluation meetings in late 2009 and early 2010.

3. Develop a procedure to ensure the City Council is aware of all decisions made by the CM concerning financial disbursements. These decisions should be made by the entire City Council. (Facts #1, #2, #6,#11, #18 and Findings #1,#2, #3, #10, #11, #14,#15, #18, #21)

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THE APPROPRIATE CORRECTIVE ACTIONS.

This was discussed and agreed to in discussions between the City Manager , Mayor and Councilman Murphy in March 2008 and again in formal City Manager performance evaluation meetings in late 2009 and early 2010.

4. Follow proper procedure when hiring new employees. (Fact #5, Finding #9)

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THE APPROPRIATE CORRECTIVE ACTIONS.

This was discussed and agreed to in discussions between the City Manager, Mayor and Councilman Murphy in March 2008 and again in formal City Manager performance evaluation meetings in late 2009 and early 2010.

5. Ensure that all City Council members and City employees are aware of responsibilities regarding Sutter Creek's vital programs by providing each with a copy of the *Personnel Handbook*. (Fact #7, Finding #13)

THE CITY AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

Updated copies of the personnel handbook will be provided prepared, distributed to each department and reviewed with each employee within 90 days of the date of this report.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

6. Place a *Policy Manual* in each department and make City employees and City Council members aware of its location. (Fact #7, Finding #13)

THE CITY AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

Updated copies of the City's administrative policy and procedure manual will be prepared, distributed and reviewed by each employee within 120 days of the date of this report.

7. Require that the Finance Department report directly to the City Council, not just the CM. (Facts #12, #18 and Findings #12, #21)

THE CITY COUNCIL REJECTS THE FOLLOWING RECOMMENDATION AS DISCUSSED BELOW:

The City Council rejects the idea of having the finance director report directly to the City Council based on the following considerations:

1. The City Manager must be responsible for the reporting and management of the City finances. Having the Finance Director report to the City Council could undermine the City Manager's ability to control this key aspect of their job responsibilities, and frequently leads to inappropriate delegation of this key function.
2. The City Council prefers the current system where the City Council provides direction to the City Manager regarding the reporting and management of the City finances. The City Manager works cooperatively with the finance team to carry out those directions. The finance director is responsible to provide the City Manager and City Council with the information and expertise they need to manage the City's finances. This includes the prompt reporting of any concerns regarding financial practices or system problems to the City Manager and the City Council.

8. Follow the policy in the *Policy Manual* regarding inventory control and depreciation of capital assets. (Facts #3, #4 and Findings #6, #12)

THE CITY AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

Inventory control and capital asset management systems will be brought into compliance with all appropriate public accounting standards as part of the ongoing overhaul of the City's financial management systems to be completed in FY 10-11.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

9. Discontinue immediately the practice of paying for or accepting meals or gifts from consultants. Discontinue immediately the practice of "billing back" to the consultant for meals during business hours. These meals should be paid for by each individual involved. (Facts #11, #16 and Findings #13, #17, #18)

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THE APPROPRIATE CORRECTIVE ACTIONS.

This practice was discussed in the series of City Manager performance evaluations held in late 2009 and has been discontinued.

10. Submit all contract agreements to the City Council for review and approval. (Facts #1, #2, #18 and Findings #1, #2, #3, #4, #5, #21)

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THE APPROPRIATE CORRECTIVE ACTIONS.

This was discussed and agreed to in discussions between the City Manager, Mayor and Councilman Murphy in March 2008 and again in formal City Manager performance evaluation meetings in late 2009 and early 2010.

11. Conduct ethics training for all new hires within 90 days of employment, with refresher courses every 2 years. (Fact #10)

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THE APPROPRIATE CORRECTIVE ACTIONS.

Ethics training has been required for each Council person and staff for several years, and will be provided to each new employee within 90 days of hire.

12. Re-negotiate contracts so that only the employer's portion of PERS and Social Security are paid by the City of Sutter Creek. (Fact #15, Finding #15)

THE CITY COUNCIL REJECTS THE FOLLOWING RECOMMENDATION AS DISCUSSED BELOW:

The City Council feels that although there is significant support for this issue, the benefit package of City employees is a matter for collective bargaining process rather than the grand jury.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

13. Adhere to the *Policy Manual* concerning receipts by including required documentation with each receipt prior to submission for payment. (Facts #8, #11 and Finding #13)

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THE APPROPRIATE CORRECTIVE ACTIONS.

The importance of complying with this policy has been reemphasized to the previous and the current City Manager and appropriate finance staff.

14. Establish a policy regarding any special event, such as the bridge dedication, regarding conflict-of-interest. (Fact #16)

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THE APPROPRIATE CORRECTIVE ACTIONS.

A formal procedure was established addressing memorial dedications in March 2010. Conflict of interest is addressed in regular ethic training sessions.

15. Make use of the Inventory Control function in the current accounting system to track and report the value and location of Sutter Creek assets. (Facts #3, #18 and Findings #6, #21)

THE CITY AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

Inventory control and capital asset management systems will be brought into compliance with all appropriate public accounting standards as part of the ongoing overhaul of the City's financial management systems to be completed FY 10-11.

16. Remove outdated leave-of-absence references from the *Policy Manual* and *Employee Handbook*. (Fact #9)

THE CITY AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

Updated copies of the City's administrative policy and procedure manual will be prepared, distributed and reviewed by each employee within 120 days of the date of this report.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

17. Take action to ensure that the City Clerk fulfills the obligations of the office. Remedies may include recall or changing the elected position to an appointed one. (Fact #14 and Findings #7,#8)

THE FOLLOWING RECOMMENDATION REQUIRES FURTHER STUDY PRIOR TO A FINAL DECISION:

The issue of converting the City Clerk position from an elected to an appointed position will require public hearing and further discussion prior to possibly putting the issue to public vote. The City Council supports the recommendation to convert the position from elected to appointed; however, the final timeline and decision will be driven by the public election process, which the City Council can not control.

18. Add a written Workers' Compensation procedure to the *Policy Manual* and *Personnel Handbook*. (Fact #6)

THE CITY AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

Updated copies of the City's administrative policy and procedure manual will be prepared, distributed and reviewed by each employee within 120 days of the date of this report.

19. Adopt a policy of promptly transcribing and presenting the Council meeting minutes to the City Council for approval. (Fact #14, Finding #7)

THE CITY AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

The City Council will adopt a formal policy regarding the preparation of official City documents such as meeting minutes, resolutions and ordinances within 60 days of the date of this report.

20. Update and provide revision dates for the *Policy Manual* and *Personnel Handbook* to reflect current laws. Index and number the pages properly for easy reference. This will avoid confusion and establish a tracking mechanism for compliance with California State Laws and/or the Fair Political Practices Commission (Fact #7, Finding #13)

THE CITY AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

Updated copies of the City's administrative policy and procedure manual will be prepared, distributed and reviewed by each employee within 120 days of the date of this report.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

21. Do not allow one person to hold multiple positions if those positions have inherent conflicts (CM and COP, ARSA Director and WWTP Manager). (Fact #17, Finding #20)

THE COUNCIL DISAGREES WITH THIS RECOMMENDATION, AS DISCUSSED BELOW.

The City Council agrees that employees should not have inherently conflicting responsibilities; however, disagrees that duties listed above inherently constitute a conflict. It is entirely appropriate for a manager to be required to balance conflicting priorities and duties as long as there is appropriate direction from the Council.

22. Protect the City's funds and maintain awareness of all expenditures and decisions being made on behalf of Sutter Creek. Do not leave these decisions to the CM or Finance Department personnel alone. (Facts #1, #2, #6, #18 and Findings #21, #22, #23)

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THE APPROPRIATE CORRECTIVE ACTIONS.

The Council is actively engaged in all aspects of City finances and is currently in the process of a major review of the City financial systems.

23. Act immediately to correct a situation in which policy has not been followed, putting the best interests of Sutter Creek first, both financially and ethically.

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THE APPROPRIATE CORRECTIVE ACTIONS.

The Council has always "put the best interests of Sutter Creek first". Recent and ongoing improvements to the management systems will assure prompt attention to any significant operational challenges.

To the CITIZENS of SUTTER CREEK:

24. Become actively involved with the City Council to ensure positive change, without being intimidated by any individual member. This commitment will help City government avoid defaulting to continued mismanagement.

Since the Councilpersons are also citizens of Sutter Creek; Sutter Creek has a long history (well beyond the Grand Jury's recent interest) of public participation in City Council and Planning Commission meetings and issues. Active participation by the public is critical to the local democratic process and as such is welcome. The closing sentiment that the public needs to "help the City government avoid defaulting to continued mismanagement" is unwarranted.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

SANITARY SEWER MANAGEMENT PLAN

INTRODUCTION:

In response to complaints regarding the quality and effectiveness of the City of Sutter Creek's (City) sewer systems, the 2009/2010 Amador County Civil Grand Jury investigated the City's Sanitary Sewer Management Plan (SSMP).

BACKGROUND:

The City has a history of raw sewage spills due to the age of the sewer system. The state requires that an SSMP be established for every City in California. To comply with the State Water Resources Control Board (SWRCB), the Central Valley Regional Water Quality Control Board (RWQCB) and the statewide General Waste Discharge Requirements (WDR) Order No. 2006-003-DWQ, The City established a SSMP. The City retained the services of *HDR*, a national engineering and consulting firm, and *Weatherby/Reynolds/Fritson* to assist in becoming compliant with the regulations.

RESPONSIBLE AGENCY:

CITY of SUTTER CREEK
18 Main Street
Sutter Creek, CA 95685

FACTS:

1. The City complied with state requirements by submitting a certified SSMP in April 2008. The SSMP was comprised of 11 separate elements (see REFERENCES).

THE CITY COUNCIL AGREES

2. By November 2009, within the required timeline, the City Manager had completed elements 1-6 of the SSMP.

THE CITY COUNCIL AGREES

3. Elements 7-11 of the SSMP, due in May 2010, have not been completed.

THE CITY COUNCIL AGREES

4. Element 7 of the SSMP deals specifically with Fats, Oils, and Grease (FOG) in the system.

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

5. Due to the budget crisis in the City, much of the SSMP work has been neglected. As recently as April 2010, two raw sewage spills occurred in the City.

THE CITY COUNCIL DISAGREES WITH THIS FACT:

The City "budget crisis" relates to the general fund and therefore has no impact upon the SSMP progress. Delays are more accurately related to the very significant reorganization and reduction in force of City management staff.

6. The City retained the services of *HDR Consulting* to prepare a Gap Analysis (a study that compares the in-compliance parts of the sewer collection system with the parts that are out-of-compliance). The City paid \$18,156 for this analysis.

THE CITY COUNCIL AGREES

7. Sutter Creek Municipal Codes § 14.04.070, 14.08.080, 1.16 and 14.08.090, pertain to the flushing of materials that are considered hazardous to the sewer collection system and/or the WWTP.

THE CITY COUNCIL AGREES

FINDINGS:

1. The Sutter Creek Sewer Committee (SCSC) stated that over the last 24 months, weather has prevented the completion of the maintenance program which was submitted. (Fact #3)

THE CITY COUNCIL DISAGREES WITH THIS FACT

The city "budget crisis" relates to the general fund and therefore has no impact upon the SSMP progress. Delays are more accurately related to the very significant reorganization and reduction in force of City management staff.

2. The City has not addressed the FOG issue. (Fact #4)

THE CITY COUNCIL DISAGREES WITH THIS FINDING

The City adopted a revised FOG ordinance (Ordinance 321) in May of 2009.

3. One of the raw sewage spills in April 2010 was caused by a root ball which would have been discovered by the video surveillance required by Element #4 of the SSMP. (Fact #5)

THE CITY COUNCIL AGREES

4. At the time of this report, the Gap Analysis had not been completed. (Fact #6)

THE CITY COUNCIL DISAGREES WITH THIS FINDING:

The Gap Analysis was completed in February 2008.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

5. Many businesses in the City are not using grease interceptors, which violates Sutter Creek Municipal Codes § 14.04.070, 14.08.080, 1.16 and 14.08.090, and causes high biochemical oxygen demand (BOD) levels in the system. (Fact #7)

THE CITY COUNCIL DISAGREES WITH THIS FINDING

The City has a grease trap ordinance, which requires grease traps for specific types of businesses. The City Council is not aware of any business which is required to have a grease trap which does not.

6. The pipe deficiencies in the City's antiquated sewage collection system will adversely affect the City's future growth.

THE CITY COUNCIL DISAGREES WITH THIS FINDING

The condition of the existing collection system will not affect future growth because any significant new growth will be required to provide the necessary expanded capacity. The more important issue is the leakage of sewerage from the pipes into the environment. The SSMP is more of a public health issue than WWTP growth/capacity issue.

RECOMMENDATIONS:

1. Complete the SSMP in a timely manner to minimize future spills. (Facts #1, #2, #3, and Finding #1)

THE CITY COUNCIL AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

The City is currently in the process of considering one or more professional contracts to implement and manage the SSMP. A final decision regarding the contract will be completed 120 days from this report.

2. Update the SSMP on a yearly basis, and keep in compliance with it. (Facts #1, #2, #3)

THE CITY COUNCIL AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

The city is currently in the process of considering one or more professional contracts to implement and manage the SSMP. A final decision regarding the contract will be completed 120 days from this report.

3. Implement an inspection and maintenance program to regulate the FOG issue. (Fact #4, Finding #2)

THE CITY COUNCIL AGREES WITH THIS RECOMMENDATION.

The City adopted a new FOG ordinance (Ordinance 331) in May of 2009, which provides the City authority to inspect and maintain grease interceptors.

THE CITY COUNCIL AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

The City is currently in the process of considering one or more professional contracts to implement and manage the SSMP. A final decision regarding the contract will be completed 120 days from this report.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

4. Complete video inspections as specified in the SSMP to reduce raw sewage spills in the City. (Fact #5, Finding #3)

THE CITY COUNCIL AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

The City is currently in the process of considering one or more professional contracts to implement and manage the SSMP. A final decision regarding the contract will be completed 120 days from this report.

5. Require businesses within the City to install and maintain properly sized grease interceptor traps, and conduct quarterly inspections of the traps. (Fact #7, Finding #5)

THE CITY COUNCIL AGREES WITH AND HAS IMPLEMENTED THIS RECOMMENDATION.

The City adopted a new FOG ordinance (Ordinance 331) in May of 2009, which provides the City authority to inspect and maintain grease interceptors. Enforcement of the ordinance will be enhanced through the ongoing reorganizations of WWTP and SSMP services.

6. Provide written notices to City businesses and households that identify the hazards to the City's sewer collection system (diapers, paper towels, feminine hygiene products) and the potential for fines, penalties, and forfeitures as cited by Government code 36901.

THE CITY COUNCIL AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

Notices have been included in the regular sewer billing process, and will continue to be included.

7. Repair or replace collection system piping, per the SSMP, to prevent raw sewage overflows at the WWTP storage basin and contamination of natural waterways ("riparian zones"). (Finding #6)

THE CITY COUNCIL AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

The City is currently in the process of considering one or more professional contracts to implement and manage the SSMP. A final decision regarding the contract will be completed 120 days from this report.

8. Implement a System Evaluation and Capacity Assurance Plan (SECAP) to anticipate future growth in Sutter Creek. Install flow meters in each branch of the sewage collection system to help identify infiltrations.

THE FOLLOWING RECOMMENDATION REQUIRES FURTHER INVESTIGATION PRIOR TO RESPONDING:

The City is currently in the process of considering one or more professional contracts to implement and manage the SSMP and WWTP. A final decision regarding this issue will be completed 120 days from this report.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

WASTEWATER TREATMENT PLANT

INTRODUCTION:

In response to complaints regarding the quality and effectiveness of the City of Sutter Creek's (City) sewer systems, the 2009/2010 Amador County Civil Grand Jury evaluated its Wastewater Treatment Plant (WWTP).

BACKGROUND:

The sewer system of the City, especially the WWTP, has been the subject of controversy both before and after an upgrade was started in late 2007. HDR, a national engineering and consulting firm, was eventually hired to design the upgrade. A reported \$1.5 million was spent for this upgrade. City officials have not agreed on the cost, condition, or efficiency of the WWTP since the upgrade began.

RESPONSIBLE AGENCY:

CITY of SUTTER CREEK
18 Main Street
Sutter Creek, CA 95685

FACTS:

1. The current WWTP Manager is also the Sutter Creek Chief of Police (COP), Director of Amador Regional Sanitation Authority (ARSA), and Sutter Creek City Manager (CM).

THE CITY COUNCIL DISAGREES WITH THIS FACT

The City Manager exerts the same control over the plant as other local city managers. All onsite services are performed by appropriately licensed staff. Outside professional consultants are responsible for the technical planning, problem solving and rate setting. There is no such position as WWTP Manager within the city.

2. The City Manager/WWTP Manager does not hold a State Wastewater Treatment Certification or the engineering degrees necessary to understand the biological, PH, or disinfection process needed to maintain quality process control.

THE CITY COUNCIL DISAGREES WITH THIS FACT:

The City Manager is not required to hold any specific certifications regarding WWTP. However, this is not a problem. The City Manager exerts the same control over the plant as other local managers. All onsite services are performed by appropriately licensed staff. Outside professional consultants are responsible for the technical planning, problem solving and rate setting. Therefore this fact is irrelevant.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

3. California Public Contract Code § 20168 sets forth requirements for the identification of Emergencies, including the need for a four-fifths vote from the City Council when approving certain expenditures, and when a Request for Bids (RFB) is necessary. The City Manager declared an emergency and began an upgrade of the WWTP without a four-fifths vote or an RFB, both of which were out of compliance with California Contract Code § 20168.

THE CITY COUNCIL AGREES

4. Engineering and construction has cost \$2,250,000.00.

THE CITY COUNCIL AGREES

5. The City acted as the General Contractor for the WWTP upgrade. The WWTP Manager/City Manager, on behalf of the City, conducted the hiring of sub-contractors and City staff to work on the WWTP.

THE CITY COUNCIL AGREES

6. An estimate for the drying beds and other *HDR* designed equipment was \$83,000. The City Building Inspector informed the City Manager that the cost for the items should be considerably less. The City Manager authorized the City Building Inspector to proceed with a modified design for \$14,000.

THE CITY COUNCIL AGREES

7. There was no electrical cost analysis completed prior to the installation of three new aerators at the WWTP.

THE CITY COUNCIL AGREES

8. The WWTP effluent is currently exceeding Regional Water Quality Control Board standards. Reports dated 3/03/10 to 4/28/2010 reveal failure in either one or more of the three testing categories; total suspended solids (TSS), biochemical oxygen demand (BOD), and total coliform bacteria (TCB). *HDR* was hired to modify the WWTP and resolve the TSS, BOD, and TCB problems. The modifications did not establish compliance.

THE CITY COUNCIL AGREES IN PART WITH THIS FACT.

The City Council agrees that at the time of this report the WWTP was not operating as planned. There are operational as well as technical issues affecting the plant effectiveness which are currently being addressed.

The City Council disagrees with the implication that the WWTP upgrade was a failure. The final response to this finding will require completion of the ongoing review of the plant operations, expected within 90 days of this report.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

9. Wastewater treatment depends on biological organisms in both the aeration basin and the "Klargester" (container) to process the wastewater. The *HDR* design for the City's WWTP has organisms in the aeration basin that conflict with the Klargester organisms. If these organisms come into contact with each other, the organisms from the aeration basin could kill off the organisms in the Klargester, which could result in a complete shutdown of the treatment process. Upon discovery of this error, water flow to the aeration basin was shut off on 4/30/2010.

THE CITY COUNCIL AGREES IN PART WITH THIS FACT.

The City Council agrees that at the time of this report the WWTP was not operating as planned. There are operational as well as technical issues affecting the plant effectiveness which are currently being addressed.

The City Council disagrees with the implication that the WWTP upgrade was a failure. The final response to this finding will require completion of the ongoing review of the plant operations, expected within 90 days of this report.

10. The Waste Water Collection System is experiencing "infiltration and inflow" problems during periods of rain. Infiltration dramatically increases the level of the aeration basin. One hour from commencement of rain there is a significant spike in the inflow of the WWTP. This spike creates a capacity storage problem to the plant. Raw sewage could spill into the natural waterways ("riparian zones"), or complete WWTP failure could occur as a result of limited basin storage capacity.

THE CITY COUNCIL DISAGREES THIS FACT.

The recent WWTP upgrade included the expansion of the overflow reservoir projected to handle infiltration as well as storm water flows.

11. *HDR* did not provide an operations manual for the newly upgraded WWTP.

THE CITY COUNCIL AGREES

12. The City collects sewer fees and deposits these fees into an account designated "Sewer Enterprise Fund". Proper dispensation of these fees is defined by Article I 3D § 6 (b) (2) of the California State Constitution, which states "Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed."

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

FINDINGS:

1. The WWTP Manager is not qualified to hold the position. PH balance is critical to plant operations as it directly influences disinfection (chlorine demand). Without the required training or experience, the WWTP Manager is unaware of the current and most efficient WWTP equipment and processes. (Fact #2)

THE CITY COUNCIL DISSAGREES WITH THIS FINDING

The City Manager exerts the same control over the plant as other local managers. The City Manager does not need any special certifications in order to supervise the operations of the WWTP staff and operations. All onsite services are performed by appropriately licensed staff. Outside professional consultants are responsible for the technical planning, problem solving and rate setting.

2. The City Manager is not qualified to be the General Contractor on the project. (Fact #2)

THE CITY COUNCIL AGREES

3. By declaring an emergency, the CM /WWTP Manager intended to avoid the time-consuming process of a formal Request for Proposals/Bids (RFPs, RFBs). The upgrade took over three years. (Fact #3)

THE CITY COUNCIL AGREES

4. Sub-contractors and City staff hired to work on the WWTP were poorly managed, which caused long delays in the completion of the upgrade.

THE CITY COUNCIL AGREES IN PART WITH THIS FINDING.

The City Council agrees that the project was not effectively managed. However, disagrees with the statement that city staff were hired to work on the project. Performance of the contractors is the subject of an ongoing review, due in 90 days of this report.

5. A person knowledgeable in construction would have recognized the need for a licensed contractor to manage the project. The WWTP operators have since located a highly qualified Grade 5 engineer to consult with the plant operators and get the plant into compliance at a cost of less than \$14,000. (Fact #6)

THE CITY COUNCIL AGREES

6. The motor control center (electrical panel) was placed in a bad location and is in a potentially hazardous condition. HDR found the electric panel to be undersized for the added load of the 10, 15 and 20 horsepower aerators. (Fact #7)

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

7. There has been a 300% increase in power demand since installation of the new aerators. Prior to the installation, the PG&E bill averaged \$1,256 per month. Since powering up the aerators, the bill has averaged \$4,914 per month. (Fact #7)

THE CITY COUNCIL AGREES

Initially this was true. The aerators have recently been shut off for the majority of the day, depending on the biological needs of the pond. The long term costs are unclear and are being addressed through an outside consultant as part of the overall upgrade project review due in 90 days.

8. The City spent \$2.25 million dollars on HDR engineering studies and equipment upgrades to the WWTP. This upgrade has not brought the plant into BOD compliance. While the basin lining, sledge press and new electrical panel were necessary and successful improvements, these improvements did not rectify the problem for which the emergency was declared. They did not require expensive engineering studies.

FURTHER REVIEW AND TESTING IS REQUIRED PRIOR TO RESPONDING.

There are a range of issues, some design and some operational, which need to be resolved prior to responding. Response pending review by outside professional contractor, due in 90 days of this report.

9. Changes in PH balancing, chlorination or ultra violet and trickling filter water application will make the treatment process much more efficient, with a potential two-fold increase in plant capacity. (Fact #2)

FURTHER REVIEW AND TESTING IS REQUIRED PRIOR TO RESPONDING.

There are a range of issues, some design and some operational, which need to be resolved prior to responding. Response pending review by outside professional contractor, due in 90 days of this report.

10. *HDR* did not follow through with its Quality Control/Quality Assurance obligations.

FURTHER REVIEW AND TESTING IS REQUIRED PRIOR TO RESPONDING.

There are a range of issues, some design and some operational, which need to be resolved prior to responding. Response pending review by outside professional contractor, due in 90 days of this report.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

11. HDR's trial and error approach to resolving the TSS, BOD, and TCB issues should not have been at the expense of the City. *HDR* was hired because of its highly regarded reputation and expertise.

FURTHER REVIEW AND TESTING IS REQUIRED PRIOR TO RESPONDING.

There are a range of issues, some design and some operational, which need to be resolved prior to responding. Response pending review by outside professional contractor, due in 90 days of this report.

12. *HDRs* design for the WWTP has several deficiencies:

- Bacteriologic incompatibility
- No PH control
- High operating costs, especially in summer
- High chlorine demand
- Unresolved high BOD levels
- Overbuilt due to Gold Rush considerations
- No process manual
- No follow-through on Quality Control/Quality Assurance

FURTHER REVIEW AND TESTING IS REQUIRED PRIOR TO RESPONDING.

There are a range of issues, some design and some operational, which need to be resolved prior to responding. Response pending review by outside professional contractor, due in 90 days of this report.

13. The City Treasurer provided the Grand Jury with documents which suggest that Sewer Enterprise Funds have been transferred to the General Fund, once in the amount of \$24,250, another in the amount of \$220,000. There is no evidence that either of these transfers were paid back, as required by Article 13D § 6(b) of the California State Constitution (Fact #12)

FURTHER REVIEW IS REQUIRED PRIOR TO RESPONDING.

This issue has been referred to the new finance director to research and respond within 90 days of this report.

RECOMMENDATIONS:

1. Hire separate individuals to fill the positions of WWTP Manager and City Manager

THIS RECOMMENDATION REQUIRES FURTHER REVIEW PRIOR TO RESPONDING:

The City is currently in the process of soliciting bids by outside contractors to provide a wide range of WWTP and SSMP operational, planning and supervisory services. This is a complicated process which will require months to complete. The City Manager will continue to be responsible for the staff and operations of the WWTP. A final response will need to wait until this process is completed, expected to be within 120 days. It is important to note that, as mentioned above, the City Manager is not the WWTP Manager and that all WWTP operations are handled by appropriately licensed staff and/or outside consultants.

2. Discontinue the practice of acting as a General Contractor for City projects. (Fact #5 and Findings

#2, #3, #4, #5)

THE CITY COUNCIL REJECTS THE FOLLOWING RECOMMENDATION:

The City acknowledges that the city should not have served as contractor for projects such as the recent WWTP upgrade. However, the city feels it is essential that it retains the right to serve as general contractor for selected minor projects.

3. Hire a Grade 5 wastewater treatment engineer to correct plant equipment and processing deficiencies. The return on this investment would be realized within 6 months from PG&E savings alone. The consultant should provide an operations manual and all necessary training to the operators. The knowledge and expertise of a Grade 5 consultant will ensure compliance and increased efficiency at the WWTP. (Facts #8, #9, #10, #11 and Finding #5)

THIS RECOMMENDATION REQUIRES FURTHER REVIEW PRIOR TO RESPONDING:

The City is currently in the process of soliciting bids by outside contractors to provide a wide range of WWTP and SSMP operational, planning and supervisory services. This is a complicated process which will require months to complete. A final response will need to wait until this process is completed, expected to be within 120 days.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

4. Retain a Grade 5 wastewater treatment engineer to consult with operations staff for at least the next 4 to 5 years. Doing so will allow plant operators access to the solutions needed to keep the WWTP in compliance and avoid possible fines against the City.

THIS RECOMMENDATION REQUIRES FURTHER REVIEW PRIOR TO RESPONDING:

The City is currently in the process of soliciting bids by outside contractors to provide a wide range of WWTP and SSMP operational, planning and supervisory services. This is a complicated process which will require months to complete. A final response will need to wait until this process is completed, expected to be within 120 days.

5. Repair or replace sewage collection system pipes to protect the WWTP's aeration basin from potential overflow.

THIS RECOMMENDATION REQUIRES FURTHER REVIEW PRIOR TO RESPONDING:

The city is currently in the process of soliciting bids by outside contractors to provide a wide range of WWTP and SSMP operational, planning and supervisory services. This is a complicated process which will require months to complete. A final response will need to wait until this process is completed, expected to be within 120 days.

6. Launch an immediate investigation of the "errors and omissions" clause as described in the *General Terms and Conditions for Engineering and Environmental Services* of the HDR contract. (Findings #10, #11, #12)

THE CITY COUNCIL FULLY AGREES WITH THE FOLLOWING RECOMMENDATION:

Vendor compliance with the recent WWTP upgrade contract is being reviewed. A final report is due within 90 days.

7. Adopt a policy requiring clear and legal justification of all transfers from the Sewer Enterprise Fund into the General Fund (or any other unqualified City funds) to prevent violation of the Constitution. (Fact #12, Finding #13)

THE CITY COUNCIL REJECTS THE FOLLOWING RECOMMENDATION:

This issue is addressed in existing public accounting standards; therefore no city policy is required.

**CITY OF SUTTER CREEK
SUTTER CREEK POLICE DEPARTMENT**

INTRODUCTION:

After an investigation of animal control issues in the City of Sutter Creek (City) and complaints regarding City administration, the 2009/2010 Amador County Grand Jury elected to investigate the Sutter Creek Police Department (SCPD) to examine communication, policies & procedures, and morale within the agency.

BACKGROUND:

SCPD handles police-related calls within the City.

RESPONSIBLE AGENCY:

SUTTER CREEK POLICE DEPARTMENT
18 Main Street
Sutter Creek, CA 95685

FACTS:

1. The projected Fiscal Year 2009/2010 budget for SCPD is \$951,000. Of this amount, \$560,000 is expected to come from the General Fund. The remaining allocation is derived in part from the following grants: State grants \$182,000; grant for Amador County Combined Narcotics Enforcement Team (ACCNET) \$84,000; School Resource Officer (SRO) grant \$57,000.

THE CITY COUNCIL AGREES

2. The current Sutter Creek COP was hired in June 1999.

**THE CITY COUNCIL AGREES AT TIME OF REPORT. HOWEVER A
NEW COP WAS HIRED JULY 1, 2010.**

3. By the year 2000, the COP was serving in the following additional capacities:
 - Sutter Creek CM, October 1999
 - Sutter Creek Wastewater Treatment Plant Manager, December 2000
 - Amador Regional Sanitation Authority (ARSA) Director, December 2000

THE CITY COUNCIL AGREES WITH PART OF THIS FACT.

The COP/City Manager has never served as the WWTP Manager.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

4. At the time this investigation began, there were six full-time officers including: the COP; a day sergeant; a night sergeant; a corporal; an SRO; and an officer assigned to the ACCNET.

THE CITY COUNCIL AGREES

5. ACCNET is a drug enforcement task force which includes a Jackson Police Department Officer, a District Attorney Investigator, and officers from Mule Creek State Prison and the Sheriff's Department. The positions are funded by a grant from the State of California. The officer's paycheck is issued by the City and reimbursed quarterly. ACCNET covers 100% of wages and benefits.

THE CITY COUNCIL AGREES

6. The wages for the SRO during the school session are funded by the Amador County Unified School District. The City covers all other costs and benefits, including the officer's vehicle, medical coverage, and retirement. During vacations and holidays, the City absorbs the wages.

THE CITY COUNCIL AGREES

7. Since the start of the investigation, the SRO accepted employment elsewhere. Another officer is temporarily filling the SRO position.

THE CITY COUNCIL AGREES

BUDGET ISSUES:

As a consequence of funding shortfalls:

8. There are no plans to hire a replacement SRO; this position will be vacant by the end of school session in June 2010.

THE CITY COUNCIL AGREES

9. There is only one officer on duty during each shift. Backup is available through mutual aid from the Jackson Police Department, Lone Police Department, Amador County Sheriff's Department, California Highway Patrol, and Amador County Animal Control. Off-Duty SCPD officers are called in case of an emergency.

THE CITY COUNCIL AGREES

10. All SCPD officers have taken a reduction in pay and are required to incur furlough hours.

THE CITY COUNCIL AGREES at the time of the report however furloughs have been discontinued since.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

11. SCPD does not employ an office clerk. Administrative duties normally performed by office staff are now being handled by the officers.

THE CITY COUNCIL AGREES

12. Office computer equipment is outdated.

THE CITY COUNCIL DISAGREES WITH THIS FINDING.

All of the equipment is operational. Some units should be upgraded as soon as the budget permits.

NEGOTIATION:

13. April 30, 2008, SCPOA attempted to initiate negotiations with the City Council for the Fiscal Year 2008/2009 MOU by submitting a proposal. On February 2, 2009, the City officially began negotiations with SCPOA for the MOU that should have been in effect July 2008.

THE CITY COUNCIL AGREES

14. February 24, 2009, the SCPOA formally accepted a 2.5% work furlough program.

THE CITY COUNCIL AGREES

15. March 2, 2009, the City Council approved an MOU for FY 2008/2009 that included the 2.5 % furlough.

THE CITY COUNCIL AGREES

16. March 9, 2009, all City employees were sent a draft memo proposing impasse and unilateral implementation procedures. The SCPOA rejected the proposal.

THE CITY COUNCIL DISAGREES WITH THIS FINDING

According to the city attorney, at the time, the SCPOA did not have the right to "reject" or accept the procedure. They did have the right, which they exercised, to comment. Their comments were considered by the City Council during its deliberation of the item.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

17. April 6, 2009, the City Council ignored SCPOA's request to "meet and confer." The impasse proposal went before City Council and passed, despite City employee objections.

THE CITY COUNCIL DISAGREES WITH THIS FINDING

The City Manager did not ignore a request to "meet and confer" regarding the impasse procedure.

The City Manager discussed the issue with the unit, and suggested they attend the City Council meeting to discuss their concerns. The City Attorney stated that the impasse procedure was not subject to meet and confer since it was merely a description of a process not a new condition of employment.

18. The SCPOA hired union representatives to negotiate with the City Personnel Committee and negotiations started for the FY 2008/2009 MOU.

THE CITY COUNCIL AGREES

19. September 28, 2009, the City Council voted unilaterally to implement an MOU which included the last and best City offer, per the City's impasse procedures. An improvised agreement titled *Wages, Hours, and Other Terms and Conditions of Employment* was implemented. SCPOA was not allowed to go to arbitration as outlined in the 2008/2009 MOU.

THE CITY COUNCIL AGREES

20. The SCPD does not currently operate under an MOU.

THE CITY COUNCIL DISAGREES WITH THIS FACT.

At the time the Grand Jury report was written this was true. However, a MOU was approved 8-16-10.

FINDINGS:

1. There is a morale problem inside the SCPD precipitated by:
- Reductions in pay
 - Lack of support by the City Council /COP
 - Lack of leadership and communication by COP
 - Breakdown in negotiations
 - Lack of job security due to the City's financial situation
 - Personnel evaluations not being completed in a timely manner

THE CITY COUNCIL AGREES

2. Officers have the perception that the COP is an "absentee chief." The officers attempt to manage themselves. (Fact #3)

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

3. Duties of the COP conflict with the duties performed for the positions of CM, WWTP Manager, and ARSA Director. (Fact #3)

THE CITY COUNCIL PARTIALLY AGREES

The COP/City Manager was not the WWTP Manager, as stated previously.

4. The two sergeant positions have created difficulties in the chain of command. Sergeants have equal authority and decisions are often conflicting. (Fact #4)

THE CITY COUNCIL AGREES

5. One of the City Council Members has publicly stated that the City should lay off its COP and police officers, eliminating the SCPD.

THE CITY COUNCIL AGREES

6. Continued staff reductions will make 24-hour shift coverage by SCPD highly questionable.

THE CITY COUNCIL AGREES

7. Staff shortages make it necessary for officers to be reactive, rather than proactive. Investigations are compromised due to lack of available time.

THE CITY COUNCIL DISAGREES WITH THIS FINDING.

There is not evidence to support this finding. The SCPD has a long history of effective investigations and successful prosecution of major crimes.

8. Infractions such as parking violations are not being enforced because of the officers' additional duties.

THE CITY COUNCIL AGREES

RECOMMENDATIONS:

1. Eliminate the dual position of COP and CM, and appoint a full-time COP. (Fact #3, Finding #3)

THE CITY COUNCIL AGREES AND HAS IMPLEMENTED THIS RECOMMENDATION.

This was accomplished with the recent reorganization and appointment of a dedicated Police Chief.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

2. Eliminate one of the sergeant positions and re-establish a tiered chain of command. (Finding #4)

THE CITY COUNCIL AGREES AND HAS IMPLEMENTED THIS RECOMMENDATION.

This was accomplished with the recent reorganization and appointment of a dedicated Police Chief.

3. Hire a full-time office clerk for SCPD when funds are available. (Fact #11, Finding #8)

THE COUNCIL AGREES WITH THIS RECOMMENDATION

This will be implemented as funding becomes available, hopefully in FY 2011-12.

4. Recruit volunteers to work as office staff and for parking enforcement. (Finding #8)

THIS RECOMMENDATION REQUIRES FURTHER REVIEW PRIOR TO RESPONDING.

This issue will be referred to the new police chief for further review, specifically regarding safety and confidentiality issues. Response due in 90 days.

5. Update the office computers. (Fact #12)

THIS RECOMMENDATION REQUIRES FURTHER REVIEW PRIOR TO RESPONDING.

This issue will be resolved as part of the FY 2010-11 general fund budget process, to be completed by September.

6. If the SRO position is not filled, the individual schools should be contacted to set up protocol for handling criminal activity on campus.

THE COUNCIL AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION.

This is underway and will be accomplished prior to the start of the 2010-11 academic year by direct contact with the schools in the Jackson-Sutter Creek area and with the School District Administrative staff.

7. Negotiate a MOU for Fiscal Year 2010/2011 in a timely manner. (Facts #18 through #25, Finding #1)

THIS RECOMMENDATION HAS BEEN IMPLEMENTED.

A MOU was formally approved August 16, 2010.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

CITY OF SUTTER CREEK ANIMAL ISSUES WITHIN CITY LIMITS

INTRODUCTION:

The 2009/2010 Amador County Civil Grand Jury, in response to a citizen's complaint regarding reasonable kennel size, elected to review the policies and procedures of the Sutter Creek Police Department (SCPD) regarding animal-related issues.

BACKGROUND:

Prior to December, 2008, most animal control issues within the City of Sutter Creek were handled by Amador County Animal Control (ACAC).

The Sutter Creek Chief of Police is also the Sutter Creek City Manager. In December, 2008, it was decided by the Sutter Creek Chief of Police (COP)/Sutter Creek City Manager (CM) that SCPD should handle its own animal-related calls inside the City limits of Sutter Creek. SCPD would follow the procedures specified in the Animal Control Services Agreement (Agreement) between Amador County and the City, and ACAC would be called in for assistance when necessary.

RESPONSIBLE AGENCIES:

SUTTER CREEK POLICE DEPARTMENT
18 Main Street
Sutter Creek, CA 95685

FACTS:

1. The most recent Agreement between the County of Amador and the City of Sutter Creek is dated May 24, 2005.

**THE CITY COUNCIL AGREES
However the agreement remains in effect.**

2. The terms of this Agreement included the following:
 - *City shall investigate and attempt to solve all violations, complaints and problems governed by said ordinance within City's jurisdiction., utilizing procedures provided by the following attached documents: Bat Calls, Wild Animal Encounters, When to Call Animal Control, and Bite Report/Rabies Suspect Form.*
 - *The County provides services including rabies quarantine, inspections, investigation, euthanasia, feed and care for sheltered animals, bite holds, vaccinations, veterinary care, and disposal of dead animals upon the request of City. The City pays for these services in accordance with fees established in attached Exhibit A, the Animal Control Services Fee*

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

Schedule.

- *The City pays the County for each animal boarded at the County Animal Shelter, whether delivered by a private citizen, police officer, or Animal Control Officer, including strays picked up within City limits.*
- *The contract can be terminated by either party with 180 days written notice. The Agreement is valid for a period of one year, and shall be automatically extended on an annual basis unless notice [is given] to the non-canceling party at its regular business address.*

THE CITY COUNCIL AGREES

3. An attachment provided that ACAC was to be called under the following circumstances:

- If an animal has bitten a person and is still on the loose
- If an animal attacks another animal and the attacking animal's owner is unknown or unavailable
- If an animal is hit by a vehicle
- If there is livestock on the roadway

THE CITY COUNCIL AGREES

FINDINGS:

1. SCPD does not refer to any applicable laws when dealing with animal control issues in Sutter Creek. When kenneling an animal on private property, there are standards for kennel size set by a formula in California Penal Code § 597, which states: "Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area." This requirement is interpreted to mean that the kennel must be of adequate size for an animal to be able to assume all normal body positions, such as standing and sleeping.

THE CITY COUNCIL DISAGREES WITH THIS FINDING.

The SCPD enforces applicable codes as necessary to ensure public safety.

2. Regarding the citizen's complaint, the kennel size was judged to be adequate by SCPD. However, the complainant was never contacted.

THE CITY COUNCIL AGREES

3. SCPD frequently requested ACAC assistance for animal-related calls within Sutter Creek City limits between May, 2005 and November, 2008.

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

4. In December, 2008, in accordance with the Agreement, ACAC billed Sutter Creek for services rendered during the previous 15-month period in the amount of \$4,310.

THE CITY COUNCIL AGREES

5. Argument was successfully made before the Board of Supervisors by COP/CM, acting in his capacity as City Manager, to forgive these charges. Any levies for services rendered to the City of Sutter Creek thus began in December, 2008. ACAC Director learned of this decision not from the Board of Supervisors but from the General Services Administration.

THE CITY COUNCIL PARTIALLY AGREES TO THIS FINDING

The City of Sutter Creek does not have information regarding what occurred outside of its jurisdiction and does not have knowledge of who informed the ACAC Director.

6. COP/CM contacted ACAC and advised that he, in his capacity as COP, must approve all calls requiring assistance from ACAC. Without said approval, ACAC could not come within the City limits. Furthermore, the County Animal Shelter was not to accept animals delivered there by private citizens from Sutter Creek. He stated that the City could no longer afford the services provided by ACAC, but that all other aspects of the Agreement would still be valid.

THE CITY COUNCIL AGREES.

7. SCPD officers were not informed of this change in policy, either by written memo or verbal announcement.

THE CITY COUNCIL DISAGREES WITH THIS FINDING.

The SCPD officers were informed of this policy.

8. The Amador County Sheriffs Dispatcher was not informed of this change in policy.

THE CITY COUNCIL AGREES

9. When an animal-related emergency arose, the responding SCPD officer requested assistance from ACAC through the Sheriffs Dispatcher. The Dispatcher contacted ACAC and was informed that ACAC could not be dispatched into Sutter Creek without pre-approval by the COP/CM. The Dispatcher then informed the SCPD officer of this new policy.

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

10. SCPD officers are required to obtain permission from the Chief of Police before contacting ACAC. The COP/CM is often difficult to reach. In an emergency, the lag time could be dangerous.

THE CITY COUNCIL AGREES

This policy was corrected in July 2010. The officer on duty does not need the COP's permission to take whatever actions are appropriate to assure public safety.

11. Pursuant to the direction of the COP/CM, ACAC stopped accepting animals from Sutter Creek private citizens. This resulted in a citizen's complaint to the Board of Supervisors. ACAC was instructed by GSA to resume taking animals from within Sutter Creek City limits without charge to the city.

THE CITY COUNCIL AGREES

12. There are no livestock restrictions on private property within Sutter Creek City limits. SCPD now takes all livestock calls within the city. When necessary, a request for assistance from another law enforcement agency is made, particularly when livestock is on roadways. ACAC has not been called regarding livestock issues since December, 2008.

THE CITY COUNCIL DISAGREES WITH THIS FINDING.

City codes restrict the keeping of livestock depending upon the size and location of the lot.

13. Citizens have four means by which to make animal-related complaints:
- Call the SCPD and leave a message on the answering machine, which is checked twice during each 12-hour shift
 - Call the non-emergency line to the Sheriff's Dispatcher and wait until an officer is dispatched
 - Call ACAC and wait for a memo to be forwarded to SCPD
 - Call 911 in case of emergency

THE CITY COUNCIL AGREES

14. Most stray dog and animal nuisance calls directed to SCPD are handled informally. The municipal code for stray dogs in Sutter Creek is enforced only if a dog is causing a serious problem. Stray dogs are picked up and returned to their owners. The owners of barking dogs are verbally warned. Unlicensed dogs (owner unknown) are brought to ACAC. When SCPD transports animals to ACAC there is no charge to the city. Citations are occasionally issued.

THE CITY COUNCIL AGREES

Officers appropriately use their discretion to enforce this city ordinance.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

15. Stray dog and nuisance call issues are frequently not logged and reports are not written.

THE CITY COUNCIL AGREES

Officers appropriately use their discretion to enforce this city ordinance.

16. Calls forwarded from ACAC are logged and assigned to the duty officer. ACAC is informed of the resolution.

THE CITY COUNCIL AGREES

17. The more serious animal-related incidents are logged and a report is written. These incidents are infrequent.

THE CITY COUNCIL AGREES

18. SCPD officers state that there are no policies or parameters under which animal-related incidents are handled. They have received no formal training in animal control. As ACAC is no longer involved in most cases, the basis for their decisions is situational.

- In case of an injured domestic animal, the duty officer determines whether a veterinarian should be called or the animal put down. ACAC is not contacted.
- In case of a threatening animal, the duty officer attempts to control the animal with a snare, noose, pepper spray, or side arm. The officer must receive pre-approval from the COP/CM before contacting ACAC.
- In case of animal bite involving a human, medics would be dispatched if necessary. If the owner is known and the animal's shots are current, it would be quarantined for 10 days in the owner's home. SCPD Officers assess the animal after 10 days. Under certain circumstances, it may be brought to ACAC for quarantine. In some cases, ACAC is not immediately informed about dog bite incidents.
- In case of suspected rabies, the responding officer would use deadly force, if necessary, to contain the animal.
- In case of animal abuse, a SCPD officer would investigate. ACAC would be notified.
- SCPD handles most wildlife issues, although Fish & Game is sometimes called for assistance.
- Officers stated that they did not know ACAC's policies regarding animal bites or rabies and that they were not aware of California's regulations pertaining to the handling of rabid animals.

THE CITY COUNCIL AGREES

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19. The City of Sutter Creek does not have a budget for animal control.

THE CITY COUNCIL AGREES

There is no line item budget for animal control; however, the expenses are covered as necessary.

20. The City of Sutter Creek does not collect fees and fines for animal-related violations.

THE CITY COUNCIL DISAGREES WITH THIS FINDING.

Citations are seldom issued, however they do carry a penalty.

21. Equipment available to SCPD for animal control includes a dog snare, nooses, and leashes for transporting strays in their vehicles. SCPD officers have used pepper spray to control dangerous animals. They will use deadly force if necessary.

THE CITY COUNCIL AGREES

22. Continuity does not exist between the policies and procedures of ACAC and SCPD when dealing with animal-related issues.

THE CITY COUNCIL AGREES

This was true at the time of this report. However, this issue has been resolved.

23. The City of Sutter Creek has interfered with the ability of ACAC to function as a county authority within its City limits.

THE CITY COUNCIL DISAGREES WITH THIS FINDING

The role of ACAC within the City is defined by contract. ACAC has no other authority within the City. There was significant confusion regarding the respective contractual roles and procedures of SCPD and ACAC within the City; however, when ACAC services had been requested and provided within the City they did so according to their standard practices without interference by City staff.

24. SCPD now responds to all emergency and non-emergency animal-related calls.

THE CITY COUNCIL AGREES

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

RECOMMENDATIONS:

1. Renegotiate annually, in writing, the *Animal Control Services Agreement* between the County of Amador and the City of Sutter Creek (Fact #1).

THE COUNCIL DISAGREES WITH THIS RECOMMENDATION.

The contract is self renewing and does not need to be renegotiated annually, and has been in force continually since 2005.

2. Inform SCPD officers by written memo of all changes in policy, when made. (Finding #7)

THE COUNCIL AGREES AND HAS IMPLEMENTED THIS RECOMMENDATION.

The SCPD offices have been informed of recent changes to the animal control procedures.

3. Inform the Sheriffs Dispatcher by written memo of all changes in policy that may affect their ability to properly dispatch incoming emergency and non-emergency calls. (Finding #8)

THE COUNCIL AGREES WITH THIS RECOMMENDATION

The Sheriff's Office will be kept informed of any future changes.

4. Eliminate the SCPD policy of pre-approval by the COP/CM before ACAC can be called for assistance. In emergencies, SCPD needs immediate access to ACAC through the Sheriffs Dispatcher. (Findings #9, #22, #23)

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THIS RECOMMENDATION

The new COP has changed this policy and communicated it to all applicable parties.

5. Provide SCPD officers with a copy of the *Animal Control Services Agreement*, so that they can acquaint themselves with ACAC polices for Bat Calls, Wild Animal Encounters, and Rabies Encounters. (Finding #18)

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THIS RECOMMENDATION

The new COP has changed this policy and communicated it to all applicable parties.

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6. Provide SCPD with training in ACAC policies and all California codes and regulations regarding animal control. ACAC and the County Public Health Officer are available to provide training. (Finding #18)

THE COUNCIL AGREES WITH AND WILL IMPLEMENT THIS RECOMMENDATION

ACAC is scheduled to provide training to the SCPD officers at the September SCPD training session.

7. Inform ACAC immediately of all animal bite incidents involving humans.

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THIS RECOMMENDATION

The SCPD will continue to inform ACAC of animal bites.

8. Enforce Municipal Code related to animal control and collect fees and fines for violations.

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THIS RECOMMENDATION

SCPD officers will continue to exercise discretion in this issue as necessary to maintain public safety.

9. Inform all citizens making animal-related complaints how the complaint was resolved.

THE COUNCIL AGREES WITH AND HAS IMPLEMENTED THIS RECOMMENDATION

Existing practice requires reporting the resolution/status of all complaints to the complainant. This is an area which requires constant attention by all city staff regarding a wide range of issues. The City will continue to address the importance of "closing the loop" on all issues and concerns brought to the City by the public.

ATTACHMENT 1

AUDIT COMMITTEE PRELIMINARY REPORT

The City Council has been made aware of some financial control and personnel concerns. Mr. Marcello, Marcello & Company, Certified Public Accountants, has been given a copy of those concerns and is in the process of assisting the City in determining what may be needed to eliminate potential issues. Although the City's audit is not yet complete, discussion between the Audit Committee and Mr. Marcello has resulted in some preliminary recommendations by the Audit Committee to the City Council.

It is believed that the City Council has to be more participatory in its oversight of current city policies and/or ensuring that city staff are aware of those policies, and in compliance with them. There have been improvements since the last financial audit, but more improvements are needed, especially in the area of ongoing monitoring of current policy.

Some current accounting and personnel policies need reviewed and updated; new policies may need created. Mr. Marcello has already forwarded a copy of an Accounting Policies and Procedures Manual from the Town of Monticello, and Jeff Gardner is working on a similar manual for Sutter Creek. All city employees need to be accountable for review of those policies and in compliance with them. Accounting monitoring systems will be increased.

Reports/spreadsheets need to be maintained on all city projects, including those proposed, and brought to the City Council once a month for public review and/or discussion. Any projects over \$5,000 require City Council approval and must comply with applicable competitive bidding policies. A Grants Coordinator should be established. Current hiring practices must be followed. Current expense policies must be closely monitored.

Management Overrides need to cease. There can be no spending beyond what has been approved in the budget. The Council needs a firm policy on this and must ensure that all staff are adhering to the policy.

Communication between ARSA and the City Council needs to be improved. Any issues that might impact the city budget need to be brought forward to the council for discussion and/or approval.

Additional recommendations by the Audit Committee may be forthcoming when the audit is complete. The Finance Committee and Personnel Committee continue to meet to discuss possible efficiencies in the City's budget, both short term and long term, and to begin work incorporating the recommendations made by the Audit Committee, and approved by City Council.

ATTACHMENT 2

Tasks Related to Financial Control Issues

Updated May 2010 (previous 1/10 and 2/10)

Task	Responsible	Status	Date Completed
1. Establishment of formal Expense Account system.	Finance Director (FD)/Sean		
2. Modify current credit card policy to clarify process and timing related to credit card use documentation. Specifically, all expenses require documentation within 30 days of billing.	Sean/FD		
3. Establish a formal monitoring system to identify and submit to the Budget Committee, any city credit card expense over 30 days old from statement date that is without a receipt.	FD		
4. Ensure written policy wherein any contract over \$5,000 must have City Council approval. Update Title 3 Municipal Code.	Sean/Natalie		
5. Ensure all staff responsible for contracts are aware of contract policy and process.	Sean/FD		
6. Creation of Project Approval form.	Sean/FD	Draft written	
7. Creation of a spreadsheet with status of each city contract.	Sean/Mary	To be completed by 7/2010	
8. Process in place for placement of spreadsheet on monthly agenda for City Council review/discussion/update.	Sean	To begin 7/2010	
9. Reiterate current policy for emergency projects. Ensure criteria well defined. Ensure process in place for review by City Council and placement on project spreadsheet.	Sean/Mary		

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10. Ensure Personnel Handbook includes clear procedure for processing all forms of absences from work.	Sean		
11. Ensure Personnel Handbook clearly defines sick leave benefits, and options available when employee no longer has those benefits.	Sean		
12. Create Sick Leave Audit Committee, to meet every two weeks to review employee sick leave usage/balances and options.	Sean/Linda	Meets 1 st and 3 rd Mondays of month	June 7, 2010
13. Ensure Sick Leave Audit Committee reports once a month to Personnel/Budget Committee.	Sean/Linda	Report 1 st Monday of month	June 7, 2010
14. Identify a Grants Coordinator, responsible for tracking all city grants.	Sean		
15. Ensure city policy mandates review by City Council on grant proposals for review/approval.	Sean		
16. Creation of Grants spreadsheet with monthly status report to City Council, to include deadlines and audit timeframes.	Sean		
17. Ensure City policy prohibits the city from paying for studies done on behalf of developers, without a formal reimbursement agreement and pre-approval by City Council.	Sean/Dennis		
18. Creation of Accounting Policies and Procedures Manual for Sutter Creek.	FD		
19. Accounting Policies and Procedures Manual to include firm policy to ensure prompt reporting and resolution of any budget variances	FD		
20. Any ARSA issues that might impact city budget need to be brought forward to council for discussion and/or approval prior to ARSA Board action.	Sean		
21. Start budgeting a contingency fund.	Budget Committee	Proposed April 2010	
22. City Council Minutes need completed.	City Clerk/City Council	Currently being addressed	

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

23. Depreciation Expenses for governmental activities.	FD		
24. Journal entries in excess of 10.	FD		
25. Update Personnel Handbook	Sean		

ATTACHMENT 3

Improvements Required as a Result of Audit

Issue 1: Management override of internal controls with regard to entering construction contracts and agreements beyond the scope of the city manager's position without competitive bids, without city council approval and ratification of contracts/agreements, and without amendment to budget.

Solution: On Task Spreadsheet dated 1/10 (# 4, 5, 6, 7, 19) to ensure tight financial controls in place to ensure there are no management overrides.

Issue 2: Management override of hiring city employees outside the accepted city hiring practices.

Solution: Hiring Policy in place and most recent hiring completed per policy.

Issue 3: No documentation for written cost reimbursement developer agreement.

Solution: On Task Spreadsheet dated 1/10 (#5, 6, 7, 17, 18)

Issue 4: No written loan agreement between city and developer.

Solution: On Task Spreadsheet dated 1/10 (#4, 5, 6, 7, 18)

Issue 5: With change of finance director, ensure name removed as check signer.

Solution: Completed immediately after change took place.

Issue 6: Needs to be segregation of duties re signature on cash accounts.

Solution: Finance working on.

Issue 7: Clarify amount due Amador County for dispatch services.

Solution: Identified on Budget spreadsheet.

Issue 8: Number of journal entries in excess of 10.

Solution: Interim finance director will address (on Task Spreadsheet #24)

Issue 9: Sewer fund invoices billed every 3 months. (Earliest this could be implemented is FY 2011/2012.)

Solution: Will be reviewed by Budget Committee and Interim Finance Director.

City of Sutter Creek 2009/2010 Civil Grand Jury Report Response

Issue 10: Send out RFPs for various consultants such as city attorney and city engineer.

Solution: RFP was sent out for City Attorney. Other RFPs for city functions in the process of being developed.

Issue 11: No depreciation expenses for governmental activities (on Task Spreadsheet #23).

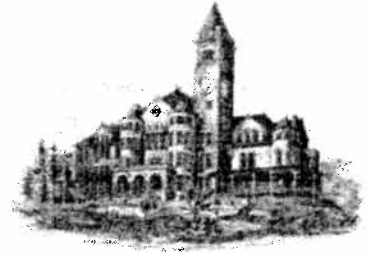
Solution: Interim finance director will be asked to advise.

Issue 12: City Council Minutes not completed.

Solution: Minutes and process currently being addressed (on Task Spreadsheet #22).



**CITY OF IONE
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July 22, 2010

Susan C. Harlan
Judge, Amador Superior Court
500 Argonaut Lane
Jackson, CA 95642

**Subject: 2009-2010 Amador County Grand Jury Report – City of Ione
City Administration, City of Ione Building Inspector**

Dear Judge Harlan:

Please find the City of Ione's response to the 2009-2010 Amador County Grand Jury Report enclosed.

Finding #1: Building Permit fees and Sewer Connection fees are levied inconsistently. Projects with no discernable difference in specifications are charged differing fees. (Facts #1, #4)

Disagree partially with the finding. The City disagrees that the "Building Permit fees and Sewer Connection fees are levied inconsistently". The City agrees that the Building Permit fees and Sewer Connection fees have been "collected" inconsistently based on a review of fees collected since 2006.

Finding #2: Fees not properly collected have a negative impact on the General Fund and other City funds.

Agree.

Findings #3: Information pertaining to Building Permits is incomplete in the City's database.

Agree.

Finding #4: Resolution #1742 indicates that the inspections needed for the anticipated number of building projects does not justify a Building Inspector for more than 12 hours a week. (Facts #5, #6)

Agree.

Finding #5: The Building Inspector signed off on a job before the contractor completed the job or requested a final inspection.

Disagree partially. The City is not certain what information the Grand Jury relied on for this Finding. However, in the City of Ione Financial Audit for FY 2005-06, the Independent Auditor issued Finding 06-31. In Finding 06-31, the Independent Auditor identified "one instance where a house was occupied prior to the final inspection and then was back billed for three month sewer charges".

Finding #6: Resolution #1742 was presented to the City Council and rejected.

Agree

Recommendation #1: Establish a system to review permits that ensures the information is complete and that fees are charged consistently. (Facts #1, 2)

The recommendation has been implemented. The City Manager and City staff have been continuously working on this issue. The City Manager has initiated a comprehensive review of all prior building permits to ensure that City files include complete information. In June 2010, the City Manager provided appropriate City staff with a memorandum identifying detailed instruction on building permit review protocol. At a minimum, as of June 2010, the City Manager and Building Inspector now review all building permit applications. Additional review may be provided by the City Engineer, City Planner and Fire Chief based on the building permit application. Also, the City will continue to monitor the building permit process to ensure compliance with the City's policies and procedures.

Recommendation #2: Eliminate the full-time Building Inspector position, and contract inspections on a part-time or "as needed" basis. (Fact #4)

The recommendation will not be implemented because it is not warranted or is not reasonable. The determination whether to eliminate a City employee's position or to contract for services is the discretion of the City Council and may require negotiations with the effected employee's bargaining unit.

Recommendation #3: Investigate the adoption of cost-effective measures, similar to Resolution #1742, that would reduce unnecessary loss of revenue to the city. (Fact #6, Finding #5)

The recommendation has been implemented. The measures identified in response to Recommendation #1, above, have been implemented to ensure no unnecessary loss of revenue to the City. In addition, the City continues to review other cost-effective measures, including reassignment of job duties and assessment of budget priorities.

Respectfully,



Chester Schaufel
Mayor, City of Ione