

This document is an extract of a larger publication.

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Commitment

Persons selected for grand jury service can expect to serve 25 or more hours per month for a period of one year, July 1 through June 30. Jurors may opt to serve a second consecutive year, if desired.

Remuneration

Grand jurors receive a nominal payment for meetings they attend, and they are reimbursed for mileage to attend meetings, training, and possibly other minor expenses.

Orientation

New jurors are encouraged to attend an orientation program about grand jury functions, including on county, city, and special district governments.

Why Become a Grand Juror ?

Those who volunteer and are accepted for grand jury service should feel privileged to be selected. They enter this service with interest and curiosity to learn more about the administration and operation of Placer County government. Serving as a grand juror requires many hours and serious effort, and reflects a generous commitment to public service.

How to Apply to Serve as a Grand Juror

Download a Prospective County Grand Jury Application, available at <http://www.PlacerGrandJury.org>. Fill it out and follow the directions at the end of the application.

Grand Jury Reports

The Placer County Courts maintains web pages for the Grand Jury on the Placer Courts website. Past and present final reports, and responses to those final reports, may be found on the Placer County Superior Court website: <http://www.PlacerGrandJury.org>

How to Submit a Confidential Citizen Complaint

Download a Request for Action form from: <http://www.PlacerGrandJury.org>. mail, email, or fax it to the Grand Jury. The citizen will receive a letter acknowledging receipt of the complaint.

The complainant's name will be held in strictest confidence. All grand jury documents are secret and cannot be subpoenaed in court or revealed to the public.

How to Contact the Grand Jury

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

Note: Materials can be placed in a drop box located by the entrance
door to the above address of Grand Jury Facility.

By Web: <http://www.PlacerGrandJury.org>

By Fax: 530.886.5201

By Phone: 530.886.5200



PLACER COUNTY GRAND JURY

Phone: (530) 886-5200

FAX (530) 886-5201

Mailing Address:

11532 B Avenue, Auburn, CA 95603

INSTRUCTIONS FOR RESPONDENTS

The legal requirements affecting respondents and responses to Grand Jury findings and recommendations are contained in California Penal Code, Section 933.05. The full text of the law is provided below.

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

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

Two originals of the responses must be provided to:

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

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

Placer County Grand Jury
 11532 B Avenue
 Auburn, CA 5603

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

You are encouraged to use the Response To Grand Jury Report Form below to help format and organize your response. An electronic version of the form is available upon request from the Grand Jury.

Response to Grand Jury Report Form

Report Title: _____

Report Date: _____

Response By: _____

Title: _____

FINDINGS

- I (we) agree with the findings, numbered: _____.
- I (we) disagree wholly or partially with the findings, numbered: _____.
(Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefore.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Describe here or attach a summary statement regarding the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Describe here or attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Describe here or attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six (6) months from the date of publication of the grand jury report.)
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
(Describe here or attach an explanation.)

Date: _____

Signed: _____

Number of pages attached _____.

California Penal Code

Section 933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Final Reports Summaries

Historic Courthouse Holding Facility

The Grand Jury conducted its annual inspection/tour of the Historic Courthouse holding facility in Auburn on September 4, 2013. An overview of the inspection indicated that inmates are transported to the Historic Courthouse from the Placer County Main Jail on the days that they are scheduled for court proceedings. The inmates are returned to the Placer County Main Jail after their hearings.

Rocklin City Jail Holding Facility

The Grand Jury conducted its annual inspection and tour of the Rocklin City Jail holding facility in Rocklin on October 21, 2013. The jail is located at the Rocklin Police Department at 4080 Rocklin Road. The Grand Jury found the jail to be modern, clean and well maintained.

Placer County Juvenile Detention Facility

The 2013-2014 Placer County Grand Jury conducted its annual inspection of the Placer County Juvenile Detention Facility (JDF) on September 25, 2013. The JDF is located at 11260 B Avenue, Auburn. All physical aspects of the JDF that the Grand Jury inspected were clean and well maintained. The JDF staff is knowledgeable of the policies and procedures that apply to juveniles in detention, including the policies and procedures for medical treatment, educational opportunities, and a detainee merit system. JDF staff is dedicated to reducing the number of repeat offenders.

The Grand Jury added three additional areas of interest to its inspection agenda:

1. How are prescription medications handled relative to incoming detainees, and what is the procedure for continued use while detained?
2. A status update on the recently developed Prison Rape Elimination Act (PREA) policies and procedures at the JDF.
3. Are specific dietary requirements accommodated?

The Grand Jury was satisfied with the responses on each of these areas of interest.

Placer County Main Jail, Auburn

On November 19, 2013, The Grand Jury conducted the annual inspection of the Placer County Main Jail (PCMJ) located at 2775 Richardson Drive, Auburn, California. The

inspection was arranged with Captain Don Hutchinson, the Commander of the Corrections Division, and conducted by James Rashid, Compliance Officer. The PCMJ and the minimum-security barracks appeared to be clean, secure, and well managed.

The biggest challenge facing the PCMJ is overcrowding, due mainly to public safety realignment. Public safety realignment is the result of State legislation (AB 109) which sought to reduce state prison overcrowding by:

- Sentencing most non-serious, non-violent, and non-sexual offenders to serve sentences in county jails rather than in State prisons. Prior to realignment, any felony sentence of more than a year would routinely be a sentence to State prison. Now offenders sentenced to serve up to seven or eight years can be housed in the County jail.
- Sentencing parole or probation violators to serve their violations in County Jail rather than being returned to State prison.

Placer County, like most counties, is challenged to deal with the many issues that have arisen as a result of realignment. While some overcrowding issues will be alleviated by opening the new South Placer Adult Correction Facility (SPACF), other issues associated with housing more sophisticated prisoners for longer periods of time are still being addressed. In the past, for example, County Jails have not had to deal with long-term health issues of inmates or the rehabilitation needs of inmates. The Sheriff is to be commended for recognizing these needs and trying to address them with limited resources.

Auburn Police Department Jail Holding Facility

The Grand Jury (Jurors) conducted the annual inspection of the City of Auburn Police Department (APD) jail holding facility, located at 1215 Lincoln Way, on September 4, 2013. The Jurors were generally satisfied with the conditions and operations that were observed.

Burton Creek Sheriff's Substation Jail and Holding Facility

The Grand Jury conducted its annual inspection of the Burton Creek Sheriff's Substation jail and holding facility, 2501 North Lake Blvd., Tahoe City, on October 18, 2013. The jurors were satisfied with the overall operations and conditions of the jail. Additionally, the Grand Jury was impressed with the efficiency with which the department has brought the aging facility into the technological era.

Roseville Police Department Jail and Holding Facility

The Grand Jury conducted its annual inspection/tour of the Roseville Police Department jail and holding facility, 1051 Junction Boulevard, Roseville, on October 30, 2013. The jurors were satisfied with the operations and conditions of the jail. Additionally, the Grand Jury was impressed with the department's methods of generating revenue through the Sentenced Prisoner Program and a Public Service Program through Partners for a Safer America.

Bill Santucci Justice Center Court Holding Facility

The Grand Jury conducted its annual inspection and tour of the Bill Santucci Justice Center Court Holding Facility in Roseville on October 24, 2013. The Placer County Sheriff's Department provides security at this court holding facility and for the courtrooms on site. Prisoners are transported to the Justice Center from the Placer County Main Jail in Auburn on court days. They are held in holding cells in the courthouse until they are brought to individual court rooms for their court hearing(s).

The Sheriff's Department's Surplus Helicopter

This report focuses on the Sheriff's Department's efforts to sell the Bell helicopter that had been donated to the County in 1995 by the United States Department of Defense (DOD) under a program to redeploy surplus DOD equipment to local law enforcement agencies. Since the County purchased a modern, more capable helicopter in 2009, the Sheriff's Department no longer needs or uses the Bell helicopter. Initially the Sheriff's Department intended to sell the Bell helicopter and use the sales proceeds to defray some of the costs of the new helicopter. However, in 2012, the Defense Logistics Agency-Law Enforcement Support Office (DLA-LESO) denied the Sheriff Department's 2009 request to sell the Bell helicopter. While, the Sheriff's Department has discussed internally how to proceed with disposing of the surplus helicopter, it has not yet formulated a course of action that it could share with the Board of Supervisors.

The Sheriff's Department has proceeded cautiously in dealing with its surplus helicopter hoping to recoup some of its investment in special equipment installed over the years while the helicopter was part of its mission. It is time for the Sheriff's Department to move ahead with a plan that involves transferring the helicopter to another local law enforcement agency which would be willing to pay a fair price to the County for the installed equipment. Alternatively, the Sheriff could remove the County-installed equipment, sell it piecemeal, and return the airframe to the Department of Defense.

DeWitt Center Costco Lease and Its Impact on Seniors

This report documents the 2013-2014 Placer County Grand Jury's investigation of the proposed DeWitt Center Costco lease and its impact on seniors. In 2013, the Grand Jury became aware of the planned lease of a 16-acre parcel of the DeWitt Center complex. The 16-acres currently house the multipurpose Senior Center, Seniors First, which is a non-profit organization providing services to County seniors, the DeWitt Theater, the Athletic Club, plus a few for-profit businesses.

The objective of this investigation was to determine if Placer County's future plans included financial support for the displaced senior non-profit organizations in the county. The Grand Jury's main focus was on the organizations that provide services to the seniors of the County, specifically, those seniors with limited resources.

The Grand Jury investigation limited its scope to the effect that the Costco lease would have on seniors in Placer County. Neither the DeWitt Theater nor the Athletic Club was included in the investigation. The investigation found that staff of Placer County has worked with the two senior organizations by assisting in locating adequate and suitable facilities for their relocation. The County has not offered any financial support to fund their relocation; although, the County will benefit from the Costco lease agreement. Recently, through lease negotiations with Costco, there is a proposed grant to the multipurpose Senior Center of \$530,000 to provide for relocation costs and five years worth of rental costs at a new location. The Grand Jury found that no funds were made available to Seniors First as a result of the Costco negotiations.

The Grand Jury recommends that Placer County develop and implement a five-year umbrella plan that will provide supportive services to the seniors in Placer County.

Provisional Licensed Drivers: School Policies and Procedures

In California, provisional licenses are issued to new drivers who are between the ages of 16 and 18. Among other requirements placed on provisional licensees (detailed below) is the requirement that no one holding a provisional license shall transport anyone under the age of 20, unless specifically exempted.

In 2013, the State issued 9,660 provisional licenses to Placer County teens. In order for high school students to park their vehicles in school parking lots, many Placer County high schools require students to purchase parking permits specific to that school's parking facilities.

The Placer County Grand Jury investigated specific concerns regarding provisionally licensed drivers on high school campuses. The Grand Jury was looking for how and when

the parking lots are supervised, including how parking permits are allotted, and if separate color permits are assigned to provisionally licensed drivers. Specifically, the Grand Jury sought to discover if the limitations placed on provisional drivers under California law was on the schools' radar and, if it was, how were the requirements under the law monitored and instituted. The Grand Jury interviewed high school officials, reviewed California and Placer County statistics, laws, and other available resource materials.

It is the Grand Jury's recommendation that schools increase the awareness of the provisional driving law by performing a few simple changes, such as reinstatement of driver education classes in the curriculum and the inclusion of provisional drivers' restrictions in student handbooks.

Placer County Fairgrounds and All-American Speedway

The 2013-2014 Placer County Grand Jury elected to continue to monitor the status of commitments made by the Placer County Board of Supervisors (BOS) related to the Placer County Fairgrounds and the All-American Speedway. The Grand Jury concludes that at this time the Placer County Fair Association (PCFA), the Placer County Board of Supervisors, and the Department of Facility Services are making progress on the correction of Speedway issues, and the assessment of long term use of this complex. Neither the Fairgrounds Assessment Report, nor the Financial Review of the PCFA is available at this time; therefore, the Grand Jury has very limited recommendations.

Low-Flow Fire Hydrant at the Newcastle Elementary School

In June 2013, in connection with a proposal to place portable classrooms at the Newcastle Elementary School, the Newcastle Fire Protection District (NFPD) advised the school district that the fire hydrant serving the school lacked sufficient water flow. Allegations were made that this condition had been known for many years and that it appeared that the school district had not adequately addressed the problem.

The Newcastle Elementary School District (NESD) ultimately agreed to address the problem by mid-September, 2013 but failed to do so. The NESD is actively trying to resolve the issue and is responsible for all costs of the required upgrade. A project designed to adequately resolve the current below-standard hydrant flow is slated for completion in August of 2014. Although there appear to be communication problems, the three agencies involved, the NESD, NFPD and Placer County Water Agency (PCWA) all are aware of the need for timely completion of the project and are working toward that end.

The Grand Jury is recommending that all efforts be made to complete the project by August 2014 in accordance with the NESD's current scheduled timeframes.

Placer County Animal Services Facility

This report documents the 2013-2014 Placer County Grand Jury's investigation of the proposed new Placer County Animal Shelter. The investigation focused on these issues:

- First, whether a thorough analysis was conducted by county staff to identify specific deficiencies in the existing animal shelter, and a cost estimate made to determine the monies needed to bring the existing facility to the desired standards.
- Second, whether a “fix versus replace” cost analysis was conducted.
- Third, whether the proposed animal shelter specification is based on Placer County's current animal service deficiencies or on compliance with statewide and national trends which have transpired in the animal care industry over the last decade.
- Fourth, whether the new animal shelter is required in order for Placer County to be in compliance with California SB 1785 passed in 1998.

The objective of the Grand Jury's investigation was to determine if the high cost (estimated at \$21.6M on December 10, 2013) for the new proposed animal shelter is justifiable relative to other needs of Placer County. In summary, the Grand Jury found no evidence that a cost estimate and fix versus replace cost analysis was conducted. The Grand Jury found the “Needs Assessment” report prepared by George Miers & Associates focused on trends which have transpired in the animal care industry rather than specific needs of Placer County or on the deficiencies of the existing facility. The Grand Jury recommends that a current fix versus replace analysis be conducted and if a replacement facility is justified, then the design be based on the needs of Placer County.

City of Roseville Pension Obligations Are Increasing Rapidly

Concerns have been expressed throughout California and the nation about the rising cost of public pensions. To determine if similar concerns are warranted in Placer County, the Grand Jury initiated reviews of the pension programs at two Placer County cities, Roseville and Rocklin. This report focuses on the City of Roseville and the steps that have been taken to address the escalating cost of its pension plans. Over a five year period, Roseville's annual payments to the California Public Employees Retirement System (CalPERS) to fund its pension obligations will have increased 39%. CalPERS reported an annual contribution of \$17.8 million in FY (fiscal year) 2009-2010 and an estimated contribution of \$24.8 million for FY 2014-2015. Significant increases like these continue to deplete financial resources leaving less available for City operations;

however, it must be noted that during this time Roseville has paid its annual required contribution to CalPERS in full.

Compounding this trend is the alarming growth of the unfunded liability in Roseville's pension fund. As of June 30, 2007, based on the market value of assets in the fund, CalPERS reported an unfunded liability of \$51.3 million. By June 30, 2012, it reported the unfunded liability at \$252.7 million, representing a nearly 400% increase over that period. Again, it must be noted that Roseville has always met its obligations, but the future is in peril if this trend continues. Recent changes by CalPERS to economic and demographic assumptions about inflation, investment returns, and retiree life expectancy will also negatively impact the long-term funding of the system.

To address some of these escalating costs, the City has negotiated with its employee groups to have the employees begin to pay a larger portion of their employee contribution to the pension fund. Also, PEPR (The Public Employees Pension Reform Act of 2013) created, among other reforms, a less generous pension plan for new public employees which should serve to stem cost increases in the long run. Also, under PEPR, new employees will be contributing more toward their pensions than existing employees. In 2009, 2010 and 2011, Roseville experienced a reduction in workforce of 170 employees. These measures help to mitigate the rising cost of public pensions, but the City must continue to find ways to contain costs. Only this will ensure the long-term fiscal health of the City's pension programs and its City services. The responsibility lies with the public employees, their unions and the City leadership to work together to continue to serve the needs of the citizens of Roseville.

City Of Rocklin Pension Obligations Are Increasing Rapidly

In view of the concerns that have been expressed throughout California and the nation about the rising costs of public pensions, the Grand Jury initiated reviews of the pension programs at two Placer County cities, Roseville and Rocklin. This report focuses on the City of Rocklin and the steps that Rocklin has taken to address the escalating cost of its pension plans. Over the past five years, Rocklin's annual payments to CalPERS to fund its pension plans have increased 19% from \$3.6 million to just over \$4.3 million. However, the more than 300% growth in the size of Rocklin's unfunded liability related to its largest employee group, the miscellaneous employees, over a five year period, is a major concern. In addition, recent changes by CalPERS to economic and demographic assumptions about inflation, investment returns, and retiree life expectancy will further impact the long-term funding of the system. To address these escalating costs, the City has negotiated with two of its employee groups to have the employees begin to pay a portion of their employee contribution to the pension fund. The City had previously been paying the entire amount. Also, in 2012, Rocklin created a tier two pension plan for new

police safety and miscellaneous employees which should serve to stem cost increases in the long run, since these employees will be contributing more toward their pensions than existing employees.

Special Fire Districts: Open-Meeting and Ethics Laws Compliance

The Grand Jury has received numerous complaints about Special Fire Protection Districts (“Fire Districts”) in Placer County. Although these complaints involved different Fire Districts, none of them were about the quality of fire protection service but instead were about general governing activities of Special Fire District Boards. Most of these complaints involved the same or very similar issues. The Grand Jury reviewed these common issues which were primarily related to “open government/transparency” (i.e. Brown Act compliance) and/or proper compliance with general ethics requirements (“Ethics Training”).

Given this commonality of complaints, the Grand Jury completed a detailed study of five Fire Districts within the County relative to these two topics. As part of the Brown Act issue, websites of all Placer County Special Fire Protection Districts were reviewed.

The Grand Jury found that there are inconsistencies among the various Special Fire Districts with regard to compliance with the Brown Act and Ethics Training. This report makes separate findings as to the Brown Act, and AB 1234 Ethics Training, but the Grand Jury’s focus for this report is on identifying systemic issues rather than specific violations in individual Fire Districts.

The Grand Jury recommendations are intended to encourage all Special Fire Districts within the County to determine a mechanism that will ensure that Brown Act requirements are understood and adhered to, and all elected board members of Special Fire Districts (and any other personnel they designate) comply with the State requirement of taking Ethics Training at least every two years.

Training on these issues will help reduce or eliminate non-compliance due to ignorance of applicable law. This training is considered essential for newly elected and incumbent Board members. Government elected officials need to be aware of activities which are, or could be perceived as, an ethical violation of the public trust. They also need to be sensitive to activities which may violate open meeting laws.

In addition, the Grand Jury makes recommendations which are intended to be a cost effective means of ensuring compliance while reducing administrative costs. These recommendations are consistent with a move toward consolidation of administrative services. During the interviews conducted by the Grand Jury, it became apparent that many, if not most, board members and district personnel would be in favor of

consolidation of (at bare minimum) administrative duties of the Special Fire Districts. There are pros and cons to such a consolidation which the Grand Jury believes should be considered. Perhaps the soon-to-be-released LAFCo report about Special Fire Protection Districts within Placer County can address the subject as a means to begin the discussions necessary to determine the feasibility of consolidation, particularly in the Western Placer County region that has been experiencing rapid urban growth in the past decades.

Placer County Meals on Wheels

The 2013-2014 Placer County Grand Jury investigated the impact on the Placer County Meals on Wheels program that resulted from the sequester and the Federal Government shutdown that began on October 1, 2013. The Grand Jury identified the organizations involved, from the recipients of the federal funds to the non-profit agencies that provide senior services, as well as the involvement of Placer County's elected officials and their appointees. The Grand Jury also investigated the decision-making processes and information flow.

- In March of 2013, due to the sequester, federal funding for Senior Nutrition programs was reduced by nearly 10% nationally. This action adversely impacted Meals on Wheels (MOW) nutrition services for sick, injured and homebound seniors in Placer County.
- The Grand Jury identified the events that transpired during the October 1, 2013 government shutdown, the actions taken or not taken by the organizations and the impact on Placer County seniors.
- The Grand Jury also identified the consequences and now makes recommendations intended to improve processes and eliminate the communication lapses and gaps in the information flow.

The purpose of this report is to identify where the communication breakdowns occurred. The Grand Jury did not find any malicious intent on the part of any of the identified organizations. The focus of this report is to identify the consequences and recommend policies and procedures to prevent future occurrences.

Anti-Bullying Policies in Middle and High Schools: Are They Effective?

Bullying and cyberbullying are pervasive problems in middle schools and high schools. Persistent bullying causes significant and long-term problems for victims of bullying.

There are nineteen schools districts within Placer County. Each district has demographic differences in geographical size, number of students, and types of policies covering bullying. School administrators recognize the problem and have implemented anti-bullying policies and programs. These policies and programs are foundational – the task is how to make the policies and programs effective, but comprehensive methods do not exist to evaluate the effectiveness of anti-bullying programs.



PLACER COUNTY GRAND JURY

HISTORIC COURTHOUSE HOLDING FACILITY

Annual Inspection

Historic Courthouse Holding Facility Annual Inspection

Summary

The Grand Jury conducted its annual inspection/tour of the Historic Courthouse holding facility in Auburn on September 4, 2013. An overview of the inspection indicated that inmates are transported to the Historic Courthouse from the Placer County Main Jail on the days that they are scheduled for court proceedings. The inmates are returned to the Placer County Main Jail after their hearings.

Background

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

Investigation Methods

The tour of the facility was conducted by the Deputy Officer in Charge, Katie Raffetto. She was accompanied by Lieutenant Powers. The two officers led jurors throughout the court facility as they inspected the court holding cells.

Facts

Inmates are brought into the gated sally port away from the public and escorted to one of three holding cells. Each cell has a toilet, washstand and sink. Although there is a security camera focused on the cell, the inmate has privacy while in the bathroom area.

Each holding cell is capable of housing up to five inmates. Inmates are checked every 30 minutes. Inmates on security watch are checked every 15 minutes. The usual times for court appearances are between 8:00 a.m. and 4:00 p.m. If an inmate is held during mealtimes, a sack lunch and drink are provided.

The facility was clean and well maintained. Jurors noted that several areas, specifically the stairwells, were not adequately cleaned and several areas were in need of touch-up paint. One of the doors in the office area had been marked with what appeared to be gang related graffiti.

The office area was equipped with employee handbooks as well as policy and procedure manuals. The control room contained a first aid kit for minor injuries, a defibrillator and fire extinguishers. If an emergency should occur with an inmate, an ambulance would be called and the inmate would be escorted to a hospital by an officer and a medic.

An inspection of the rear courthouse area, where the judges and staff park, revealed that there are no security cameras. The officers noted that because of the historic nature of the courthouse, they are somewhat limited in what they can and cannot do.

Findings

F1. The Historic Courthouse holding facility is well maintained and well managed.

F2. Some gang related graffiti was noted on one of the doors in the office area.

F3. The rear area of the courthouse does not have security cameras in place.

Recommendations

The Grand Jury recommends:

R1. The removal of gang-related markings by repainting the existing door, or by replacing the door.

R2. The installation of security cameras in the rear parking areas so as to reduce the potential risk to court personnel.

Request For Responses

Edward Bonner, # R1, R2
Sheriff-Coroner-Marshal
Placer County-
2929 Richardson Drive
Auburn, CA 95603

Due by: September 1, 2014

Mary Dietrich # R1, R2
Director, Facility Services
11476 C Avenue
Auburn, CA 95603

Due by: October 1, 2014

Copy sent to:

Holly Heinzen, Chief Assistant County Executive Officer
175 Fulweiler Avenue
Auburn, CA 95603



PLACER COUNTY GRAND JURY

ROCKLIN CITY JAIL HOLDING FACILITY

Annual Inspection

Rocklin City Jail Holding Facility Annual Inspection

Summary

The Grand Jury conducted its annual inspection and tour of the Rocklin City Jail holding facility in Rocklin on October 21, 2013. The jail is located at the Rocklin Police Department at 4080 Rocklin Road. The Grand Jury found the jail to be modern, clean and well maintained.

Background

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

Investigation Methods

The tour of the facility was conducted by Rocklin Police Sergeant Richard Cabana. Sgt. Cabana led the jurors throughout the police building as they inspected the departmental jail.

Facts

The Rocklin Police Department ("RPD") and jail is approximately eight years old. The police department building which houses the jail was constructed to allow for the anticipated population growth within the city of Rocklin. The RPD maintains a jail classified as a temporary holding facility, which means that inmates can be held up to twenty-four hours.

The jail itself has six holding cells. There were no inmates present during the inspection. Each cell has a toilet, washstand and sink, all of which were in good order. Although there are security cameras focused on each cell, the inmate has privacy while in the bathroom area.

Inmates are routinely sent to the County Jail in Auburn for booking, and it is rare that anyone is held in a cell for more than six hours. Juvenile arrestees and adult arrestees are, as a matter of policy, housed in separate cells. However, juveniles are very rarely held in the city jail as most will be taken directly to juvenile hall if they are required to be held. Adults and juveniles are also transported separately if they need to be moved to the county jail or the juvenile detention center.

The RPD has a sally port that is large enough for two police vehicles. This provides an extra level of security when arrestees are brought into the facility. The jail also maintains video cameras in the jail areas, with cameras monitored by departmental dispatchers. Inmates are constantly supervised and inspection checks are undertaken every thirty minutes.

The facility was clean and well maintained. No graffiti was noticed. Because of the short duration of detaining inmates, there is no need for a kitchen. If necessary, inmates are provided snacks or meals from local fast food restaurants.

Findings

F1. The Rocklin Police Department Jail is clean, well maintained and well managed.

Recommendations

The Grand Jury has no recommendations for the Rocklin Police Department Jail. The Grand Jury would like to commend the RPD for its management and maintenance of the jail facility.

Request For Responses

None required.

Copies Sent To:

Ron Lawrence, Chief of Police
4080 Rocklin Road
Rocklin, CA 95677

Rocklin City Council
3970 Rocklin Road
Rocklin, CA 95677



PLACER COUNTY GRAND JURY

PLACER COUNTY JUVENILE DETENTION FACILITY

Annual Inspection

PLACER COUNTY JUVENILE DETENTION FACILITY Annual Inspection

Summary

The 2013-2014 Placer County Grand Jury conducted its annual inspection of the Placer County Juvenile Detention Facility (JDF) on September 25, 2013. The JDF is located at 11260 B Avenue, Auburn. All physical aspects of the JDF that the Grand Jury inspected were clean and well maintained. The JDF staff is knowledgeable of the policies and procedures that apply to juveniles in detention, including the policies and procedures for medical treatment, educational opportunities, and a detainee merit system. JDF staff is dedicated to reducing the number of repeat offenders.

The Grand Jury added three additional areas of interest to its inspection agenda:

1. How are prescription medications handled relative to incoming detainees, and what is the procedure for continued use while detained?
2. A status update on the recently developed Prison Rape Elimination Act (PREA) policies and procedures at the JDF.
3. Are specific dietary requirements accommodated?

The Grand Jury was satisfied with the responses on each of these areas of interest.

Glossary

PREA The Prison Rape Elimination Act is federal legislation requiring all prison and detention facilities to comply with new federal standards specified in regulations implementing PREA.

Background

The Placer County Grand Jury is mandated to inspect all jails and holding facilities in Placer County. The JDF is a detention facility for juveniles up through eighteen (18) years of age and operates in accordance with California Code of Regulations, Title 15, Section 5; Welfare and Institutions Code Section 210, and Juvenile Court law. The Grand Jury is charged with investigation and reporting on the welfare, safety and security of the minors detained at the JDF. The operation of the JDF is delegated to the Placer County Probation Department.

Investigation Methods

The Grand Jury Inspection Team met with the JDF Superintendent who provided an overview of the facility, answered all general questions, and conducted a tour of the entire facility. The team also interviewed the JDF nurse. The team utilized a Grand Jury JDF inspection checklist to ensure a thorough inspection.

Grand Jury members also met with staff of the Placer County Juvenile Justice Delinquency Prevention Commission to obtain their input on the functioning of the JDF and reviewed their inspection report.

Facts

During the inspection the Grand Jury was informed or observed the following:

- The JDF had 26 juveniles in detention at the time of the inspection. The JDF has a maximum capacity of 78 juveniles, and has yet to exceed that capacity.
- Because the JDF has excess capacity, it has converted one housing unit into classroom space.
- The staffing ratios meet California State requirements of 1 to 10 during the day and 1 to 30 during sleeping hours.
- Some staff members are multi-lingual. In addition, a language translation phone line is available as needed.
- Staff is diverse relative to gender, race and ethnicity.
- All health and fire inspections are current.
- The JDF has a covered sport court for outdoor exercise and a large grass outdoor recreation area. The large outdoor area is seldom used because it is a less secure area and additional staff would be needed to monitor activity. While the outdoor recreation area is surrounded by a tall chain-length fence, contraband could be passed to detainees through the fence. Other than the outside recreation area, the sport court has only a small area where detainees can get sunlight exposure.

- Food service is provided by the Auburn Main Jail kitchen and delivered to the JDF daily. Special dietary requirements for medical conditions, allergies, or religious beliefs are accommodated. The kitchen (reheating) area was clean.
- Meals are served in the dayrooms, not the cafeteria, which allows juveniles more time to eat and provides a more relaxed atmosphere for meals.
- The JDF has implemented a merit plan where a juvenile can earn special privileges for good behavior and following rules.
- A nurse is on site from 7am to 7pm, seven days a week.
- A doctor visits two days per week.
- Psychiatric service is available via teleconferencing.
- Incoming mail is opened and checked for contraband, but not routinely read.
- Instructional staff consists of two accredited teachers, one non-accredited teacher and a special education teacher.
- School supplies are available and adequate.
- Interiors of buildings were clean, well maintained, and free of graffiti. One cell had rock scratches on the floor and was scheduled for repair.

Findings

The Grand Jury found that:

- F1. The JDF was clean and well maintained.
- F2. The JDF Staff exhibited a very good rapport with the detainees. They have implemented a merit/point system and their focus is preparing the juveniles for release and the reduction of repeat offenders.
- F3. During the outdoor exercise period(s) on the sport court, several juveniles migrated to the small area of the sport court with direct sunlight.

- F4. The large grass outdoor recreation area is not regularly used for detainee exercise or recreation. This lack of use is due to the fact that the area is less secure, more accessible to the street, and would require more staff to monitor activity.
- F5. The JDF has not experienced a PREA audit, but feel their policies and procedures fully comply with requirements.
- F6. Medications being taken by incoming detainees are reviewed and evaluated by the JDF Doctor. The JDF Doctor may consult with the detainee's physician and parents to determine the requirement for these medications. If the JDF Doctor authorizes the medication, it is delivered to the facility by the parents. The final decision is at the discretion of the JDF Doctor.

Conclusion

The Grand Jury found the JDF to be clean, well maintained, and well staffed with trained personnel.

Recommendations

The Grand Jury recommends:

- R1. That the JDF identify the resources necessary to permit the regular use of the outdoor recreation/exercise area to supplement the activities currently conducted in the covered sport court, and then pursue the acquisition of these resources.

Request for Responses

Marshall Hopper
Placer County Probation Department
DeWitt Center
2929 Richardson Drive
Auburn, CA 95603

R1

Due by: October 1, 2014

Copies Sent To:

Placer County Board of Supervisors

175 Fulweiler Avenue
Auburn, CA 95603

Holly Heinzen, Chief Assistant County Executive Officer

175 Fulweiler Avenue
Auburn, CA 95603

Jeffery Cann, Superintendent

Placer County Juvenile Detention Facility
11260 B Avenue
DeWitt Center
Auburn, CA 95603

Sam Stodolski – Chairman

Juvenile Justice/Delinquency Prevention Commission
PO Box 1684
Loomis, CA 95650



PLACER COUNTY GRAND JURY

PLACER COUNTY MAIN JAIL

Auburn, California

Annual Inspection

PLACER COUNTY MAIN JAIL Auburn, California Annual Inspection

Summary

On November 19, 2013, The Grand Jury conducted the annual inspection of the Placer County Main Jail (PCMJ) located at 2775 Richardson Drive, Auburn, California. The inspection was arranged with Captain Don Hutchinson, the Commander of the Corrections Division, and conducted by James Rashid, Compliance Officer. The PCMJ and the minimum-security barracks appeared to be clean, secure, and well managed.

The biggest challenge facing the PCMJ is overcrowding, due mainly to public safety realignment. Public safety realignment is the result of State legislation (AB 109) which sought to reduce state prison overcrowding by:

- Sentencing most non-serious, non-violent, and non-sexual offenders to serve sentences in county jails rather than in State prisons. Prior to realignment, any felony sentence of more than a year would routinely be a sentence to State prison. Now offenders sentenced to serve up to seven or eight years can be housed in the County jail.
- Sentencing parole or probation violators to serve their violations in County Jail rather than being returned to State prison.

Placer County, like most counties, is challenged to deal with the many issues that have arisen as a result of realignment. While some overcrowding issues will be alleviated by opening the new South Placer Adult Correction Facility (SPACF), other issues associated with housing more sophisticated prisoners for longer periods of time are still being addressed. In the past, for example, County Jails have not had to deal with long-term health issues of inmates or the rehabilitation needs of inmates. The Sheriff is to be commended for recognizing these needs and trying to address them with limited resources.

Background

“The Grand Jury shall inquire into the condition and management of public prisons within the county” as stated in Section 919(b) of the California Penal Code.

Investigation Methods

On November 19, 2013, a team of twelve Grand Jurors toured the PCMJ. The team inspected the booking area (including the sally port), the jail housing pods (including dormitory pods, individual cells, and administrative segregation cells), the medical facility, the control room, the classrooms, the visiting areas, and the minimum security barracks. Throughout the tour, jail staff and administrators answered questions and provided information on services and inmate populations through the various parts of the facility.

Also, since Public Safety Realignment was considered to be a significant factor in the management of the PCMJ, members of the Grand Jury reviewed the County's 2011 Public Safety Realignment Act implementation plan for the use of realignment funds.

Facts

The PCMJ is a Type II, III, and IV facility which enable it to detain inmates pending arraignment, during trial and upon sentencing, and convicted or sentenced inmates. At the time of the inspection, about 50% of the inmates were awaiting trial and about 50% were sentenced inmates. The PCMJ has a capacity of 486 beds, with 60% of that being dormitory style bunk beds and 40% being individual celled beds. The minimum-security jail has a capacity of 160 inmates. Under Federal court order, the PCMJ must release inmates at 100% of capacity and may release inmates at 90% of capacity. The practice of releasing inmates early to remain under capacity is common and inmates might be released at any time to avoid capacity issues. During last year's inspection it was noted that approximately 35% of the maximum security bed space was occupied by "realignment" inmates. This year it was noted that 50% of the maximum security beds were occupied by "realignment" inmates. Last year's inspection noted that the longest sentence term was a little over six years. Now the PCMJ is receiving inmates with seven and eight year sentences.

The SPACF is slated to open in the Spring of 2014 (if structural issues are all resolved by then). The initial plan is to move the minimum security inmates to SPACF. When the minimum-security inmates are moved to SPACF, the current minimum security facility will close. The new facility will initially have a capacity of 240 minimum security inmates, increasing the minimum-security capacity by 80 beds, but will initially have no effect on the maximum-security capacity which is most heavily impacted by realignment. Ultimately, the SPACF will be staffed and will be able to accommodate up to 1,000 beds. While the State is providing some "realignment" funds to the counties, funds are generally considered insufficient for the changes to which the counties must adjust.

To assess how inadequate the realignment funds are in relation to the need, the Grand Jury reviewed the County's 2011 Public Safety Realignment Implementation Plan. This plan was required of all counties under AB 109. On January 10, 2012 the Board of Supervisors adopted the County's Plan. Of the \$3,454,168 allocated to the County for realignment, the Sheriff was allocated \$2,381,499 to augment staffing at the PCMJ. This provided staffing for 21 new positions, 10 sworn and 11 non-sworn positions. In the assessment of the Grand Jury, the need level was staffing for a whole second jail in the County, i.e. SPACF. The County's realignment plan has not been revised since 2011 and fails to provide funds sufficient to adequately staff the new jail.

The Grand Jury started its inspection of the PCMJ by reviewing the booking area. Arrestees enter the facility through electronically controlled gates that lead to the sally ports. Sally port doors are electronically controlled to prevent the inner door from opening if the outer door is also open providing a buffered entrance. After medical screening, arrestees are sent through a total body scan which can detect weapons or drugs concealed on or in the body. This new piece of equipment, purchased with realignment funds, has been beneficial in keeping contraband out of the jail. In the booking area there are eleven holding cells, some specifically suited as sobering cells or suicide-watch cells.

Next, the Grand Jury visited two types of inmate housing units. In "Three House" inmates are booked in bunk beds lined up dormitory style with 40 to 54 inmates in each pod. "Three House" contained 6 housing pods, four for male inmates and two for female inmates. Each pod also contains a common area where inmates can watch television or play games. Overlooking a group of housing pods is a control room from which officers can monitor inmate activity. In "Four House" inmates are individually celled with one pod containing two bunks per cell and the other pod containing only one bunk per cell. Each pod contains 16 cells. Overlooking a group of pods is another control room from which officers can monitor inmate activity. There are separate pods in each configuration for male and female inmates. How inmates are housed depends on how they are classified. Capacity depends on having sufficient space in the appropriate type of housing based on the classification of inmates in custody. Many of the realignment inmates have longer sentences and require a more secure housing structure or administrative segregation due to gang affiliations.

The Grand Jury also visited the jail medical facility and spoke with medical staff. The medical facility was built to accommodate 108 inmates and averages over 100 inmate visits per day. With longer sentences, medical service now has to deal with longer term medical conditions. For treatment and diagnosis of very serious medical issues, inmates are transported to local hospitals. Medical staff is also involved in discharge planning to ensure that ill inmates have a place to go and people to care for them following their release.

While at PCMJ, the Grand Jury also observed the visiting area, classrooms, recreation areas, and the law library although these facilities were not in use while jurors were present. The Grand Jury did not tour the kitchen area. However, food preparation is being transitioned to the more modern kitchens at SPACF.

The Grand Jury inspection team also visited the minimum security facility which is about a block away on F Street. This facility is housed in an old barracks type building and is less automated because the security risks are less. When inmates are allowed to move to the minimum security area, they are required to sign a pledge that they will not attempt to escape. While in minimum security, inmates can be sent out on supervised work assignments, have greater access to training and transition services, and have more privileges. The housing in minimum security is a less secure, dormitory style and they have their own, less secure visiting area. The current minimum security facility will be closed when SPACF opens in the Spring of 2014.

Findings

- F1. The physical condition of the main jail is good. Automation is employed appropriately to enable the jail to be well managed, secure, and efficient.
- F2. Public safety realignment has presented some new and significant challenges to the County's system of jails. More sentenced inmates are being directed to County jails rather than State prisons and inmates are being sentenced for longer sentences to be served in County jails. This is creating over-crowding issues and requiring the early release of inmates to prevent the violation of Federal court orders. Inmates with longer sentences also change the array of medical services which must be available. Rehabilitation has not previously been a primary function of County jails since stays typically did not exceed one year. Now, with longer sentences, rehabilitation may need to play a bigger role in the function of the County jail.
- F3. The SPACF is not yet open and the initial opening plan will add some capacity to minimum security needs but do nothing, in the short term, to alleviate the over-crowding most impacted by realignment.

Conclusion

The PCMJ is well managed and well maintained in spite of significant challenges presented by realignment. While the State has allocated some additional funds to the counties to help cover the cost of realignment, the impact of realignment highlights the degree to which services need to be increased. While the Sheriff is to be commended for managing this

situation in a proactive manner, the need to add staff to allow a broader and more rapid expansion of the SPACF is critical and should be a high County priority. Unless State law is changed, realignment will continue to broaden the gap between the need for services and funds available to provide those services.

Recommendations

The Grand Jury recommends:

- R1. The County should prioritize the staffing and expansion of the SPACF beyond minimum security to enable that facility to absorb some of the impact of realignment. Given the nature and impact that AB 109 (The Public Safety Realignment Act) has had on the inmate population at the PCMJ (both in terms of total population and in terms of duration of stay), in order to maintain public safety and to ensure that the inmates serve, at the least, a significant portion of their sentence, the Board of Supervisors should carefully examine the funding for the Sheriff's Department to enable it to adequately staff both the PCMJ and the new SPACF.
- R2. The County should consider reviewing its 2011 Public Safety Realignment Act implementation plan. While plan revisions are not required by the State, many counties have updated their plans. With a couple of years of experience dealing with the challenges of realignment, the County is now in a better position to assess the impact and determine how public safety services can best be tailored to meet the challenges of realignment.

Request for Responses

Placer County Board of Supervisors # R1, R2
175 Fulweiler Avenue
Auburn, CA 95603

Due by: October 1, 2014

David Boesch, CEO
Placer County
175 Fulweiler Avenue
Auburn, CA 95603

R1, R2

Due by: October 1, 2014

Edward Bonner
Sheriff-Coroner-Marshal
Placer County
2929 Richardson Drive
Auburn, CA 95603

R1, R2

Due by: September 1, 2014

Copy sent to:

Holly Heinzen, Chief Assistant County Executive Officer
175 Fulweiler Avenue
Auburn, CA 95603



PLACER COUNTY GRAND JURY

AUBURN POLICE DEPARTMENT JAIL HOLDING FACILITY

Annual Inspection

Auburn Police Department Jail Holding Facility Annual Inspection

Summary

The Grand Jury (Jurors) conducted the annual inspection of the City of Auburn Police Department (APD) jail holding facility, located at 1215 Lincoln Way, on September 4, 2013. The Jurors were generally satisfied with the conditions and operations that were observed.

Background

Pursuant to Section 919(b) of the California Penal Code, the “Grand Jury shall inquire into the condition and management of public prisons within the county”.

Investigation Methods

On September 4, 2013 Jurors conducted an inspection and tour of the APD holding facility, led by the Police Chief, John Ruffcorn, with an emphasis on review of the physical condition of the holding facility. In addition to the physical tour, the Chief provided information about the general operations of the APD.

No detainees were present during the inspection.

Facts

- The APD jail holding facility is designated as a temporary holding facility, which is used for the temporary confinement (i.e. generally less than 6 hours) of persons arrested, or detained.
- The APD is used primarily for the purposes of (1) police dispatch and coordination, (2) storage of evidence, and (3) preliminary investigation, officer report writing, and booking of detained individuals prior to being transported to the Placer County Main Jail or the Juvenile Detention Center.

- In addition to holding areas and work stations, the APD has a secured public entrance, a dispatch area, a conference room, a private attorney consultation room, an officers' gym, and a "soft interview" room. The soft interview room is intended to accommodate detainees or children/relatives of detainees who may require a less threatening environment than the regular holding or public areas.
- Video and/or audio monitoring occurs in various areas of the facility, including outside of the building.
- The APD actively applies for grant monies which may be available for special equipment needs.
- In response to public recommendations, the APD is migrating from black to white vehicles, when vehicles (because of age or use) become obsolete. Also, the Department is testing the use of body cameras as opposed to using only police car cameras.
- According to a job announcement available on the date of inspection, the Department staff consists of 20 sworn officers and 7 non-sworn personnel, in addition to a fluctuating number of volunteers. The 2012/2013 Grand Jury Report noted that there was a vacant Captain position. Since the 2012/2013 Report was issued, that vacant position has been replaced and filled with one lieutenant and one sergeant position.

Findings

- F1. The soft interview room was pleasantly decorated. However, it was noted by the Jurors that the heating/air system appeared not to be working, or inadequately designed for that room.
- F2. Jurors noted minor scuff marks on both floors and walls in various areas of the interior of the facility.
- F3. The Jurors were pleased to be informed of the various proactive steps the Department is taking to address concerns unique to the City of Auburn and its actions in coordinating with other regional police departments. Amongst those efforts are 1) a "panhandling solutions" campaign, intended to encourage people to donate to local homeless organizations, rather than giving money directly to panhandlers on the streets and/or Highway 49 intersections, and 2) computer coordination with other regional police departments through Internet access on computers located in certain

police vehicles, which will allow officers “in the field” access to police department records of the Placer County Sheriff Department and the Roseville Police Department.

Conclusion

The Department appears to be well run.

The Grand Jury identifies in the Recommendations portion below certain physical conditions of the APD which should be remedied. In particular, the temperature controls of the soft interview room should be repaired as soon as possible. The minor scuff marks apparent throughout the facility should be dealt with on a near- term timetable (i.e., one to five years), as the budget allows.

The Grand Jury fully supports efforts in funding associated with equipping and operating computers in Auburn Police Department vehicles for the purpose of access and coordination with other regional police/emergency agencies and dispatch centers.

Recommendations

The Grand Jury recommends:

- R1. The Department arrange for repair of the heating/air system in the “soft interview” room as soon as possible, and ensure the environmental conditions throughout the facility are adequately controlled and regulated.
- R2. As part of any Capital Facilities Plan (or its equivalent), the Department should review the interior facility for “wear and tear”/cosmetic issues associated with flooring and walls. This evaluation should occur before the end of this FY (June 30, 2014). Based upon this evaluation, the Department should, as the budget allows, put in place a schedule for repairs.
- R3. The Department should continue to explore opportunities for funding computer access to other regional police/fire departments by officers in the field, and for good coordination within its own dispatch center.

Request for Responses

John Ruffcorn, Police Chief
City of Auburn Police Department
1215 Lincoln Way
Auburn, CA 95603

R1, R2, R3

Due by: October 1, 2014

Copies Sent To

Robert Richardson, Auburn City Manager
1225 Lincoln Way
Auburn, CA 95603

Bridget Powers, Auburn City Mayor
1225 Lincoln Way
Auburn, CA 95603



PLACER COUNTY GRAND JURY

BURTON CREEK SHERIFF'S SUBSTATION JAIL AND HOLDING FACILITY

Tahoe City, California

Annual Inspection

BURTON CREEK SHERIFF'S SUBSTATION JAIL AND HOLDING FACILITY Annual Inspection

Summary

The Grand Jury conducted its annual inspection of the Burton Creek Sheriff's Substation jail and holding facility, 2501 North Lake Blvd., Tahoe City, on October 18, 2013. The jurors were satisfied with the overall operations and conditions of the jail. Additionally, the Grand Jury was impressed with the efficiency with which the department has brought the aging facility into the technological era.

Background

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

Investigation Methods

Members of the Grand Jury conducted the annual inspection of the Burton Creek facility on October 18, 2013. The tour of the facility was led by the Lieutenant of Field Operations, John Weaver.

Facts

The Burton Creek Substation is used mainly as a court holding facility where inmates are held no more than 12 hours for court appearances. The two-story building was built in 1959 in preparation for the 1960 Winter Olympics at Squaw Valley. It houses a small courtroom and a District Attorney's office on the first floor, along with four jail cells and a small kitchen. A Placer County van transports an average of four inmates daily from the County Main Jail in Auburn, when necessary, for court appearances or for daily work assignments.

The jurisdiction for this facility extends from Kings Beach to Tahoma to Squaw Valley. Although there are only 12,000 residents in the service area, during peak holidays, such as July 4, there can be as many as 150,000 visitors in the area, some of whom may become inebriated. Consequently, one of the cells is available for use as a sobering cell, and used primarily on holiday weekends. Placer County also has a contract with Nevada County to move inmates to the Truckee jail, if needed.

The facility has had numerous improvements since 1959, but the cramped and inadequate space has been the focus of several Grand Jury investigations over the years. The facility does not meet current ADA requirements. Security is always a concern as inmates must be escorted through common areas shared with the staff and, on occasion, the public.

All the areas visited by the Grand Jury were clean and well cared for. It was obvious that the staff takes pride in the facility. Annual fire, health, and safety inspections are conducted and no current violations have been noted.

Findings

- F1. The Grand Jury visiting committee found the Burton Creek Substation Court Holding/Jail to be adequate and very well maintained, considering its age.
- F2. The facility is not generally used as a jail with the exception being holiday weekends. It is primarily a court holding facility.

Recommendations

The Grand Jury has no recommendations.

Request for Responses

None required.

Copies Sent To

Edward Bonner

Placer County Sheriff- Coroner-Marshal
2929 Richardson Drive
Auburn, CA 95603

Placer County Board of Supervisors

175 Fulweiler Avenue
Auburn, CA 95603



PLACER COUNTY GRAND JURY

ROSEVILLE POLICE DEPARTMENT JAIL AND HOLDING FACILITY

Annual Inspection

ROSEVILLE POLICE DEPARTMENT JAIL AND HOLDING FACILITY Annual Inspection

Summary

The Grand Jury conducted its annual inspection/tour of the Roseville Police Department jail and holding facility, 1051 Junction Boulevard, Roseville, on October 30, 2013. The jurors were satisfied with the operations and conditions of the jail. Additionally, the Grand Jury was impressed with the department's methods of generating revenue through the Sentenced Prisoner Program and a Public Service Program through Partners for a Safer America.

Background

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

Investigation Methods

Members of the Grand Jury conducted the annual inspection of the Roseville Police Department Jail on October 30, 2013. The tour of the facility was led by the Jail Manager, Merv Screeton, Correctional Supervisor, Carter Christiansen, and Chief of Police, Daniel Hahn.

Facts

In Placer County, Roseville is the only city where the police department operates a Type 1 facility, which can hold an inmate for a maximum of 96 hours. The jail is located on the bottom floor of the police department facility, which opened in 1997. The current staff consists of one Jail Manager, one Correctional Supervisor, seven full-time Correctional Officers (filled) and another Correctional Officer (vacancy with background check presently pending), and one part-time Correctional Officer (in training).

The jail can house up to 49 inmates or up to 69, if the Housing Cells are used as Holding Cells. There are ten two-person Housing Cells (20 people), four multi-person Sobering Cells (15 people) and four multi-person Holding Cells (14 people). If necessary, Holding Cells can be converted to Sobering Cells, accommodating 56 people. During the past two-year period, the highest population was 36.

Due to budgetary considerations and minimal bookings, the jail currently does not accept inmates from 7 am to 11 am daily. Arrests made during that period are taken directly to the County Jail in Auburn. At the time of the inspection, there were no inmates at the facility.

Overall, the jail facility is clean and well-maintained. The cells have toilets and sinks in working order. Privacy is maintained with the use of magnetic window obstruction. There was no graffiti on any of the cell walls or floors. The Sobering Cells have padded floors to decrease the possibility of inmates being injured. Blankets are distributed to the inmates. Additionally, Housing Cells have bedding provided. Landline telephones are provided by a private company for collect calls only with a percentage of the revenue generated returned to Roseville. For non-English speaking inmates, an AT&T language line is available. Cell phones are not permitted in the jail areas.

Inmates are checked at least once an hour with those in Sobering Cells every 30 minutes. Inmates on security watch are checked every 15 minutes. If necessary, meals will be provided, typically consisting of, for example, Hot Pockets, juice and a granola bar. If an inmate is on a special diet, for health or religious reasons, an appropriate meal will be obtained from outside the facility.

Male and female inmates are maintained separately. Juveniles are rarely housed at the facility, but never mixed with the adult population. When a juvenile is arrested, he/she is held in a segregated area, away from any other inmates for pick up by parents or adult guardians. If none is available, the juvenile is taken to the juvenile detention facility in Auburn. Juveniles are not transported in the same van or patrol car with adult inmates. In addition, the jail observes "ad seg" (administrative segregation), which includes separating members of rival gangs.

As of the date of the Grand Jury inspection, there had been no escapes, assaults on staff, suicides or deaths at the facility. Psychiatric evaluation is provided, if warranted. Social Workers are available and deal primarily with juveniles.

The jail continues to provide a unique program at the discretion of the case judge. This is the Sentenced Prisoner Program (SPP). It is for low-level offenders, typically non-violent inmates. It provides some flexibility for detainees and staff, as well as added revenue for

Roseville, although the Program is not restricted to Roseville residents. With approval from the court, inmates are allowed to serve their sentence in the non-working hours, allowing inmates to retain their employment. To participate in this program, inmates apply for the program (\$25 non-refundable fee) and are interviewed. Once accepted into the program, they serve their sentences in 12-hour increments (which equals 1-day credit), until their time is completed. Each day costs the inmate \$60.00. The revenue generated from January 1, 2013 through October 30, 2013 was \$32,760 for the City of Roseville.

The Roseville City Jail also participated in a no-cost Public Service Program through the Partners for a Safer America, by allowing local Bail Bond Companies to post billboard advertisements inside jail cells, outer hallways and in the Department Lobby. This program has generated \$28,320 in the first ten months of 2013 for Roseville.

An Environmental, Nutritional and Medical/Mental evaluation was performed on November 6, 2012. The results were made available to the Grand Jury. No significant deficiencies were noted at that time. The facility utilizes UV germicidal lights, which cost approximately \$1,700 per year for bulb replacement. It was felt that the use of these lights has resulted in a decrease in the staff illness rate.

In 2012, there was an average of 13.11 people processed daily. 2013 has shown an approximate 5% increase to 13.77. If the trend continues, the expectation is that 5036 people will be processed this calendar year, just under an 8% increase.

When someone is arrested and arrives at the facility, he/she will be physically and electronically searched for weapons and/or contraband. Then a questionnaire to identify any possible medical and/or mental health issue will be completed. This is followed by processing via a Booking Classification Interview to obtain personal data. The detainee is then photographed and electronically fingerprinted with the fingerprints submitted to the California Department of Justice, the Federal Bureau of Investigation and the Department of Homeland Security. If bail is not necessary, the individual will be released. Otherwise, he/she will be housed until bail is posted. If necessary, inmates will be transported to the Placer County Jail for further proceedings.

It was noted that approximately half of the Roseville PD arrests are for misdemeanors. Of the 131 juvenile arrests in 2013, approximately 60 were misdemeanor offenses. The Grand Jury was informed that Roseville PD policy is to arrest, handcuff and book all shoplifters. Other cities often write tickets with a court date noted for misdemeanor arrests. The perpetrator frequently misses the court date, requiring follow-up. Being taken to the Roseville Police Department and booked has been more of a deterrent to potential repeat offenders.

Finally, a final decision has not been made by the City Council as to whether the Roseville Jail will remain open after the South Placer Adult Correctional Facility (SPACF) becomes operational, anticipated to be in Spring 2014.

Findings

- F1. The Roseville City Jail is well organized and maintained. The Roseville Police Department is to be commended for the administration of the jail facility.
- F2. The Sentenced Prisoner Program currently has brought in more than \$32,000 this calendar year.
- F3. The Public Service Program through Partners for a Safer America (posting of bail bond advertisements) has generated more than \$28,000 this calendar year.

Recommendations

The Grand Jury recommends:

- R1. The Sentenced Prisoner Program and the Public Service Program continue, as they provide a benefit for inmates and generate revenue for the City of Roseville, reducing the jail's cost.
- R2. The Roseville City Council strongly consider maintaining the City Jail, after the opening of the SPACF, as it provides additional revenue to the City and valuable services to the community such as the Roseville PD policy of detaining misdemeanor offenders.

Request For Responses

Daniel Hahn, Chief of Police
Roseville Police Department
1051 Junction Blvd.
Roseville, CA 95678

R1

Due by: October 1, 2014

Roseville City Council
311 Vernon St.
Roseville, CA 95678

R2

Due by: October 1, 2014



PLACER COUNTY GRAND JURY

BILL SANTUCCI JUSTICE CENTER COURT HOLDING FACILITY

**Roseville, California
Annual Inspection**

BILL SANTUCCI JUSTICE CENTER COURT HOLDING FACILITY Annual Inspection

Summary

The Grand Jury conducted its annual inspection and tour of the Bill Santucci Justice Center Court Holding Facility in Roseville on October 24, 2013. The Placer County Sheriff's Department provides security at this court holding facility and for the courtrooms on site. Inmates are transported to the Justice Center from the Placer County Main Jail in Auburn on court days. They are held in holding cells in the courthouse until they are brought to individual court rooms for their court hearing(s).

Background

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

Investigation Methods

The tour of the facility was conducted by Placer County Sheriff's Lieutenant Kelly Leitzell who led the jurors throughout the court facility as they performed their inspection.

Facts

The Bill Santucci Justice Center Court Facility was opened approximately five years ago and is the primary court facility in and for Placer County. The Justice Center is designated as a court holding facility (defined to be a local detention facility constructed within a court building and used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed twelve hours). Inmates are transferred from the Placer County Main Jail in Auburn the morning of their scheduled court appearances. They are rarely held more than eight hours before they are either released or returned to the Placer County Main Jail (depending upon court orders).

There are twelve separate cells downstairs to hold inmates prior to their court appearances and two cells for each of the several courtrooms which hold criminal proceedings. At the time of the inspection, there were no inmates present. The holding cells are modern, well designed for their purpose and monitored at all times. Each cell has a toilet, washstand and sink, all of which were in good order. Although there are security cameras focused on each cell, the inmate has privacy while in the bathroom area.

The jurors' inspection included a tour of the sally port, the holding cells in the basement and on the courtroom floors, interview rooms, and the central control room that is staffed by deputies in the basement holding cell area. Inmates are moved to the courtrooms upstairs via private elevators controlled by the central control room and monitored at all times by a Deputy Sheriff.

The sheriff provides court security inside the courtrooms with a total staff of approximately eighteen full time bailiffs. In addition, part-time deputies who handle the security checkpoint at the facility entrance are available if needed for additional court or inmate security. These deputies are usually retired law enforcement officers who are hired as extra help by the Sheriff's Department.

There were no issues determined as a result of the jurors' inspection.

Findings

F1. The Bill Santucci Justice Center Court Holding Facility is clean, well maintained and well managed.

Recommendations

The Grand Jury has no recommendations for the Bill Santucci Justice Center Court Holding Facility. The Grand Jury would like to commend the Sheriff's Department for its management and maintenance of the facility and for the services provided to the Placer County Superior Court.

Request for Responses

None required.

Copy Sent To

Edward Bonner, Sheriff-Coroner-Marshal
Placer County
2929 Richardson Drive
Auburn, CA 95603

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603



PLACER COUNTY GRAND JURY

THE SHERIFF'S DEPARTMENT'S SURPLUS HELICOPTER

THE SHERIFF'S DEPARTMENT'S SURPLUS HELICOPTER

Summary

This report focuses on the Sheriff's Department's efforts to sell the Bell helicopter that had been donated to the County in 1995 by the United States Department of Defense (DOD) under a program to redeploy surplus DOD equipment to local law enforcement agencies. Since the County purchased a modern, more capable helicopter in 2009, the Sheriff's Department no longer needs or uses the Bell helicopter. Initially the Sheriff's Department intended to sell the Bell helicopter and use the sales proceeds to defray some of the costs of the new helicopter. However, in 2012, the Defense Logistics Agency-Law Enforcement Support Office (DLA-LESO) denied the Sheriff Department's 2009 request to sell the Bell helicopter. While, the Sheriff's Department has discussed internally how to proceed with disposing of the surplus helicopter, it has not yet formulated a course of action that it could share with the Board of Supervisors.

The Sheriff's Department has proceeded cautiously in dealing with its surplus helicopter hoping to recoup some of its investment in special equipment installed over the years while the helicopter was part of its mission. It is time for the Sheriff's Department to move ahead with a plan that involves transferring the helicopter to another local law enforcement agency which would be willing to pay a fair price to the County for the installed equipment. Alternatively, the Sheriff could remove the County-installed equipment, sell it piecemeal, and return the airframe to the Department of Defense.

Background

In 1995, the Department of Defense-Defense Logistics Agency, Law Enforcement Support Office (DLA-LESO) donated a surplus military helicopter (a Bell OH 58) and spare parts to PlacerCounty to use in the County's counter-drug activities. The DLA-LESO donated the aircraft under what is now referred to as the "1033 program", a program in which DLA provides excess DOD property to law enforcement agencies throughout the Country. In 2009, when the Sheriff's Department purchased a new, modern helicopter, the Sheriff intended to sell the Bell helicopter and use the proceeds from such sale to defray the purchase price of the more capable Eurocopter. However, Sheriff's personnel informed the Grand Jury that despite attempts in 2009 and 2010, it was unable to sell the Bell helicopter. At the same time, in September 2009, the Sheriff

notified the DLA of its desire to sell the helicopter to another Law Enforcement Agency or possibly to a non-law enforcement agency purchaser. More than two years later, in August, 2012, the DLA responded to the Sheriff's request stating that "there is a critical requirement for aircraft and aircraft parts for counter-drug and counter-terrorism operations within the 1033 Program aviation community." The DLA therefore denied the County's request to sell the aircraft and its associated spare parts package. In view of the DLA's denial, the focus of this report is to discuss the County's options for dealing with the Bell helicopter.

Investigation Methods

The 2013-2014 Grand Jury interviewed several current and retired members of the Placer County Sheriff's Department.

The Grand Jury reviewed numerous documents provided by the Sheriff's department pertaining to the surplus military helicopter including, but not limited to, the request and denial of helicopter sale.

Facts

- Placer County Sheriff's department received a 1972 military surplus helicopter and its associated OH-58 spare parts package in 1995 through the 1208 Program (now referred to as the 1033 program) for the purpose of counter-drug activities.
- At its own cost, the County made essential upgrades and the County installed equipment on the donated helicopter.
- In 2009, the Sheriff's Department purchased a new helicopter for \$4 million, including the cost of related mission equipment.
- At that time, the Sheriff's Department intended to sell the donated helicopter to offset some of the costs of purchasing the new helicopter.
- On September 1, 2009 the Placer County Sheriff's Department sent a request to the DLA-LESO seeking permission to sell the donated helicopter.

- Three years later, in August 2012, the Sheriff's Department received a response from the DLA-LESO denying the sale request. In denying the Sheriff's request, the DLA-LESO stated that "There is a critical requirement for aircraft and aircraft parts for counter-drug and counter-terrorism operations within the 1033 Program aviation community. This critical requirement takes precedence over the requested sale."
- The DLA-LESO went on to state its preference for the County to transfer the aircraft to another law enforcement agency that is an approved participant in the 1033 program. Any upgraded equipment that had been purchased and installed by Placer County may either be sold to the receiving agency or sold separately,
- The military surplus helicopter has not been used for the Sheriff's operation in over three years. The helicopter is flown once a month to keep it in working order. In 2013 alone, the helicopter incurred expenses of \$6,000 for maintenance inspection and minor repairs.
- At some point in the near future, the surplus helicopter will need an engine rebuild at a cost of about \$100,000.

Findings

- F1. Notwithstanding, the DLA-LESO's denial of its request to sell the surplus helicopter, the Sheriff has not yet adopted a course of action for disposing of it.
- F2. In the internal discussions that have taken place thus far, the Sheriff's Department has expressed an interest in recouping some of the County's past costs related to the additional equipment that the County purchased and installed on the donated helicopter.
- F.3 Since the denial of its request to sell the helicopter, the Sheriff's Department has not updated the Board of Supervisors on the status of its efforts on this issue.

Conclusion

Seventeen months have passed since the Sheriff's Department's request to sell the donated helicopter was denied, without the Sheriff's Department adopting a course of action for the disposal of the surplus aircraft and presenting the plan to the Board of Supervisors.

Recommendations

- R1. The Grand Jury recommends that the Sheriff's Department adopt a plan of action for Board of Supervisor consideration that includes one of the following options:
- Promptly make a second request to the DLA-LESO seeking permission to sell the Bell helicopter to another law enforcement agency that intends to use the aircraft for counter-drug and counter-terrorism activities, and then negotiate a price with the buying agency for the County installed equipment.
 - Compare the market value of the County purchased equipment that it has installed in the helicopter to the cost of having its helicopter maintenance vendor remove the equipment. If the market value of the equipment is sufficiently greater than the cost of removing the equipment, the County should remove the equipment and sell it. The County should then return the airframe and the spare parts package to the DLA-LESO.

Request For Responses

Edward Bonner
Sheriff-Coroner-Marshal
Placer County
2929 Richardson Drive
Auburn, CA. 95603

R1

Due by: September 1, 2014

Copies Sent To:

John Savage

Chief of Air Operations
2929 Richardson Drive
Auburn, CA. 95603

Devon Bell

Under Sheriff Placer County
2929 Richardson Drive
Auburn, CA. 95603

James Voyiatzes

Deputy Placer County Sheriff
2929 Richardson Drive
Auburn, CA. 95603

Holly Heinzen, Chief Assistant County Executive Officer

175 Fulweiler Avenue
Auburn, CA 95603



PLACER COUNTY GRAND JURY

DeWITT CENTER COSTCO LEASE AND ITS IMPACT ON SENIORS

DeWitt Center Costco Lease and Its Impact on Seniors

Summary

This report documents the 2013-2014 Placer County Grand Jury's investigation of the proposed DeWitt Center Costco lease and its impact on seniors. In 2013, the Grand Jury became aware of the planned lease of a 16-acre parcel of the DeWitt Center complex. The 16-acres currently house the multipurpose Senior Center, Seniors First, which is a non-profit organization providing services to County seniors, the DeWitt Theater, the Athletic Club, plus a few for-profit businesses.

The objective of this investigation was to determine if Placer County's future plans included financial support for the displaced senior non-profit organizations in the county. The Grand Jury's main focus was on the organizations that provide services to the seniors of the County, specifically, those seniors with limited resources.

The Grand Jury investigation limited its scope to the effect that the Costco lease would have on seniors in Placer County. Neither the DeWitt Theater nor the Athletic Club was included in the investigation. The investigation found that staff of Placer County has worked with the two senior organizations by assisting in locating adequate and suitable facilities for their relocation. Initially the County did not offer any financial support to fund their relocation; although, the County will benefit from the Costco lease agreement. Recently, through lease negotiations with Costco, there is a proposed grant to the multipurpose Senior Center of \$530,000 to provide for relocation costs and five years worth of rental costs at a new location. The Grand Jury found that no funds were made available to Seniors First as a result of the Costco negotiations.

The Grand Jury recommends that Placer County develop and implement a five-year umbrella plan that will provide supportive services to the seniors in Placer County.

Background

The Grand Jury investigation set out to provide answers and recommendations for the following:

- Can Placer County legally lease to a for-profit membership entity land that was given to it with a deed restriction that it be for public use?

- Did Placer County work with the organizations being displaced to ensure that the services they provide to the County would not be interrupted?
- Has the County offered any monetary support to the displaced organizations, so that they can continue to use their funds to provide the services for which they were intended?

Investigation Methods

The Grand Jury utilized a variety of resources in this investigation.

The Grand Jury conducted interviews with:

- Placer County Board of Supervisors
- Placer County Executive Staff
- Placer County Department of Facility Services staff
- Members of the Board of the multipurpose Senior Center and staff.
- Members of the Board of the Seniors First organization and staff.

The Grand Jury reviewed the following documents:

- The Older Americans Act (July 4, 1965 as amended)
- Assembly Bill 1943 (Chappie Legislation)
- State of California Quitclaim Deed for the DeWitt Center recorded July 18, 1979
- Report on "Older Adults in Placer County", provided by the Placer County Older Adults Advisory Commission.

Facts

- Assembly Bill 1748, dated April 12, 1972, created the DeWitt Hospital Authority Act to be administered by the Placer County Board of Supervisors (BOS). The Act made the land transfer to the County of Placer, at no cost to the County, in a manner agreeable to the County. If the County ceases to use the property for public purposes, the property will revert back to the State.
- On June 27, 1972, during a regular meeting of the BOS, the County of Placer accepted Resolution No. 72-392. By acceptance of this Resolution, the County of Placer consented to the acceptance and recordation of the deed and accepted for public purposes the real property.

- In 1978, Assembly Bill 1943, Chappie, was passed. This allowed the County of Placer to quitclaim to the State all the property of the DeWitt State Hospital facility, and Director of General Services to quitclaim back to the County of Placer the specified property, all without charge. When the quitclaim deed was recorded on July 18, 1979, the public use restriction was removed from the property.

The DeWitt Center occupants displaced by the Costco lease include two non-profit organizations serving the senior community, the Auburn Multipurpose Senior Center and Seniors First. Additional businesses include the DeWitt Theater building occupied by the Music and More School and the Courthouse Athletic Club.

- Seniors First is a non-profit organization that provides services to seniors. These services include, but are not limited to: Assisted Living Program, Door-to-Door Rides, Health Express, Home Safety Repairs, Meals-on-Wheels, and nine senior cafes. These programs are available at no cost to both seniors and the disabled. Seniors First funding is from contracts with Area 4 Agency on Aging which distributes funds provided by the federal government as mandated by the Older Americans Act, and from local grants, and community fundraising.
- The multipurpose Senior Center, also a non-profit organization, occupies 10,000 square feet of space in the DeWitt campus for which they pay no rent. The Multipurpose Senior Center promotes senior participation in all aspects of community life by providing opportunities for socialization, recreation, education, information, health and fitness.
- Costco filed a predevelopment application with the County in July 2013 to construct its store on 16 acres of the DeWitt Center property. The Costco lease is appraised at \$325,000 per year for 25 years with five, five-year options.
- The multipurpose Senior Center and Seniors First were notified by letter on June 19, 2013, that their leases for space on the DeWitt Center Campus would be terminated by the end of 2014.
- The Older Adults in Placer County Report states that from 2013 to 2021, the population of 60- to 64-year old County residents will increase by 24%. During that same time, the growth of our older adults between the ages of 70 to 74 will increase 44%. In the group between 75 and 90 years of age there will be a growth increase of 41%. Additionally, the growth of the adult populations is being accompanied by a proportional growth in the number of senior persons with disabilities. This is referred to as the "Silver Tsunami."

Findings

- F1 The Grand Jury found that the deed restriction for public use, originally recorded with the deed to the DeWitt Center, has been removed through a series of quitclaim deeds between the State and the County.
- F2 The Grand Jury found that the Placer County budget contains a DeWitt Center Enterprise Fund made up of revenue from buildings and land leased on the DeWitt campus. Enterprise monies left over at the end of each year are moved to reserve funds for future use. There are two of the reserve funds that have reserve balances that could be cancelled and appropriated to other purposes. They are the Assigned Capital Assets fund (\$784,204) and the Assigned Contingencies fund (\$568,539). The Board of Supervisors and the County CEO have the authority to cancel the present use of those funds and designate them for other purposes. The reserve funds can be cancelled as reserves and used for other County purposes with approval of the County Auditor.
- F3 The Grand Jury found that the County has no mandated requirement to provide services to the seniors of Placer County. There are a variety of services for seniors provided by the Health and Human Services (H&HS) Department of Placer County. There are a variety of non-profit organizations providing services funded by public donations and by Federal Government funding through contracts provided through Area 4 Agency on Aging. These funds are provided to the State through the Older Americans Act. The State then distributes funds to the Area on Aging Agencies.
- F4 The Grand Jury found no evidence of any long-term (five years or more) planning on the part of the County to identify the needs of the growing senior population, and the consolidation of resources to satisfy these needs.
- F5 The Grand Jury found that the staff of Placer County assisted the two senior organizations in an attempt to locate adequate and suitable facilities. This help consisted of providing them with a real estate consultant, and the identification of possible replacement facilities. They also set up meetings with owners of potential locations. In addition county staff negotiated that the Costco Foundation make a grant of \$530,000 to the Senior Center to assist in their relocation to new facilities.

Recommendations

The Grand Jury recommends that:

- R1. Placer County consider the use of monies from the Enterprise Fund to offset the cost of relocation for Seniors First as the fund source is monies derived from leases and rental of space at the DeWitt Center. Because the proposed lease with Costco will generate significant income to the County over the next 50 years, this relocation support is warranted.
- R2. Placer County move proactively to create a five year plan for the creation of an umbrella organization that will bring together all governmental and non-profit organizations providing supportive senior services under one entity to County seniors, both able and disabled; and that the County Director of H&HS coordinate this effort on behalf of the County.

Request for Responses

Placer County Board of Supervisors # R1, R2 **Due by: October 1, 2014**
175 Fulweiler Avenue
Auburn, CA 95603

Mary Dietrich, Director # R1 **Due by: October 1, 2014**
Department of Facility Services
11476 C Avenue
Auburn, CA 95603

Copies Sent To:

Holly Heinzen, Chief Assistant County Executive Officer
175 Fulweiler Avenue
Auburn, CA 95603

Candace Roeder, Executive Director
Seniors First
11566 D Avenue
Auburn, CA 95603

Eric Hill
Multipurpose Senior Center
11577 E Avenue
Auburn, CA 95603



PLACER COUNTY GRAND JURY

PROVISIONAL LICENSED DRIVERS: SCHOOL POLICIES AND PROCEDURES

Provisional Licensed Drivers: School Policies and Procedures

Summary

In California, provisional licenses are issued to new drivers who are between the ages of 16 and 18. Among other requirements placed on provisional licensees (detailed below) is the requirement that no one holding a provisional license shall transport anyone under the age of 20, unless specifically exempted.

In 2013, the State issued 9,660 provisional licenses to Placer County teens. In order for high school students to park their vehicles in school parking lots, many Placer County high schools require students to purchase parking permits specific to that school's parking facilities.

The Placer County Grand Jury investigated specific concerns regarding provisionally licensed drivers on high school campuses. The Grand Jury was looking for how and when the parking lots are supervised, including how parking permits are allotted, and if separate color permits are assigned to provisionally licensed drivers. Specifically, the Grand Jury sought to discover if the limitations placed on provisional drivers under California law was on the schools' radar and, if it was, how were the requirements under the law monitored and instituted. The Grand Jury interviewed high school officials, reviewed California and Placer County statistics, laws, and other available resource materials.

It is the Grand Jury's recommendation that schools increase the awareness of the provisional driving law by performing a few simple changes, such as reinstatement of driver education classes in the curriculum and the inclusion of provisional drivers' restrictions in student handbooks.

Background

California Vehicle Code (VC) Section 12814.6

During the first 12 months after issuance of a provisional license, the licensee may not do any of the following unless accompanied and supervised by a licensed driver who is the licensee's parent or guardian, a licensed driver who is 25 years of age or older, or a licensed or certified driving instructor:

- (1) Drive between the hours of 11pm and 5am, and
- (2) Transport passengers who are under 20 years of age.

As set forth in the California Department of Motor Vehicle (DMV) Driver Handbook, nearly 50% of the drivers between the ages 15-19 are convicted of a traffic violation in their first year of driving. Most of these violations concern driving over the state-mandated speed limit, which often results in a collision. One such collision occurred in Placer County on September 14, 2012.

During a local high school open-campus lunch on September 14, 2012, a provisionally licensed driver left the school parking facility carrying seven students in a vehicle, unsupervised by a licensed driver over the age of 25. The provisionally licensed driver crashed. California Highway Patrol found the driver at fault for making an unsafe turn while entering Interstate-80. The driver was exceeding the state-mandated speed limit, was unable to negotiate the curve, and veered into the slow lane, hitting a big rig, which caused the vehicle to roll. One student was partially ejected from the vehicle and had to be airlifted to the hospital. The ejected student suffered a serious brain injury. The driver was clearly driving outside of the provisions of the license.

Investigation Methods

- The Grand Jury interviewed several high school district superintendents, high school principals, and law enforcement personnel.
- The Grand Jury reviewed all Placer County high school handbooks and policies.
- The Grand Jury reviewed all data received from the California Department of Motor Vehicles.
- The Grand Jury reviewed all data received from the California Highway Patrol.

Facts

- In 2013, the State issued 9,660 provisional driver's licenses to Placer County teens.
- According to the California DMV, the risk of a crash by a driver aged 16-17 is 3.6 times higher when they are carrying passengers, and it increases as the number of peer-age passengers increases.
- In Placer County there are currently 19 high school campuses, including comprehensive and alternative schools. All campuses offer student parking.

- All Placer County high schools have their handbooks accessible on line. Many schools still issue hard copies to the freshman class.
- The only comprehensive high schools with open lunch are Placer High School and Tahoe-Truckee High School.
- All campuses utilize a School Resource Officer, either full-time or part-time.
- Most high school campuses utilize hall monitors, assistant principals, and the School Resource Officer to monitor parking lots before and after school.
- The California State Vehicle Code consequences for the first offense include a fine of not more than \$35 and between 8 to 16 hours of community service.

Findings

- F1. There are no policies or procedures pertaining to provisional licensed drivers (Vehicle Code Section 12814.6) in any Placer County high school student handbook.
- F2. There is no mention of Vehicle Code Section 12814.6 on any parking permit application form found online.
- F3. One high school principal was conflicted on the issue of enforcement of provisional license laws, stating it was impossible to enforce, and adding he allowed his own provisionally licensed children to drive their underage friends to social events.
- F4. The Grand Jury found no evidence of any high school offering assemblies, workshops or class meetings that mention the provisional driving law. There were, however, instances of events focused on topics such as driving distractions and buckling up.
- F5. More than one interviewee mentioned comparisons between driver education classes of yesteryear and the present, and the fact that driver education classes are no longer required for high school graduation.
- F6. One interviewee commented that the current vehicle code consequence for a first offense is not strict enough and expressed the opinion that it should result in temporary loss of the license.

Conclusion

The relationship between age and driving behavior has been studied for many years. Traffic crashes are the leading cause of death for teenagers across the United States, especially between ages 16 to 19. According to the California DMV, the risk of a crash by a driver aged 16-17 is 3.6 times higher when they are carrying passengers, and it increases as the number of peer-age passengers increases. It is for these reasons that VC Section 12814.6 was implemented.

Schools share the job of raising our children to become responsible, clear-thinking citizens. They must also share the job of making students fully aware of the dangers associated with driving, especially carrying peers in their car, using an endless number of distracting devices, using drugs and alcohol, and ignoring seatbelts.

It is our focus and intent that schools can increase the awareness of the provisional driving law by performing a few simple changes, such as reinstatement of driver education classes in the curriculum.

Recommendations

The Grand Jury recommends:

- R1. All Placer County high schools add a policy regarding VC 12814.6 to their student handbooks. This policy should include clear school disciplinary actions, as well as state-mandated consequences, should this law be violated on or near campus. This addition to the handbook would definitely heighten student awareness of the law.
- R2. The high schools make concerted efforts to involve parents to work together to enforce this important law.
- R3. All Placer County high schools institute a parking permit program. The parking permit program is the mechanism by which the school can better monitor the school parking lot and assign responsibility to individual student drivers per VC 12814.6.
- R4. All Placer County high schools assign separately colored parking permits for provisional licensed drivers and regular drivers. Permit contracts would have a reminder of VC 12814.6, signed by both student and the legal guardian(s), and clearly note the date when the provisional term expires. This parking permit would be exchanged for the permit of a different color when the driver has completed his/her provisional driving term.

R5. All Placer County high school parking lots be posted with signs stating "California Vehicle Code Strictly Enforced, including VC 12814.6".

Request for Responses

Gayle Garbolino-Mojica # R1- R5 **Due by: September 1, 2014**
Placer County Supt. of Schools
360 Nevada Street
Auburn, CA 95603

George Sziraki # R1- R5 **Due by: October 1, 2014**
Supt., Placer Union High School District
13000 New Airport Rd.
Auburn, CA 95603

Roger Stock # R1- R5 **Due by: October 1, 2014**
Supt., Rocklin Unified School District
2615 Sierra Meadows Dr.
Rocklin, CA 95677

Ron Severson/Tony Monetti # R1- R5 **Due by: October 1, 2014**
Supt., Roseville Joint Union High School District
1750 Cirby Way
Roseville, CA 95661

Robert Leri # R1- R5 **Due by: October 1, 2014**
Supt., Tahoe-Truckee Unified School District
11603 Donner Pass Rd.
Truckee, CA 96161

Scott Leaman # R1- R5 **Due by: October 1, 2014**
Supt., Western Placer Unified School District
600 Sixth St., Suite 400
Lincoln, CA 95648

Copies to:

Holly Heinzen, Chief Assistant County Executive Officer
175 Fulweiler Avenue
Auburn, CA 95603



PLACER COUNTY GRAND JURY

PLACER COUNTY FAIRGROUNDS AND ALL-AMERICAN SPEEDWAY

Progress Report

Placer County Fairgrounds and All-American Speedway

Summary

The 2013-2014 Placer County Grand Jury elected to continue to monitor the status of commitments made by the Placer County Board of Supervisors (BOS) related to the Placer County Fairgrounds and the All-American Speedway. The Grand Jury concludes that at this time the Placer County Fair Association (PCFA), the Placer County Board of Supervisors, and the Department of Facility Services are making progress on the correction of Speedway issues, and the assessment of long term use of this complex. Neither the Fairgrounds Assessment Report, nor the Financial Review of the PCFA is available at this time; therefore, the Grand Jury has very limited recommendations.

Background

Both the 2011-2012 and the 2012-2013 Grand Juries investigated the Placer County Fairgrounds and the All-American Speedway. In responses to the 2011-2012 report titled "The Fair and the Unfair", the BOS made commitments regarding:

- The Operating Agreement with the Fair Association for the management of the fairgrounds.
- Securing Environmental Impact Reports for the changes made to the speedway.
- Securing After the Fact permits for speedway modifications.

The 2012-2013 Grand Jury investigated the status of the commitments made by the BOS to the previous year and the compliance by the Fair Association.

The 2013-2014 Grand Jury decided to continue tracking the status to determine progress and compliance with Placer County directives to the Fair Association.

Investigation Methods

The Grand Jury investigation involved interviews with personnel from the Placer County Department of Facility Services (DFS) and the PCFA.

The Grand Jury also reviewed the following documents:

- Placer County Board of Supervisors (BOS) responses to the 2012-2013 Grand Jury report titled “All-American Speedway, Issues of Non-Compliance with County Agreement”.
- Minutes from the BOS meeting held on July 9, 2013.

Facts

- The Placer County Fairgrounds (PCF) comprises approximately 61 acres of land and improvements, including the All-American Speedway. It is located near the intersection of Washington and Junction Boulevards in Roseville, and owned by Placer County.
- The Placer County Fairground Association (PCFA) is contracted to operate and manage the PCF.
- The BOS has directed the Placer County Department of Facility Services to provide county oversight of the PCFA.
- Placer County Community Development Resource Agency (CDRA) has identified 12 modifications to the All-American Speedway that must be either granted permits or removed.

Findings

The Grand Jury found:

- F1. Two of the twelve After the Fact (ATF) permits have been issued.
- F2. Three other ATF permits for the scoreboard, sound fence, and a small building foundation are being addressed by the PCFA. These require some deconstruction in order to obtain engineering approval. The PCFA maintains that these are being addressed as funds are available. The remaining non-permitted facilities will not be used until permitted.

- F3. On July 9, 2013 the BOS approved an agreement with RCH Group, Inc. for a Placer County Fairgrounds Assessment Report. The objective of this assessment is to evaluate the long-term economic viability of a flexible community resource, which fosters economic growth in surrounding communities and operates in a self-sustaining manner. This assessment is projected to be available in early 2014, and at this writing is not yet available.
- F4. The PCFA maintains that the cost of a financial audit is approximately \$8,000 to \$12,000. They have elected to conduct a financial review every three years at a cost of approximately \$3,000. In 2014, they plan to conduct this financial review covering the previous three years.

Recommendations

- R1 The BOS promptly review the Placer County Fairgrounds Assessment Report by RCH Group, Inc. and develop a plan that encompasses the use of the Fairgrounds, how it is managed, and its impact on the surrounding community.
- R2 The BOS examine the 2014 financial review of the PCFA and verify whether or not funds are available to comply with the County's requirements.
- R3 The 2014-2015 Grand Jury continue to monitor BOS compliance.

Request For Responses

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

#R1- R3 Due by: October 1, 2014

Mary Dietrich, Director
Department of Facility Services
11476 C Avenue
Auburn, CA 95603

R1-R3 Due by: October 1, 2014

Copies Sent To:

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Auburn, CA 95603

Placer County Fair Association Board of Directors
800 All American City Blvd.
Roseville, CA 95678



PLACER COUNTY GRAND JURY

LOW-FLOW FIRE HYDRANT AT THE NEWCASTLE ELEMENTARY SCHOOL

LOW-FLOW FIRE HYDRANT AT THE NEWCASTLE ELEMENTARY SCHOOL

Summary

In June 2013, in connection with a proposal to place portable classrooms at the Newcastle Elementary School, the Newcastle Fire Protection District (NFPD) advised the school district that the fire hydrant serving the school lacked sufficient water flow. Allegations were made that this condition had been known for many years, and it appeared that the school district had not adequately addressed the problem.

The Newcastle Elementary School District (NESD) ultimately agreed to address the problem by mid-September, 2013 but failed to do so. The NESD is actively trying to resolve the issue and is responsible for all costs of the required upgrade. A project designed to adequately resolve the current below-standard hydrant flow is slated for completion in August of 2014. Although there appear to be communication problems, the three agencies involved, the NESD, NFPD and Placer County Water Agency (PCWA) all are aware of the need for timely completion of the project and are working toward that end.

The Grand Jury is recommending that all efforts be made to complete the project by August 2014 in accordance with the NESD's current scheduled timeframes.

Glossary

NESD - Newcastle Elementary School District

NFPD - Newcastle Fire Protection District

PCWA – Placer County Water Agency

Background

When the Newcastle Elementary School District proposed the addition of portable classrooms at the school, the Newcastle Fire Protection District advised them of the need to upgrade and add new fire hydrants to assure adequate flow for fire fighting protection at the school. In June 2013 the NESD committed to provide an upgraded fire hydrant system within six months of the completion of the installation of the portable building. The portable

installation was completed in August of 2013. As of mid-May, 2014, the project contract for construction of the upgrade to the fire hydrant system had not been awarded. It is apparent that the low-flow fire hydrant is an issue of concern to some Newcastle residents as evidenced by the fact it has been an item carried on the Board agendas of both the NESD and NFPD for a number of months.

Investigation Methods

The 2013 – 2014 Placer County Grand Jury reviewed correspondence between, and meeting minutes of, the Newcastle Elementary School District and the Newcastle Fire Protection District. The Grand Jury also interviewed representatives of the Newcastle Fire Protection District, the Newcastle Elementary School District and the Placer County Water Agency. In addition, an on-site inspection was conducted. Document review included portions of the almost 500-page California State Fire Code.

Facts

- In 2013 the NESD initiated a project to install portable classrooms at the school site.
- At that time, the NESD was advised by the NFPD of the need to upgrade the water flow at the school's fire hydrant to the 1500 gallons per minute (gpm) required by the State Fire Code. Currently the water flow is approximately 1/3 the present State fire code standard.
- The NESD committed to make the necessary upgrade within six months of the completion of the classroom installation, and, as a temporary measure, the NESD agreed to install a 5000-gallon water tank on site prior to opening of the school on August 14, 2013 in order to provide sufficient water in the event of a fire.
- The initial plan of the NESD was to increase the size of the pipe feeding the school hydrant to 8" diameter and to install a second hydrant. This plan was determined to be inadequate after a water flow test by PCWA at "upstream" hydrants established that only a flow of 1200 gpm at each hydrant would be achieved by this plan. As a result, the project was delayed even though the combined flow of the two hydrants would be 2400 gpm, which would be well above the 1500 gpm requirement for a single hydrant.
- The installation of the portable classrooms was completed in August of 2013.

- On September 27, 2013 the NFPD provided written notice to the NESD that they were in violation of the National Fire Code, and also stated that the NESD had made little or no effort to provide an agreed upon 5000-gallon temporary storage tank on-site water supply.
- Two water tanks totaling 5000 gallons have since been installed. The NESD is under the impression the tanks would be utilized in case of need by fire fighters. The NFPD has stated that the connections associated with the tanks are unsuitable, and firefighters would not attempt to use them. However, the NFPD has arranged for at least two 5000-gallon tanker trucks from neighboring fire departments to provide additional water to be immediately dispatched in the event of a fire at the school location. The first fire truck on scene would contain a minimum of 500 gallons in its tank to begin initial fire fighting efforts.
- In the September 27, 2013 letter, the NFPD issued a deadline of February 14, 2014 for the hydrant system to be upgraded or the NFPD would take action to ensure the safety of the school, threatening school closure, if necessary. Currently, the NFPD considers that the temporary measures taken by both districts are adequate and does not believe school closure is necessary.
- Although there appears to be considerable communication about the project between the agencies, as of mid-March, 2014 the PCWA had not received an application or plans for the upgrading of the hydrant system. The PCWA has provided an expedited schedule for the project and the NESD has provided to the Grand Jury and the NFPD a schedule for completion of the upgrade. Per a written agreement between NFPD and NESD, dated February 14, 2014, completion of the project will occur “no later than August 8, 2014”.
- The newly installed portable classroom buildings block access to the rear of the school. The September 27, 2013 NFPD letter recommended that there be a compacted roadway to provide access, but has since determined there is insufficient space to provide safe access from the back of the school if such a roadway were available. Any fire truck would be too close to the structures and at risk if a fire resulted in building collapse. For that reason, the Grand Jury was informed fire trucks would not be allowed to utilize the rear access road even if it were available.
- The State Fire Code sets standards for new construction. It does not require automatic upgrade of older construction to current code.
- The Grand Jury was informed that there was concern by parents about a buildup of brush adjacent to the schoolyard.

Findings

- F1 The NESD has an evacuation plan for students and it would be implemented for the students to be evacuated while an emergency 911 call was being phoned in. It is expected that students would be evacuated before fire fighters arrived. The purpose of this report was to assess the risk to students as a result of a fire hydrant with below standard flow. Although the Grand Jury believes the low-flow hydrant issue should have been addressed years ago, the lower-than-standard flow is more an issue of rapid suppression of a fire to save facilities than a safety issue for students.
- F2 The NFPD fire station is approximately $\frac{1}{4}$ mile away, and reachable in four to six minutes, Students would most likely be evacuated within the time required for the first unit to arrive on scene. The initial responsibility of the first unit on scene is to assess the situation and rescue persons before connecting to the hydrant.
- F3 There would be sufficient water available to begin fire fighting until the tanker trucks from neighboring fire stations arrived.
- F4 The NESD has committed to completing temporary and permanent solutions to the low-flow hydrant problem but has, as of mid-May, failed to meet its commitments.
- F5 As of March 19, 2014, no applications or plans had been submitted to the PCWA for approval. NESD's schedule indicates that the plans were to have been submitted as of March 3, 2014.
- F6 NESD's schedule requires the district to advertise the project and possibly open bids before the required Development Agreement with the PCWA is approved.
- F7 Inaction and delays on the part of the NESD have jeopardized the likelihood of this project being completed prior to the start of the 2014 – 2015 school year.
- F8 As the Grand Jury understands it, the current plan will result in two fire hydrants with flow of about 1,200 gallons each for a total flow of 2400 gpm rather than the required one hydrant with a flow of 1500 gallons. This is a satisfactory resolution to the original problem. The upgrade will replace an old section of water pipe installed in the 1940s, thus increase reliability of the water delivery system.
- F9 A single line supply would leave the school with no water for fire fighting in case of catastrophic failure of the line. For this reason, the NFPD increased the 5000 gallon requirement that the NESD provide tanks on-site to a total of 15,000 gallons capacity

as a backup measure to assure water availability in the event of catastrophic failure of the water supply source to the hydrants. A desirable loop connection from the Kentucky Greens development, which should also allow sufficient flow to meet the 1500 gpm minimum standard, will be planned for the future when future development is approved. Cost for that loop connection would be borne by the developer, not the NESD. After a loop connection is made there will no longer be need for the 15,000 gallon on-site water storage because if one line has a failure, water will still flow through the other side of the loop.

- F10 The fact there has been no action in regards to addressing the below standard flow of the fire hydrant is related to the facts that the school was originally constructed to standards in existence at the time of construction and the State School Board does not require upgrading to current fire code standards unless there is a compelling reason to do so.
- F11 Parents of students volunteered to clear brush on school property and have partially cleared the brush. The NESD has approved a contract for brush removal.

Recommendations

The Grand Jury recommends:

- R1. The NESD honor its commitment and complete the project of upgrading the fire hydrant system in accordance with the newest scheduled completion date (August 2014) as agreed to with NFPD and presented to the Grand Jury.
- R2. The NESD and NFPD reach agreement that the as yet to be installed 15,000 gallon water storage connections, materials of construction and venting of tanks are adequate for use by the fire fighting units and would be utilized if the need arises. In addition, determine who is responsible for maintaining the system.
- R3. The Placer County Superintendent of Schools monitor the progress of the project.

Request For Responses

NESD Board of Directors

460 Main Street
P. O. Box 1028
Newcastle, CA, 95658

R1, R2

Due by: October 1, 2014

Kathleen Daugherty

Superintendant of NESD
460 Main Street
P. O. Box 1028
Newcastle, CA, 95658

R1, R2

Due by: October 1, 2014

Gayle Garbolino-Mojica

360 Nevada Street
Auburn, CA 95603

R3

Due by: September 1, 2014

Copies Sent To:

NFPD Board of Directors

P. O. Box 262
Newcastle, CA 95658

PCWA Board of Directors

P. O. Box 6570
Auburn, CA 95604



PLACER COUNTY GRAND JURY

PLACER COUNTY ANIMAL SERVICES FACILITY

In a Perfect World

Placer County Animal Services Facility

Summary

This report documents the 2013-2014 Placer County Grand Jury's investigation of the proposed new Placer County Animal Shelter. The investigation focused on these issues:

- First, whether a thorough analysis was conducted by county staff to identify specific deficiencies in the existing animal shelter, and a cost estimate made to determine the monies needed to bring the existing facility to the desired standards.
- Second, whether a "fix versus replace" cost analysis was conducted.
- Third, whether the specifications for the proposed animal shelter are based on Placer County's current animal service deficiencies or on compliance with statewide and national trends which have transpired in the animal care industry over the last decade.
- Fourth, whether the new animal shelter is required in order for Placer County to be in compliance with California SB 1785 passed in 1998.

The objective of the Grand Jury's investigation was to determine if the high cost (estimated at \$21.6M on December 10, 2013) for the new proposed animal shelter is justifiable relative to other needs of Placer County. In summary, the Grand Jury found no evidence that a cost estimate and fix versus replace cost analysis was conducted. The Grand Jury found the "Needs Assessment" report prepared by George Miers & Associates focused on trends which have transpired in the animal care industry rather than specific needs of Placer County or on the deficiencies of the existing facility. The Grand Jury recommends that a current fix versus replace analysis be conducted and if a replacement facility is justified, then the design be based on the needs of Placer County.

Background

In July 2013 the Grand Jury became aware of the Placer County plan to build a new Animal Shelter, and the cost for this project was an estimated \$23.6M. An investigation was launched to determine why a new animal shelter was needed, rather than modifications to the existing facility. Also of concern was the \$23.6M estimated cost in light of economic conditions.

Investigation Methods

The Grand Jury utilized a variety of resources in this investigation that included:

- Tours of the Placer County and the Sacramento County Animal Shelters.
- Reviews of the following documents:
 - Placer County Animal Services Facility Needs Assessment, September 4, 2002.
 - Placer County Animal Services Facility Needs Assessment, September 4, 2002, Revised January 29, 2004.
 - Placer County Facility Services Department Request for Proposals (RFP) for Phase 1, Prequalification of Design/Build Entities for New Animal Shelter Facility. Release date of May 23, 2013.
 - Humane Society of the United States Professional Animal Services Consultation Report dated June 22, 1999.
 - Placer County Animal Services Facility Needs Assessment Update, Placer County/Placer SPCA Co Location Study, February 20, 2008.
 - Shelter Capacity and Housing Recommendations, Placer County Animal Shelter, dated October 25, 2012. Prepared by UC Davis Koret Shelter Medicine Program.
 - Text of California Senate Bill SB 1785 passed and approved by the Governor in 1998.
 - Memorandum from Peggy Zariello, Assistant Division Director of Placer County Health and Human Services Department to Westley Hicks, Director dated January 6, 2014.
 - Memorandum from Mike Winters, Animal Services Manager, to Westley Hicks dated January 7, 2014.
 - Report of the 1999-2000 Grand Jury relative to the Placer County Animal Shelter.
- Interviews with a Board of Supervisors representative and County staff involved in the planning of the new facility.

Facts

California SB 1785 passed in 1998 established credible goals that define the evaluation of existing facilities and the way domestic animals are to be housed and treated. These goals state that the animal shelter shall:

- Provide a safe, healthy environment to house lost animals until they can be reunited with their owners.
- Have adequate capacity to hold the animals.

- Promote good health, and prevent the transmission of contagious diseases.
- Provide an adequate opportunity for each adoptable animal to find a home with a responsible adopter.

The existing animal shelter:

- Has a capacity for 115 animals.
- Receives approximately 2300 animals per year.
- Has a contract veterinarian on site three (3) days per week.
- Holds animals for a minimum of 72 hours while seeking owners.
- Does not euthanize animals for time and space, only if sick or vicious and unadoptable.
- Has a six stall stable for horses and larger animals.
- Has a portable modular unit type building for the veterinary clinic.
- Has another portable modular unit for animal control staff and dispatcher.

The Placer County Request for Proposal (RFP) states the new animal shelter will include but not be limited to the following:

- Interior space of 29,000 square feet (SF) – approximately four times as large as the existing facility.
- Exterior facilities of 8,800 SF of covered and enclosed space.
- Size for approximately 180 animals.
- A design for expandability while being minimally disruptive to the existing facilities operation.
- Contain the following:
 - Public Lobby, Reception, Retail, Admin and Adoption component
 - Multipurpose Room
 - Incoming Animal Receiving and Exam component
 - Animal Holding and Adoption Housing component
 - Animal Holding component
 - Animal Control Officer component
 - Staff Facility component
 - Volunteer Facility component
 - Shelter Veterinary Medical component
 - Laundry component
 - Euthanasia component
 - Animal get acquainted and exercise areas
 - Exterior pens for Feral Cats
 - Vehicle Sallyport

Findings

- F1 The “Needs Assessment” report prepared by George Miers & Associates based its recommendations on trends which have transpired within the domestic animal care industry over the past decade, instead of basing recommendations on the needs of Placer County and the deficiencies of the existing animal shelter.
- F2 The Grand Jury found that the existing animal shelter has met many of the goals defined in the “Needs Assessment” report.
- The current facility is not overcrowded. At the time of inspection less than 50% of the holding pens were in use.
 - Animals are never euthanized due to length of stay, only for disease or temperament that makes them unadoptable.
 - The current facility has a veterinary building for neutering and other surgeries.
- F3 The Grand Jury found that the existing animal shelter is deficient in:
- Adequate staff support areas.
 - A lobby of sufficient size to accommodate the adoption of animals and the surrender of unwanted animals.
- F4 The Grand Jury found that the existing facility is in compliance with California SB 1785. The facility is clean and the use of volunteers allowed the facility to be run with minimal staff.
- F5 The Grand Jury found no evidence that a “cost to fix” estimate or a “fix versus replace” analysis were conducted by the county staff.
- F6 The Humane Society of the United States Professional Animal Services Consultation Report dated June 22, 1999 (the “June 1999 Report”) investigated, among other things, the existing animal shelter and made recommendations for improvements and repairs that were needed. The Grand Jury was informed that certain of the recommendations of the June 1999 Report have been implemented. However, the Grand Jury was unable to learn which specific recommendations were implemented. In addition, the June 1999 Report has not been updated to document the recommendations that were implemented, the improvements that may have been made, or new problems or deficiencies that may have surfaced subsequent to the June 1999 Report. Neither the January 6, 2014 memorandum received from Peggy Zarriello nor the January 7, 2014 memorandum from Mike Winters were, in the opinion of the Grand Jury, an update to the June 1999 Report.

Conclusion

The Summary Section of the January 29, 2004 revision of the Placer County Animal Shelter Needs Assessment Report by George Miers & Associates states “The generic type of shelter which exists today in Placer County is no longer considered acceptable by the majority of public and private animal care organizations, not to mention the general public”. The Grand Jury found no evidence to support this position.

In a “Perfect World” with unlimited resources, an animal facility of this size and magnitude could be justified, but as society competes for limited resources and must make difficult decisions on the allocation of funds for Seniors, as well as homeless and disabled persons, this Grand Jury recommends that the animal shelter be limited in size and features that meet current and near future needs rather than long term projections. If shelter capacity requirements grow in the future, Placer County can capitalize on the expandability features of the design.

Recommendations

The Grand Jury recommends:

- R1. The Board of Supervisors direct staff to conduct a “fix versus replace” cost analysis for the existing animal shelter.
- R2. The Placer County Board of Supervisors ensure that, if a new shelter is warranted, that the design be focused on the needs of Placer County.
- R3. The June 1999 Report be updated to document the recommendations that were implemented, the improvements that may have been made, and new problems or deficiencies that may have surfaced subsequent to the June 1999 Report.

Request for Responses

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

R1-R3 **Due by: October 1, 2014**

Mary Dietrich, Director
Department of Facility Services
11476 C Avenue
Auburn, CA 95603

R1-R3 **Due by: October 1, 2014**

Copy Sent to:

Holly Heinzen, Chief Assistant County Executive Officer
175 Fulweiler Avenue
Auburn, CA 95603



PLACER COUNTY GRAND JURY

CITY OF ROSEVILLE

**PENSION OBLIGATIONS
ARE INCREASING RAPIDLY**

CITY OF ROSEVILLE

PENSION OBLIGATIONS ARE INCREASING RAPIDLY

Summary

Concerns have been expressed throughout California and the nation about the rising cost of public pensions. To determine if similar concerns are warranted in Placer County, the Grand Jury initiated reviews of the pension programs at two Placer County cities, Roseville and Rocklin. This report focuses on the City of Roseville and the steps that have been taken to address the escalating cost of its pension plans. Over a five year period, Roseville's annual payments to the California Public Employees Retirement System (CalPERS) to fund its pension obligations will have increased 39%. CalPERS reported an annual contribution of \$17.8 million in FY (fiscal year) 2009-2010 and an estimated contribution of \$24.8 million for FY 2014-2015. Significant increases like these continue to deplete financial resources leaving less available for City operations; however, it must be noted that during this time Roseville has paid its annual required contribution to CalPERS in full.

Compounding this trend is the alarming growth of the unfunded liability in Roseville's pension fund. As of June 30, 2007, based on the market value of assets in the fund, CalPERS reported an unfunded liability of \$51.3 million. By June 30, 2012, it reported the unfunded liability at \$252.7 million, representing a nearly 400% increase over that period. Again, it must be noted that Roseville has always met its obligations, but the future is in peril if this trend continues. Recent changes by CalPERS to economic and demographic assumptions about inflation, investment returns, and retiree life expectancy will also negatively impact the long-term funding of the system.

To address some of these escalating costs, the City has negotiated with its employee groups to have the employees begin to pay a larger portion of their employee contribution to the pension fund. Also, PEPRA (The Public Employees Pension Reform Act of 2013) created, among other reforms, a less generous pension plan for new public employees which should serve to stem cost increases in the long run. Also, under PEPRA, new employees will be contributing more toward their pensions than existing employees. In 2009, 2010 and 2011, Roseville experienced a reduction in workforce of 170 employees. These measures help to mitigate the rising cost of public pensions, but the City must continue to find ways to contain costs. Only this will ensure the long-term fiscal health of the City's pension programs and its City services. The responsibility lies with the public employees, their unions and the City leadership to work together to continue to serve the needs of the citizens of Roseville.

Glossary

Unfunded Liability -The difference between a pension plan's expected benefit payments and the plan's current assets available to pay benefits.

Safety Group - Fire and Police employees (both sworn and non-sworn).

Miscellaneous Group -Those employees not included in the Safety Group, such as the electrical workers, stationary engineers, management and administrative employees.

MOU - Memoranda of Understanding (modifications to the Union agreements).

PEPRA - The Public Employees Pension Reform Act of 2013 (California).

CalPERS - California Public Employees Retirement System.

Background

The City of Roseville sponsors two public employee retirement plans administered by CalPERS. The two plans cover Roseville's fire and police (Safety Group), and its miscellaneous employees (the Miscellaneous Group). As with all local governments in California which contract with CalPERS to administer their pensions, Roseville is subject to California's recently passed Public Employee Pension Reform Act of 2013. All Roseville pension plans provide retirement benefits based on the retiree's years of service with the City, their age at retirement, and their final compensation. The City's MOU (memoranda of understanding) with its employee unions, spell out the pension benefits for its employees. In the year ended June 30, 2012, there were 573 retired Members and Beneficiaries in the miscellaneous group who were paid a total of \$15.5 million in pension benefits. In addition to that, there were 151 retired Safety Members and Beneficiaries who were paid \$7.8 million in pension benefits.

To fund employee pensions, the City and its employees make contributions over the course of an employee's career. These contributions along with investment earnings through CalPERS are expected to pay all of the employees' future pension benefits. Employer contribution rates are established through annual actuarial evaluations which are prepared for Roseville by a CalPERS actuary. For fiscal year 2013-14, the rate of the City's contribution was set at 34.3% of payroll for safety employees and 21.8% for miscellaneous employees. In addition to the employer contribution, the City also pays a diminishing percent of the employee's contribution. This employee contribution is established in the

memoranda of understanding that have been negotiated between the City and its employee groups as 9% for Safety employees, and 8% for Miscellaneous employees.

In addition to pension benefits, the City provides retirees medical and dental coverage.

Investigation Methods

The Grand Jury conducted the investigation in the following manner:

- Interviewed the acting CFO of the City of Roseville to gain an understanding of the current status of the pension plans and methods currently being incorporated to reduce unfunded liabilities and reduce required employer contributions. The Grand Jury also questioned him about specifics as to employee benefits that impact the required contributions to CalPERS each year.
- Obtained and reviewed the actuarial reports from CalPERS covering 2007 through 2012 for each of Roseville's pension plans.
- Reviewed the Public Employees Pension Reform Act of 2013.
- Interviewed the CalPERS actuary who prepared the reports to gain a better understanding of the computations.

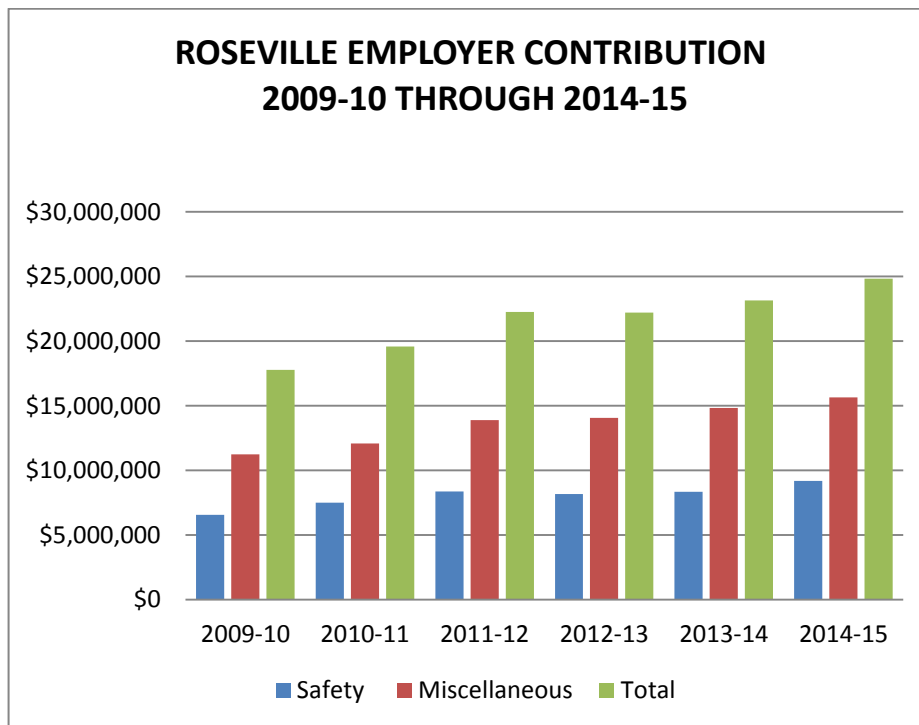
Facts

Each year, the City of Roseville (City) makes a required employer contribution to fund its pension plans for City employees. Also, under the MOUs currently in place, the City employees are paying more to the pension funds than in past years. For example, the City's miscellaneous employees are now paying 8% of their salaries to the retirement funds while in the previous MOU, the City had been picking up the employee share of the payment. Similarly, the sworn police and fire employees are now paying 9% of their salaries while in the previous MOU the city had been paying the employee share.

- Each year, CalPERS prepares actuarial reports to determine the required employer contribution (21.8% of Miscellaneous payroll for Fiscal 2013-14 and 34.3% of Safety payroll for FY 2013-14). CalPERS uses City data available at the end of each fiscal

year to prepare employer rates two years into the future. Thus, the projection for FY 2014-15 is 22.5% of Miscellaneous payroll and 35.7% of Safety payroll.

- As the Chart below shows, between fiscal years 2009-10 and 2014-15, Roseville’s employer contributions will have increased from \$17.8 million to \$24.8 million. This represents a 39% increase. This escalation continues to diminish the funds available for other needed City services.

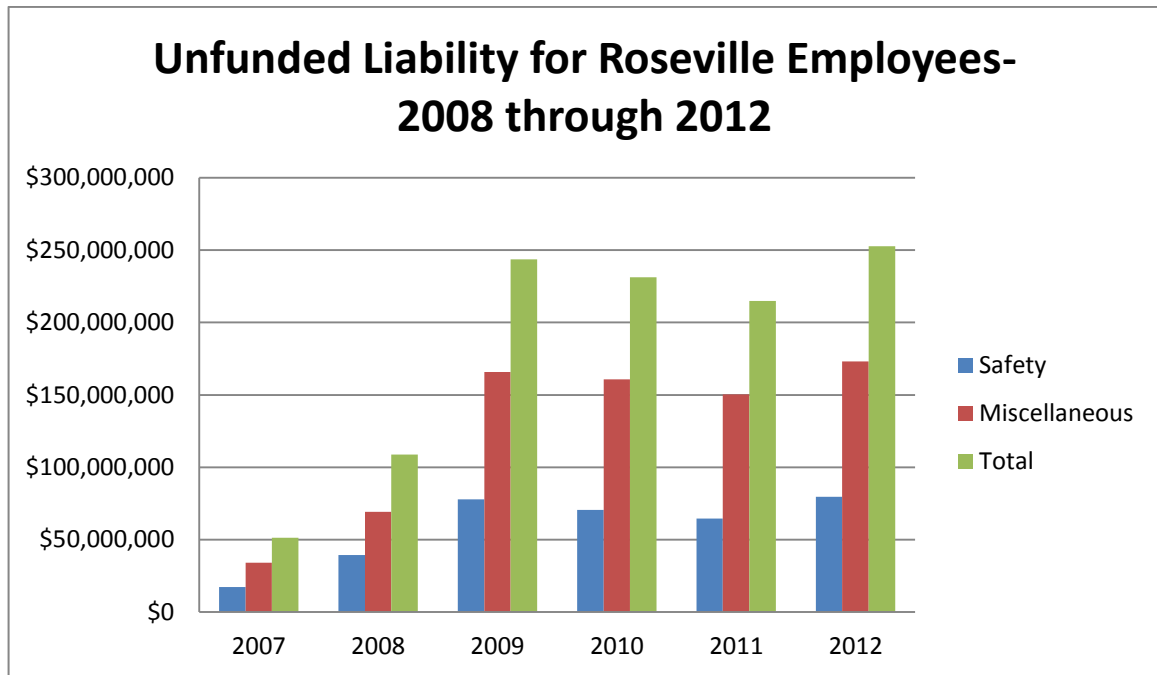


- Several factors contribute to the overall cost of Roseville’s pension plans. Included are the number of covered employees, the salaries of those employees, the age and life expectancy of the employees, and the investment returns from CalPERS investment on those funds.
- Over the past five years, Roseville has negotiated changes to its employee pension plans that are set forth in MOUs with the various employee groups. One recent change that has taken place is the percent of the employee contribution the City would pay on the employee’s behalf. This City contribution to the employee’s share is then added to the final employee’s salary at the time the employee retires for the purpose of determining the employee’s pension benefit.

- Each year, Roseville's retirees receive a cost-of-living increase based on that year's increase in the CPI (consumer price index) but no greater than 2%.
- The California Legislature passed PEPRA in 2012 which allows local governments that contract with CalPERS to reduce their pension liability in the long run by creating a less generous pension plan for newly hired employees who do not have prior CalPERS service. The new law also directs local governments to negotiate higher pension contributions from current employees as MOUs come up for renewal. If this action is unsuccessful through negotiations with the employee groups, in 2018 the local government can impose higher employee contributions once impasse procedures have been exhausted.

Findings

- F1. Roseville's annual payment to CalPERS to fund its pension plans have increased by 39% from FY 2009-10 to FY 2014-15.
- F2. Changes that CalPERS has recently made to key economic and demographic assumptions over the past three years have added to the City's annual contribution with more increases expected in 2016-17.
- F3. As shown in the chart below, based on the market value of the assets in the pension funds, Roseville's unfunded liability from 2007 to 2012 has increased by almost 400% to a total of \$252.7 million as of June 30, 2012.
- F4. While CalPERS would like to have the pensions totally funded at 100%, they understand that market conditions make that unlikely. Roseville's value of funded ratios for miscellaneous employees has dropped from 86.8% as of June 30 2007 to 59.7% as of June 30, 2012. For safety employees the funded ratios have decreased from 86.6% as of June 30, 2007 to 62.7% as of June 30, 2012. These funding ratios are below the 80% that is considered prudent for a defined benefit retirement plan.
- F5. Growth in the City's unfunded liability means that the value of the assets out of which benefits are paid has not kept pace with the increase in Roseville's pension obligations.



- F6. Principal among the many factors that have contributed to the increase in the City's unfunded liability were CalPERS investment losses suffered in 2008 and 2009.
- F7. Other factors have also contributed to the unfunded liability, such as the negotiated MOUs with employee groups for a "golden handshake" that Roseville offered to its employees in 2009 and 2010, in which eligible employees who agreed to retire within a specified window of time, received a two year service credit added to their years of service which, of course, enhanced their pension benefit. Also, over the past five years, Roseville has experienced a higher number of retirements than in earlier years, partially as a result of those "golden handshakes."
- F8. CalPERS lowered the discount rate in 2012 from 7.75% to 7.5% adding to the City's unfunded liability.
- F9. To its credit, over the past five years, Roseville has taken a number of steps to ensure that it is able to continue to operate a sufficiently funded pension plan for its employees. These include:
- a. As early as 2011, Roseville employees began to pay a portion of their contribution to the pension fund. The employee contribution is 8% for miscellaneous employees and 9% for safety employees. Prior to this, the City paid both the employer and the full share of the employee contribution.

- As the employees continue to pay more of their employee contribution, the City should eliminate the past practice of treating the City's payment of the employee contribution to the pension fund as income to the employee. This will reduce the City's pension cost for retiring employee's by reducing the employee's final salary in computing their retirement allowance.
- b. Over the past five years, Roseville experienced reductions in force of 170 personnel. Some employees were laid off while others resigned voluntarily or retired and were not replaced. This reduction in the City's workforce should help reduce its pension liability.

Conclusion

During the past five years, Roseville has taken steps to contain the escalating costs of its pension programs. It has reduced the size of its workforce by 170 personnel and is implementing the Public Employees Pension Reform Act of 2013, which establishes a less generous pension benefit for employees hired after January 1, 2013, and should help slow pension cost increases. Roseville employees have begun to contribute more toward the cost of their pensions, whereas before, the City had paid a greater share of the employee's contribution. In spite of these actions, the City's annual contributions and the unfunded liability continue to grow. The recent strong returns from the CalPERS investment portfolio should have a moderating impact on Roseville's unfunded liability and will tend to offset the very poor investment years in 2008 and 2009.

However, further growth to the City's pension liability is likely, given the recent changes that CalPERS has made to the economic and demographic assumptions it uses to project how much local government pension plans will need to cover future benefits. In 2012, for example, CalPERS lowered the discount rate from 7.75% to 7.5%, which has increased the City's pension contribution. Then, in April 2013, CalPERS changed the way it phases in gains or losses to the fund over time, a process called "smoothing." This change will impact the long term funding of the pension plans. In February, 2014, CalPERS adopted another change that will raise employer contribution rates to cover the increasing life expectancies of retirees. To absorb the impact of these changes, the City must continue to find ways to contain costs and ensure the long-term fiscal health of the City's pension program.

Recommendations

The Grand Jury recommends that the City of Roseville:

- R1. Continue to take steps to limit the growth of its annual required contribution and its unfunded pension liability by closely monitoring payroll growth, and continuing to negotiate with the employee unions over the amounts those employees will contribute to their pensions.
- R2. Continue the practice of briefing the City Council on the results of the annual actuarial evaluation of its pension plans prepared by CalPERS.
- R3. Determine ways that the City could make additional payments to CalPERS to reduce the unfunded liability in its pension plans.

Request for Responses

Ray Kerridge

City Manager

City of Roseville

311 Vernon Street

Roseville, California 95678

R1, R2, R3

Due by: October 1, 2014

Copy Sent To

Monty Hanks

Assistant Finance Director

City of Roseville

311 Vernon Street

Roseville, California 95678



PLACER COUNTY GRAND JURY

CITY OF ROCKLIN

PENSION OBLIGATIONS ARE INCREASING RAPIDLY

CITY OF ROCKLIN PENSION OBLIGATIONS ARE INCREASING RAPIDLY

Summary

In view of the concerns that have been expressed throughout California and the nation about the rising costs of public pensions, the Grand Jury initiated reviews of the pension programs at two Placer County cities, Roseville and Rocklin. This report focuses on the City of Rocklin and the steps that Rocklin has taken to address the escalating cost of its pension plans. Over the past five years, Rocklin's annual payments to CalPERS to fund its pension plans have increased 19% from \$3.6 million to just over \$4.3 million. However, the more than 300% growth in the size of Rocklin's unfunded liability related to its largest employee group, the miscellaneous employees, over a five year period, is a major concern. In addition, recent changes by CalPERS to economic and demographic assumptions about inflation, investment returns, and retiree life expectancy will further impact the long-term funding of the system. To address these escalating costs, the City has negotiated with two of its employee groups to have the employees begin to pay a portion of their employee contribution to the pension fund. The City had previously been paying the entire amount. Also, in 2012, Rocklin created a tier two pension plan for new police safety and miscellaneous employees which should serve to stem cost increases in the long run, since these employees will be contributing more toward their pensions than existing employees.

Glossary

Unfunded Liability-The difference between a pension plan's expected benefits payments, and the plan's current assets available to pay benefits.

Miscellaneous Employees-Those Rocklin employees who are not police or fire safety employees.

Memoranda of Understanding (MOU)-The agreements between the City and the employee associations and unions covering salaries, benefits and working conditions of City employees.

Background

The City of Rocklin sponsors three public employee retirement plans administered by the California Public Employees Retirement System (CalPERS). The three plans cover Rocklin's fire employees, the police safety employees and its miscellaneous employees. As with all local governments who contract with CalPERS to administer their pensions, Rocklin is subject to California's current pension law, the Public Employee Pension Reform Act of 2013. All Rocklin pension plans provide retirement benefits based on the retiree's years of service with the City, their age at retirement and their final compensation. The City's memoranda of agreements with its employee unions, which are renegotiated every few years, spell out the pension benefits for its employees. As of June 30, 2011 there were 107 retired members and beneficiaries of the City. During fiscal year 2010-11, the average annual benefit paid to retirees who retired as miscellaneous employees was \$21,525.

To fund employee pensions, the City and its employees make contributions over the course of an employee's career. These contributions along with investment earnings are expected to pay all of the employees' future pension benefits. Employer contribution rates are established through annual actuarial evaluations which are prepared for Rocklin by a CalPERS actuary. For fiscal year 2013-14, the rate of the City's contribution for safety employees was set at 26.15% of payroll and 15.65% for miscellaneous employees. In addition to the employer contribution, the City also picks up most of the employee's contribution, which is established in the memoranda of agreements between the City and its employee groups as 9% for safety employees and 7% for miscellaneous employees.

In addition to pension benefits, the City provides its retirees medical and dental coverage.

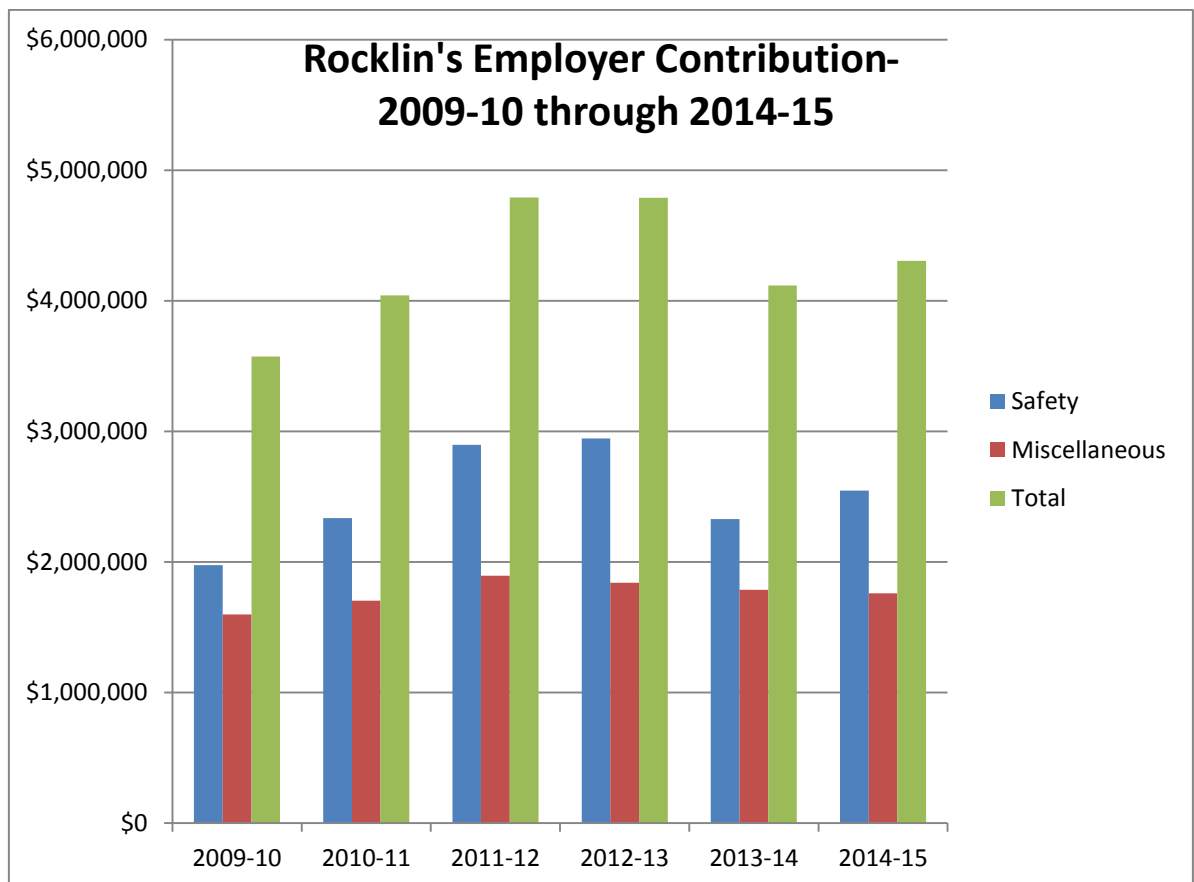
Investigation Methods

The Grand Jury:

- Interviewed the City Manager and the Chief Financial Officer of the City of Rocklin about the status of its pension plans;
- Obtained the actuarial reports covering 2007 through 2012 for each of the City of Rocklin's pension plans;
- Interviewed the CalPERS actuary who prepared the reports in order to gain an understanding of actuarial reports.

Facts

- Each year, the City of Rocklin makes a required employer contribution to fund its pension plans for City employees. Per the MOUs, the City also pays for much of the employee share of the annual payment to the pension funds.
- Each year, CalPERS prepares actuarial reports to determine the required employer contribution. CalPERS uses City data available at the end of each fiscal year to prepare employer rates two years into the future.
- The following chart shows that between fiscal years 2009-10 and 2014-15, Rocklin's employer contributions will increase from \$3.6 million to \$4.3 million.

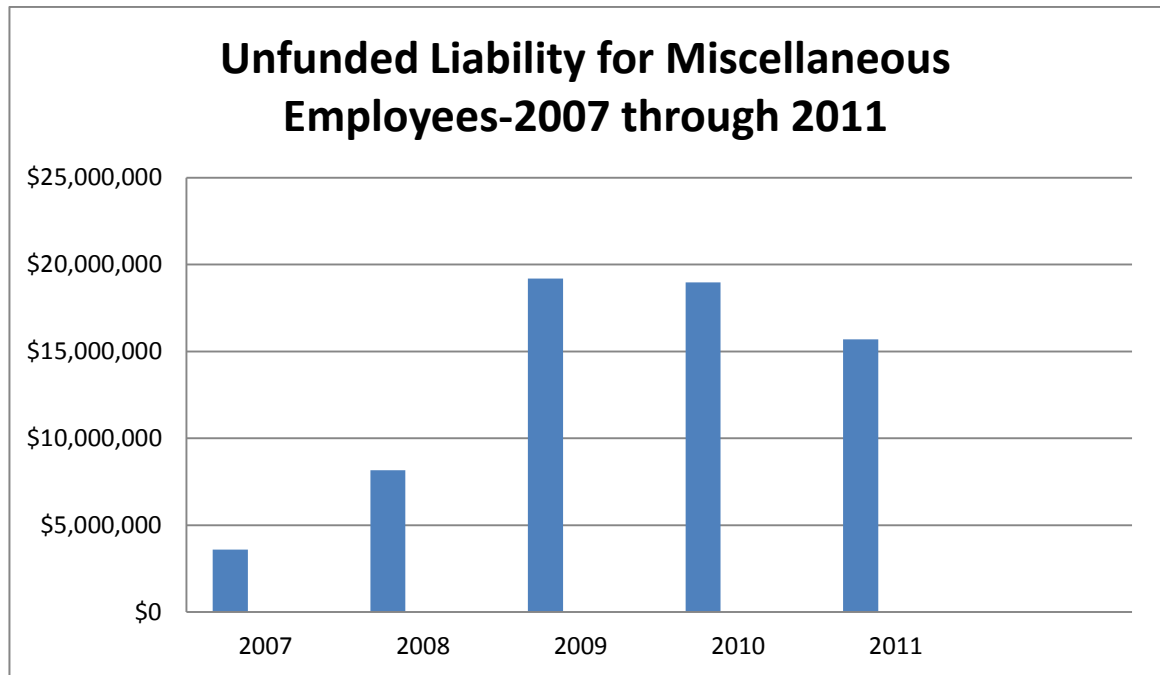


- A number of factors contribute to the overall cost of Rocklin's pension plans, including the number of covered employees, the salaries of these employees, the age and life expectancy of the employees and the investment returns of the funds.

- Over the past five years, Rocklin has not negotiated any enhancements to its employee pension plans.
- Rocklin sponsors a “stand-alone” plan for its largest employee group, the miscellaneous employees, while the fire and safety plans, which cover fewer employees, are combined into a large risk pool with other local governments throughout California.
- Annually, Rocklin retirees receive a cost-of-living increase based on that year’s increase in the consumer price index, but no greater than two percent.
- In 2012, the California Legislature passed pension reform legislation which allows local governments that contract with CalPERS to contain their pension liability in the long run by creating a less generous pension plan for newly hired employees, who do not have prior CalPERS service. The new law directs local governments to negotiate higher pension contributions from employees, and if this is unsuccessful, in 2018 the local government can impose higher employee contributions, once impasse procedures have been exhausted.

Findings

- F1. Rocklin’s annual payment obligation to CalPERS to fund its pension plans has increased by 19% between fiscal years 2009-10 and 2014-15. However, changes that CalPERS has made to key economic and demographic assumptions over the past three years have added to the City’s annual contribution obligation with more increases beginning in 2016-17.
- F2. As noted in the following chart, the more than 300% increase in the City’s unfunded liability for just the miscellaneous employees between 2007 and 2011 from \$3.6 million to \$15.7 million is a concern.



- F3. Data to trend the unfunded liability for Rocklin police and fire employees is not available since the retirement plans for these two smaller employee groups is pooled with employee groups of numerous other local governments. The Grand Jury did obtain data for 2011, and the unfunded liability for Rocklin's police and fire employees added another \$15 million. This makes the City's total unfunded liability over \$30 million for 2011.
- F4. Growth in the City's unfunded liability means that the value of the assets out of which benefits are paid has not kept pace with the increase in Rocklin's pension obligations. More specifically, the ratio of assets to pay benefits over the fund's liability for benefits has experienced a reduction for the miscellaneous employees from 88.6% in 2007 to 69.2% in 2011, which is less than the 80% funding ratio that is considered prudent for a defined benefit retirement plan.
- F5. Many factors have contributed to the increase in the City's unfunded liability including CalPERS investment losses suffered in 2008 and 2009, even though such investment losses (or gains) are recognized over long periods of time, such as twenty years (Actuaries refer to this as "smoothing").
- F6. Other factors have also contributed to the unfunded liability, such as the "golden handshake" that Rocklin offered to a group of its employees in 2009, in which eligible employees who agreed to retire within a specified window of time, received a two-year

service credit added to their years of service which, of course, increased their pension benefit.

- F7. During the past five years, Rocklin has experienced a higher number of retirements than in earlier years.
- F8. CalPERS lowered the discount rate in 2012 from 7.75 to 7.5% adding to the City's unfunded liability.
- F9. The fact that over the past five years, Rocklin has reduced its overall payroll should have a moderating impact on its unfunded liability.
- F10. To its credit the City has taken a number of steps to ensure that it is able to continue to operate a sufficiently funded pension plan for its employees. These include:
 - a. As early as 2010, Rocklin employees began to pay a portion of their employee contribution to the pension fund, 7% for miscellaneous employees and 9% for safety employees. Prior to this time, the City paid both the employer and the full share of the employee contribution.¹
 - b. The City eliminated the past practice of treating the City's payment of the employee contribution to the pension fund as income to the employee for the purposes of determining the pensionable base earnings.
 - c. Rocklin initiated a tier two retirement plan for new miscellaneous and police safety employees with no prior CalPERS service credit. For employees hired after July 1, 2012, the miscellaneous employees contribute the full 7% employee share of CalPERS while the new public safety manager employees contribute their full 9% share of CalPERS.

¹ Although for three years (2010-2013), Rocklin firefighters paid a portion of the 9% employee share to the pension fund, they are not currently contributing.

- d. Over the past five years, Rocklin experienced a 74-employee reduction in force. Some of these employees were laid off, while other employees, who resigned voluntarily or retired, were not replaced. This reduction in the City's workforce should help reduce its pension liability.

Conclusion

During the past five years, Rocklin has taken steps to contain the escalating costs of its pension programs. In 2012, Rocklin adopted a new tier two pension plan for new miscellaneous and police safety employees, while over the past five years it reduced the size of its workforce by 74 employees. Furthermore, Rocklin employees have begun to contribute toward the cost of their pensions, whereas before, the City had picked up the entire annual pension payments. In spite of these actions, the City's unfunded liability for just its miscellaneous employees has more than tripled. In looking ahead, the recent strong returns in the CalPERS investment portfolio should have a moderating impact on Rocklin's unfunded liability. Also, the Public Employees Pension Reform Act of 2013 and the new tier two program that Rocklin adopted should slow pension cost increases down the road.

Adding to the City's pension cost, however, are recent changes that CalPERS has made to the economic and demographic assumptions it uses to project how much local government pension plans will need to cover future benefits. In 2012, for example, CalPERS lowered the discount rate from 7.75 to 7.5%, which has increased the City's pension contribution. Then, in April 2013, CalPERS changed the way it recognizes gains or losses to the fund which will impact the long-term funding of the pension plans. Finally, in February, 2014, CalPERS adopted another change that will raise employer contribution rates to cover increasing life expectancies of retirees. To absorb the impact of these changes, the City must continue to find ways to contain costs to ensure the long-term fiscal health of the City's pension programs and to ensure that the rising cost of pensions do not jeopardize other City services.

Recommendations

The Grand Jury recommends that the City of Rocklin:

- R1. Continue to take steps to limit the growth in its annual required contribution and its unfunded pension liability, by closely monitoring payroll growth, and continuing to negotiate with the employee unions over the amounts that employees will contribute to their pensions.

- R2. Continue the practice, begun in 2012, of briefing the City Council on the results of the annual actuarial evaluation of its pension plans.
- R3. Determine ways that it could make additional payments to CalPERS to reduce the unfunded liability in its pension plans, so that it attains the 80% funding level considered prudent for a defined benefit retirement plan.

Request for Responses

Ricky Horst

City Manager

3970 Rocklin Road

Rocklin, California 95677

R1, R2, R3

Due by: October 1, 2014

Copies to:

Kim Sarkovich

Chief Financial Officer

3970 Rocklin Road

Rocklin, California 95677



PLACER COUNTY GRAND JURY

PLACER COUNTY SPECIAL FIRE DISTRICTS:

OPEN-MEETING AND ETHICS LAWS COMPLIANCE

PLACER COUNTY SPECIAL FIRE DISTRICTS: OPEN-MEETING AND ETHICS LAWS COMPLIANCE

Summary

The Grand Jury has received numerous complaints about Special Fire Protection Districts (“Fire Districts”) in Placer County. Although these complaints involved different Fire Districts, none of them were about the quality of fire protection service but instead were about general governing activities of Fire District Boards. Most of these complaints involved the same or very similar issues. The Grand Jury reviewed these common issues which were primarily related to “open government/transparency” (i.e. Brown Act compliance) and/or proper compliance with general ethics requirements (“Ethics Training”).

Given this commonality of complaints, the Grand Jury completed a detailed study of five Fire Districts within the County relative to these two topics. As part of the Brown Act issue, websites of all Placer County Special Fire Protection Districts were reviewed.

The Grand Jury found that there are inconsistencies among the various Special Fire Districts with regard to compliance with the Brown Act and Ethics Training. This report makes separate findings as to the Brown Act and AB 1234 Ethics Training, but the Grand Jury’s focus for this report is on identifying systemic issues rather than specific violations in individual Fire Districts.

The Grand Jury recommendations are intended to encourage all Special Fire Districts within the County to determine a mechanism that will ensure that Brown Act requirements are understood and adhered to, and all elected board members of Special Fire Districts (and any other personnel they designate) comply with the State requirement of taking Ethics Training at least every two years.

Training on these issues will help reduce or eliminate non-compliance due to ignorance of applicable law. This training is considered essential for newly elected and incumbent Board members. Government elected officials need to be aware of activities which are, or could be perceived as, an ethical violation of the public trust. They also need to be sensitive to activities which may violate open meeting laws.

In addition, the Grand Jury makes recommendations which are intended to be a cost effective means of ensuring compliance while reducing administrative costs. These recommendations are consistent with a move toward consolidation of administrative services. During the interviews conducted by the Grand Jury, it became apparent that

many, if not most, board members and district personnel would be in favor of consolidation of (at bare minimum) administrative duties of the Special Fire Districts. There are pros and cons to such a consolidation which the Grand Jury believes should be considered. Perhaps the soon-to-be-released Placer County Local Agency Formation Commission report about Special Fire Protection Districts within Placer County can address the subject as a means to begin the discussions necessary to determine the feasibility of consolidation, particularly in the Western Placer County region that has been experiencing rapid urban growth in the past decades.

Glossary

AB 1234 / Ethics Training - Government Code Section 53234 et seq. establishes the training requirements for elected board members. Training must be completed within one year of assuming office and repeated every two years. Certification records are public records that must be maintained for at least five years.

Brown Act - refers to the Ralph M. Brown Act or “transparency/open meeting laws”. (California Government Code Sections 54950 – 54963.) This Act defines the rules with which the boards of directors must comply to assure all decisions and actions of the board occur in meetings open to the public.

Clerk’s Office - refers to the Placer County Clerk –Recorder/Registrar of Voters Office.

Fire District Boards - means elected governing boards providing oversight of Special Fire Protection Districts. These Boards typically consist of five members.

Form 700 - means the Statement of Economic Interest to be filed annually by certain state and local officials pursuant to Government Code Section 87200. The purpose of this filing is to disclose the official’s personal economic interests that might be affected while he or she is performing official duties. Sometimes persons refer to this as the “Conflict of Interest” statement.

LAFCo - means the Placer County Local Agency Formation Commission which is required to review each local public agency to confirm that services are provided efficiently and economically. LAFCo also reviews boundaries of local agencies.

Proposition 172 (“Prop 172”) - refers to the voter-approved Local Public Safety Protection and Improvement Act of 1993 which imposed a half-cent sales tax to be dedicated to local public safety including sheriff, police, county district attorneys, and corrections. Prop 172 was in response to a shifting of local property taxes to provide support to local schools

because of State deficits. Prop 172 revenue is allocated to counties and cities, but generally, Special Fire Protection Districts are not allocated Prop 172 monies.

Special Fire Protection Districts (also referred in this report as “Fire Districts”) - means the locally governed Fire Districts charged with the primary responsibility for fire protection and rescue services within a certain boundary. The Grand Jury has identified Special Fire Protection Districts in Placer County as follows:

- Alta Fire Protection District
- Foresthill Fire Protection District
- Loomis Fire Protection District
- Newcastle Fire Protection District
- North Tahoe Fire Protection District
- Penryn Fire Protection District
- Placer Hills Fire Protection District
- South Placer Fire Protection District
- Truckee Fire Protection District

Note: In addition, two other Special Fire Protection Districts in Placer County are not the subject of this report. Sacramento Metropolitan Fire District encompasses a very small area in Placer County and Rocklin Fire Protection District is a tiny district that is dwarfed by, and contracts for services from the City of Rocklin Fire Department. Also, fire services are provided by Northstar Community Services District and Squaw Valley Public Service District which have not been requested to respond to the recommendations of this report.

Background

After the Grand Jury received numerous complaints by citizens who live in various Special Fire Protection Districts, it became clear that many of these complaints, submitted by different individuals in different Fire Districts, involved two common issues. Those issues are Open Meeting/Brown Act compliance, and perceived ethical problems related to the actions of Fire District Board members. Rather than address specific complaints, the Grand Jury determined that it would be more useful to use those complaints as the basis for investigating why so many Placer County Special Fire Protection District Boards are being criticized.

Special Fire Protection Districts are independent agencies in the County, governed by their own Boards of Directors and are not subject to oversight by the Board of Supervisors. They are required to live within their own budgets which are not part of the County budget. Special Fire Protection Districts in rural areas received very limited allocation of Prop 13

property tax revenue. They also do not have access to Proposition 172 funds, as do cities and the County. However, Placer County has found a way to utilize Prop 172 funds to aid a number of the Special Fire Protection Districts by subsidizing the cost of dispatch from the Placer County Sheriff's Dispatch Center. In the same spirit of County assistance to valuable, yet cash-strapped fire districts, the Grand Jury has explored a couple of other options for consideration by the County to assist Special Fire Protection Districts in performing their legal obligations.

Investigation Methods

The Grand Jury reviewed and consulted the following:

- State codes pertaining to the Brown Act and AB 1234/Ethics Training, along with Proposition 172 (California Constitution Article X III, section 35) and related material.
- Records, policy manuals and board meeting agendas from five randomly selected Fire Districts, including three from which we had complaints.
- Representatives of these five Fire Districts were interviewed as well as the complainants and County employees.
- Review of all Placer County Special Fire Protection Districts' websites and online posting of agendas and minutes.
- Records of certification of AB 1234/Ethics Training obtained from the Placer County Executive's office and from the selected Special Fire Protection Districts.
- Website information about training provided by the State Fair Political Practices Commission (FPPC), the California Special Districts Associations (CSDA), and the California Institute for Local Government (ILG).

FACTS

Topic 1 – The Brown Act – Open-Meeting Laws

- Placer County has eleven Special Fire Protection Districts (only nine of which are the subject of this report) with elected boards and another two fire departments with elected boards providing services in addition to fire protection that have not been requested to respond to the recommendations of this report.
- Pursuant to California Health and Safety Code Section 13855, governing activities and meetings of Special Fire Protection Districts' Boards are subject to open government/transparency rules; otherwise referred to as the “Brown Act”. This law requires transparency in board actions and deliberations. The Brown Act specifically states that “***The people, in delegating their authority, do not give their public servants the right to decide what is good for them to know and what is not good for them to know.***”
- Within the last two years, the Grand Jury has received several complaints regarding non-compliance with the Brown Act by various Fire District Boards.
- Fire District board members receive minimal compensation, generally are volunteers with “day jobs”, and have limited experience with the regulatory constraints, intricacies, and responsibilities associated with Brown Act/Open Meeting laws.
- County Counsel attends all meetings of the Placer County Board of Supervisors, in part, to assure adherence to the requirements of the Brown Act. Most small Fire Districts cannot afford to hire an attorney to perform the same function for them. Government Code Section 27645 suggests County Counsel shall advise special districts only if the governing board is composed in whole or part of persons who are also members of the County Board of Supervisors. Special Fire Protection Districts generally do not have members of the Board of Supervisors on their particular fire district boards.
- The Brown Act has specific requirements for conducting open meetings and making agendas available to the public prior to meetings. In particular, Government Code Section 54954.2(a) (1) states “... *The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public, and on the local agency’s Internet Website, if the local agency has one*”.

FACTS

Topic 2 – AB 1234/Ethics Training

- Government Code Section 53234 et seq. (also known as AB 1234/Ethics Training) requires continuing education covering various subjects. These subjects include laws relating to:
 - financial gain by public servants
 - incompatible offices
 - gifts and travel restrictions
 - prohibition of use of public resources for personal or political purpose
 - prohibition of gifts of public funds
 - competitive bidding
 - open government, transparency, etc.
- This training is required of elected board members (if they receive compensation or reimbursement for expenses). A minimum of two hours of training must occur within one year of assuming office and at least every two years thereafter.
- Standards to meet this required training have been developed by the Fair Political Practices Commission (FPPC) and the California State Attorney General's Office (AG). Course material for this training is available on-line. If a local entity designs its own ethics training curriculum it must consult with the FPPC and the AG regarding the sufficiency and accuracy of the proposed course content.
- In addition to the State-mandated AB 1234/Ethics Training, local agencies/special districts may develop additional (but not conflicting) conflict of interest standards ("Ethical Behavior").
- Certification of the dates that local officials satisfied the AB 1234/Ethics Training requirement, and the entity which provided the training, are required to be maintained for at least five years. These certifications are considered public records.

Placer County Code Article 2.04.050 addresses AB 1234 Ethics Training for Elected Officials in Placer County. In particular, Section E states "*The county executive officer shall maintain records indicating both of the following:*

1. *The dates that the elected official satisfied the requirements of this article; and*
2. *The entity that provided the training."*

FACTS

Topic 3 – Miscellaneous Administrative Functions

- State law under Government Code 87200 requires elected officials, as well as other government employees and consultants, to file a Statement of Economic Interest, (i.e. Form 700), which must be available to the general public upon request. The Clerk's Office, whose personnel know when a person is elected within Placer County, has the responsibility for Form 700/Statement of Economic Interest recordkeeping for over 1500 Placer County officials.
- The Grand Jury was informed that the Placer County LAFCo is currently in the process of preparing an overdue report, which should include information about Placer County Special Fire Protection Districts. The 2012-2013 Grand Jury Report included a recommendation that LAFCo review the potential for consolidation of certain functions of Fire Districts.

Findings

Topic 1 – The Brown Act –Open-Meeting Laws

- F1. General Training - Although it appears most Fire Districts understand they must comply with Brown Act/Open Meeting laws, training provided to newly elected board members and key personnel is inconsistent. Some Fire Districts require website training about the Brown Act through various sources, whereas others simply recommend review of a district policy manual, which may not necessarily be up to date. At least one Fire District avails itself of conferences on this subject.
- F2. Continuing Education - Some district personnel associated with conducting open meetings have been with their particular districts for ten years or more, and completed "Brown Act training" only upon entering their respective offices (and not after that). Laws related to the Brown Act are updated periodically. Most districts do not have a specific policy related to continuing education on this issue. General training is available at various websites including www.csda.net (California Special Districts Association); [www.ca.ilg.org/AB1234 compliance](http://www.ca.ilg.org/AB1234_compliance) (California Institute for Local Government); and www.caag.state.ca.us. (State Attorney General's Office). The State-approved FPPC Ethics Training for Local Officials includes training on the Brown Act.

- F3. Legal Advice - Most Fire Districts must rely on outside counsel to advise them on Brown Act issues since they generally believe they do not have access to the County Counsel's Office. Most Fire Districts have a very limited budget, and may be reluctant to seek outside legal counsel on this law. Sometimes the same private law firms are answering the same basic compliance questions posed by District X which may have been answered (hypothetically) the day before to District Y. The County should consider ways in which to minimize this duplication of costs to Special Fire Protection Districts as it relates to basic training on the Brown Act.
- F4. Posting Agendas - The Fire Districts reviewed appear to be in substantial compliance with posting agendas at their respective physical locations per Brown Act requirements. However, some districts experienced "technical difficulties" and inconsistencies with regards to posting agendas online. A review of Fire Districts, which have websites, indicated that not all posted agendas are in substantial compliance with the Brown Act. At least two Fire Districts had ongoing website technical issues due to lack of availability of personnel with the necessary skills or technical support. Additionally, a third Fire District had specifically decided, outside of a public meeting and in violation of the Brown Act, not to post their agendas online.
- F5. Websites - Fire Districts have varying levels of sophistication related to maintenance of websites. Smaller districts which use volunteers do not necessarily have access to "webmasters" with technical expertise or time to create and maintain websites. Some districts use paid personnel, many use district board members, and others use relatives and volunteers. This inconsistency in designated responsibility for this function, or the informality of it, sometimes results in certain districts' untimely online posting of agendas or no on-line posting the agendas at all.
- F6. Agendas/Websites/Consolidation - The website posting of agendas for the Board of Supervisors (as overseen by the County Administrative Office) is a model of excellence. However, many Fire Districts are experiencing financial difficulties and do not have the financial resources to employ consultants to maintain websites as it relates to their legal obligations for posting agendas online. The public could have better access to information, and Fire Districts could have better accountability, if each Fire District could send its agendas to the County Administrative Services department for website posting. E-mailing agendas to one technical expert group within the County for posting would likely reduce technical issues, assist in keeping specific fire districts on track as it relates to time-line obligations, and make it easier for members of the public to go to the district's website for fire district agenda information. As an alternative, if Fire District agendas are maintained in-house, it is

critical that they have access to technical support as may be supplied by County Administrative Services.

Topic 2 – AB 1234/ Ethics Training

- F7. Ethics Training/ County Executive Office Records - When requesting training records from the County Executive’s Office (CEO) pursuant to the County Code (“AB 1234 Ethics Training for Elected Officials”), the Grand Jury was provided information for only the members of the Board of Supervisors and two other elected officials. Records are not maintained by the CEO’s Office for any Fire District elected officials. If a member of the public were to request such records today, they might reasonably conclude that the CEO’s Office has those records based upon the County Ordinance which states that the CEO’s office is required to maintain AB 1234/Ethics Training certifications for elected officials.
- F8. Fire Districts’ Maintenance of Records - With the exception of one Fire District (which erroneously believed the Board of Supervisors oversaw and maintained records on AB 1234 Ethics Training), the Fire Districts interviewed claimed that they maintain their own records of training in-house.
- F9. Ethics Training Compliance - The most commonly used online courses keep track of the time which the “local official/trainee” is reviewing course material. The purpose of this is to meet the two hour requirement that the State deems sufficient to reasonably participate in training given the volume of the subject matter. When reviewing a sample of elected Fire District board members’ compliance with Ethics Training, nearly half of the compliance certificates indicated training occurred shortly after the Grand Jury’s formal request for records. Furthermore, many records provided by the Fire Districts indicate training was outdated and/or overdue. Other certificates indicate participants logged in less than the two hour required training, one of whom took only as little as 19 minutes to complete the course. Accordingly, the Grand Jury concludes that there is a serious lack of consistency in compliance with the State mandate of AB 1234 training requirements.
- F10. Brown Act training as related to AB 1234 - The State-approved AB 1234/Ethics Training for local officials includes government transparency/Brown Act training basics. On-line training is available at numerous web sites (see F2 above).
- F11. Confusion regarding “Ethics” Training - Most of the districts sampled appear to be aware of AB 1234 requirements. However, a few district representatives seemed to

confuse their Ethical Behavior policies with the State-mandated AB 1234/Ethics Training requirement. For instance, one Fire District directed the Grand Jury to a policy manual regarding “cordiality in public meetings” and “use of credit cards” as satisfying Ethics Training. One Fire District did not have a policy and was unaware of the mandated two year requirement for update of Ethics Training.

- F12. Responsibility for Ethics Training/Records - Often it is the fire chief or board secretary who takes responsibility for reminding and keeping records of board members’ completion of Ethics Training. It can be an awkward situation when district employees have to oversee their board members. It might be helpful if one County entity were responsible for assuring Ethics Training requirements are complied with rather than a specific employee of the Fire District. For instance, the County Clerk’s Office does a fine job in overseeing that all required officials (including Special Fire Protection District personnel) provide required annual Form 700 (Financial Disclosure Statements). Since the Clerk’s Office is the department that collects Form 700 (Assuming Office Statements) for newly elected officials, it seems logical for it to oversee reminders and maintenance of records pertaining to Ethics Training for all elected officials in the County, rather than the CEO’s Office, or each individual Fire District.

Topic 3 – Miscellaneous Administrative Functions

- F13. Policies and Procedures - There is a wide disparity between what is included in the Policies and Procedure manuals of the Fire Districts. Generally, personnel policies for firefighting and emergency rescue services of the various Fire Districts are thorough and consistent. However, policies regarding Board member activity and training are not always included.
- F14. Consolidation of administrative services - The majority of interviewees expressed a need for some sort of consolidation of the Fire Districts in Placer County, at least in regards to combining administrative functions. This process has already begun with the sharing of fire chiefs in a few of the small, single fire station districts.

Recommendations

The Grand Jury makes the following recommendations:

- R1. Training Policies - Each Fire District Board ensure that there is a written policy mandating elected board members receive an overview of the Brown Act requirements upon assuming office. This policy would also dictate that board members take the AB 1234/Ethics Training as available through State approved entities (including, but not limited to, those websites mentioned in F2) as soon as practicable upon assumption of office, and every two years thereafter. In addition, as part of this policy, each Board consider whether or not to mandate training for other key personnel who could benefit from such training (fire chiefs, secretaries of the board, etc.).

This policy should designate a specific officer/employee for collecting information regarding compliance with Brown Act and AB 1234/ Ethics training. The policy regarding responsibility for this should be by designated officer, and not by a named individual. This same officer could be the “designated expert” who could answer questions as the need arises and also be the main point of contact for seeking legal advice on behalf of the Board.

- R2. Consolidation of Training Records on AB 1234/Ethics Training - The County Clerk-Recorder/Registrar of Voters assume the responsibility for reminders and maintenance of records of AB 1234/Ethics Training (which includes Brown Act training) for all elected officials in Placer County, including elected board members of Special Districts. The rationale for this recommendation is: a) State law mandates this Ethics Training occur within 1 year of an elected official taking office; b) the Clerk’s office is aware of when officials are newly elected; and c) the Clerk’s Office continually monitors Form 700 filings. This recommendation does not require that the Clerk’s Office oversee whether this training was “properly done.” That responsibility would be up to each individual local entity. However, if this recommendation is adopted, public records regarding training would be available through one entity (i.e. the County Clerk’s Office).
- R3. County Code Amendment - To eliminate confusion, rewrite Placer County Code, Article 2.04.050, which currently seems to require that all Placer County elected officials’ records of Ethics Training be maintained by the County CEO’s office. The change in the ordinance could designate that the County Clerk’s Office (in accordance with R 2 above) be responsible for collecting and maintaining, in addition to Form 700s, AB 1234/Ethics Training Certifications.

- R4. Legal Advice - In the interest of avoiding costs incurred by multiple Fire Districts for duplicative functions, County Counsel may consider ways to make legal training and advice about basic Brown Act requirements available to the Boards of Special Fire Protection Districts.

Although County Counsel seems to have no explicit obligation to advise Special Fire Protection Districts, such service could be an administrative means of minimizing legal costs to Special Fire Protection Districts within the County. This could be accomplished in many different ways; i.e. (1) annual conferences which are available to all County governing boards, including Special Fire Protection Districts, (2) County website training with Frequently Asked Questions (FAQs), (3) an allocated number of phone inquiries per year, (4) specific retained counsel to be utilized by all districts, etc. If County Counsel adopts any of these recommendations, it should be clearly communicated that the service is available to all Special Fire Protection Districts.

- R5. Website/Consolidation - Eliminate the “technical difficulties” identified in F4 and F5 (associated with some districts’ websites) by each Special Fire Protection District entering into an arrangement for technical assistance with the Placer County Administrative Services Department for online postings of agendas and minutes of their respective Board meetings.

Request for Responses

Placer County Board of Supervisors # R3 - R5 **Due by: October 1, 2014**
175 Fulweiler Ave
Auburn, CA 95603

Gerald Carden # R3 - R4 **Due by: October 1, 2014**
Placer County Counsel
175 Fulweiler Ave,
Auburn, CA 95603

Jim McCauley # R2 **Due by: September 1, 2014**
Clerk-Recorder-Elections Officer
2954 Richardson Drive
Auburn, CA 95603

David Boesch County Executive Officer 175 Fulweiler Ave, Auburn, CA 95603	# R3 - R5	<u>Due by: October 1, 2014</u>
Board of Directors Alta Fire Protection District P. O. Box 847 Alta, CA 95701	# R1- R5	<u>Due by: October 1, 2014</u>
Board of Directors Foresthill Fire Protection District P. O. Box 1099 Foresthill, CA 95631	# R1- R5	<u>Due by: October 1, 2014</u>
Board of Directors Loomis Fire Protection District P. O. Box 606 Loomis, CA 95650	# R1- R5	<u>Due by: October 1, 2014</u>
Board of Directors Newcastle Fire Protection District P. O. Box 262 Newcastle, CA 95658	# R1- R5	<u>Due by: October 1, 2014</u>
Board of Directors North Tahoe Fire Protection District P. O. Box 5879 Tahoe City, CA 95145	# R1- R5	<u>Due by: October 1, 2014</u>
Board of Directors Penryn Fire Protection District P. O. Box 219 Penryn, CA 95663	# R1- R5	<u>Due by: October 1, 2014</u>
Board of Directors Placer Hills Fire Protection District P. O. Box 350 Meadow Vista, CA 95722	# R1- R5	<u>Due by: October 1, 2014</u>

Board of Directors

South Placer Fire Protection District
6900 Eureka Road
Granite Bay, CA 95746

R1- R5

Due by: October 1, 2014

Board of Directors

Truckee Fire Protection District
P. O. Box 2768
Truckee, CA 95160

R1- R5

Due by: October 1, 2014

Copies Sent To

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Brant Harris

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PLACER COUNTY GRAND JURY

PLACER COUNTY MEALS ON WHEELS

A FAILURE TO COMMUNICATE

Placer County Meals on Wheels

Summary

The 2013-2014 Placer County Grand Jury investigated the impact on the Placer County Meals on Wheels program that resulted from the sequester and the Federal Government shutdown that began on October 1, 2013. The Grand Jury identified the organizations involved, from the recipients of the federal funds to the non-profit agencies that provide senior services, as well as the involvement of Placer County's elected officials and their appointees. The Grand Jury also investigated the decision-making processes and information flow.

- In March of 2013, due to the sequester, federal funding for Senior Nutrition programs was reduced by nearly 10% nationally. This action adversely impacted Meals on Wheels (MOW) nutrition services for sick, injured and homebound seniors in Placer County.
- The Grand Jury identified the events that transpired during the October 1, 2013 government shutdown, the actions taken or not taken by the organizations and the impact on Placer County seniors.
- The Grand Jury also identified the consequences and now makes recommendations intended to improve processes and eliminate the communication lapses and gaps in the information flow.

The purpose of this report is to identify where the communication breakdowns occurred. The Grand Jury did not find any malicious intent on the part of any of the identified organizations. The focus of this report is to identify the consequences and recommend policies and procedures to prevent future occurrences.

Investigation Methods

The Grand Jury's investigation involved interviews with member(s) of the following organizations:

- Placer County Board of Supervisors and Executive Management
- Area 4 Agency on Aging (A4AA) Executive Management
- Seniors First (SF) Board of Directors and Management
- Placer County Older Adult Advisory Council

The Grand Jury also reviewed the following documents:

- A4AA Governing Board Meeting Minutes for the following dates:
 - August 9, 2013
 - September 13, 2013
 - October 11, 2013
 - November 8, 2013
 - January 10, 2014

GLOSSARY

ACC	Asian Community Center
AOA	Agency on Aging
A4AA	Area 4 Agency on Aging
BOS	Board of Supervisors
CDA	California Department of Aging
MOU	Memorandum of Understanding
MOW	Meals on Wheels
OAA	Older Americans Act
OAAC	Older Adult Advisory Commission
RFP	Request for Proposal
SF	Seniors First

Background

From October 1 through October 16, 2013 the Federal Government entered a shutdown and curtailed most routine operations after Congress failed to enact legislation appropriating funds for fiscal year 2014. Regular government operations resumed October 17, 2013. During this shutdown period, Placer County Agencies and non-profit organizations that utilize federal funds to provide senior services, such as the Meals on Wheels (MOW) program, attempted to evaluate the impact that the stoppage of funds would have and minimize the effect that this shutdown would have on the seniors in Placer County.

- On July 14, 1965, President Lyndon Johnson signed the bill creating the Older Americans Act (OAA) which affirms the national sense of responsibility toward the well-being of all of our older citizens. This Act consists of five parts:

- Part A establishes State and Area Agencies on Aging (AOA). This part sets forth authorization levels and details the formula by which AOA funds are allotted to states.
 - Part B provides for supportive services and senior centers.
 - Part C provides for senior nutrition programs such as home delivered meals (MOW) and congregate senior dining (Senior Cafes).
 - Part D provides for disease prevention and health promotion.
 - Part E provides for the National Family Caregiver Support Program.
- Federal monies flow from the US Department of Health and Human Services, Administration on Aging, to the California Department on Aging then to the various Agencies on Aging (AOA) throughout California, of which Placer County is funded through A4AA headquartered in Sacramento.
 - A4AA is responsible for administering contracts with local organizations (usually non-profits) to deliver Older Americans Act services within seven counties, including Placer County. The other Counties served by A4AA are: Yolo, Yuba, Sutter, Nevada, Sierra and Sacramento. A4AA has a seventeen-member governing board composed of County Supervisors and/or their appointees.
 - Placer County Older Adult Advisory Commission (OAAC) provides a voice for older adults in county government. OAAC advises the Board of Supervisors (BOS) and California Department on Aging (CDA) on matters relating to the creation and delivery of services promoting the well-being and quality of life for older adults.
 - Seniors First (SF) is a non-profit organization that provides services to the seniors in Placer County. SF was the MOW contractor since 1984, serving daily hot meals to homebound seniors. SF is partially funded by federal funds through contracts with A4AA, charitable donations, and local grants received through fundraising. All SF services provided to the seniors of Placer County are at no expense to the senior recipient.
 - Asian Community Center (ACC), the MOW provider for Sacramento County, is to become the MOW provider for Placer County delivering 5 frozen meals, once per week to Placer County MOW clients.
 - Bateman Senior Meals (Bateman), a Sacramento for-profit corporation, is the vendor for frozen meals in most of the A4AA counties. SF was under contract by A4AA to provide MOW. SF would then contract directly with Bateman for frozen meals. SF would heat and deliver the meals daily to their clients along with personal contact and needs assessment.

Facts

These facts chronologically identify the chain of events that resulted in the MOW changes.

- From October 1 through 16, 2013, the Federal Government entered a shutdown and funding was curtailed.
- On October 3, 2013, A4AA notified contractors, including SF, that there will be no Federal funding until the Continuing Resolution is signed. A4AA requested each of the contracted non-profit organizations to assess the impact on the services that they provide.
- On October 10, 2013, SF notified A4AA that October 31, 2013 would be the latest that services could be provided without funding from A4AA.
- At the October 11, 2013 meeting of A4AA, the governing board requested funding assistance from each county until federal dollars are received. Placer County BOS was represented at this meeting by a designated representative.
- SF notified A4AA that effective October 31, 2013, they would not have funds to continue to deliver these meals.
- On October 22, 2013, with no interim loan commitment from Placer County and the announced termination of delivery by SF, A4AA contracted directly with Bateman Senior Meals to deliver the frozen meals to the seniors in Placer County beginning October 28, 2013, until a replacement contractor could be selected. At that time, the contract between A4AA and SF for MOW was terminated.
- As of February 25, 2014, a member of the Placer County BOS stated that it never received a request to provide interim funds to A4AA for Placer County programs during the federal government shutdown.

Findings

The Grand Jury found:

- F1. No documented policy or procedure exists that defines the relationship between the BOS and its appointed commission representative to ensure that the BOS receives complete and timely information.
- F2. There was a Placer County BOS representative present at the A4AA meeting at which requests for financial assistance from the counties was made.
- F3. The BOS and the county CEO's office stated they never received any requests for interim support loans from either A4AA staff or their appointed A4AA representatives; although, the A4AA minutes of October 11, 2013 clearly state that they are requesting financial assistance from each county until federal dollars are received. In addition, the minutes state A4AA staff is in active communication with county supervisors.
- F4. Due to the lack of an interim support loan, the Placer County seniors MOW service was changed from the delivery of a daily hot meal by SF to a once weekly delivery of five frozen meals by ACC. ACC purchases its frozen meals from Bateman. This change also had the unintended result that the daily personal contact and needs assessment of the seniors being serviced, as provided by the SF delivery staff, were not being accomplished.

Conclusion

The Grand Jury found that a breakdown in communication between the BOS and its appointees contributed to the chain of events documented in this report which caused a significant impact on the Placer County seniors being serviced by the MOW program. This change was from a daily hot meal to a single delivery of five frozen meals once a week and the reduction in personal contact and evaluation.

Recommendation

- R1. The Board of Supervisors should establish a documented understanding between itself and its appointees regarding the expected information flow to ensure that it receives complete, timely and accurate information from its appointees. This flow should be bi-directional and conducted on a routine schedule.

Request For Responses

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

R1 **Due by: October 1, 2014**

Copies Sent To:

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Candace Roeder, Executive Director
Seniors First
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Eldon Luce, Board Member
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Holly Heinzen, Chief Assistant County Executive Officer
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PLACER COUNTY GRAND JURY

ANTI-BULLYING POLICIES IN MIDDLE AND HIGH SCHOOLS:

ARE THEY EFFECTIVE?

Anti-Bullying Policies in Middle and High Schools: Are They Effective?

Summary

Bullying and cyberbullying are pervasive problems in middle schools and high schools. Persistent bullying causes significant and long-term problems for victims of bullying.

There are nineteen schools districts within Placer County. Each district has demographic differences in geographical size, number of students, and types of policies covering bullying. School administrators recognize the problem and have implemented anti-bullying policies and programs. These policies and programs are foundational – the task is how to make the policies and programs effective, but comprehensive methods do not exist to evaluate the effectiveness of anti-bullying programs.

Background

The Grand Jury has investigated (1) what are the Placer County school policies and procedures regarding bullying, (2) do they comply with California law, and (3) are these policies effective?

“Bullying” involves verbally or physically aggressive acts that are repeated over time and create a power imbalance between the perpetrator/bully and the target/victim.

“Cyberbullying” is bullying that is committed by electronic means. Escalation in cyberbullying has received increasing media attention to the issue of bullying and its damaging effects on students. The overall escalation of bullying is the catalyst for this Grand Jury investigation.

Bullying is historically a long-term problem in middle schools and high schools. Educators and school administrators now have more resources available to aid them in identifying and controlling bullying in schools. However, their job has become more difficult with the advent of the internet, social media connections, and more sophisticated communication technology.

Studies document that bullying and cyberbullying can cause significant and serious health and behavior problems in victims, including suicidal ideations and attempts, as well as reduced academic performance. Bullying is a destructive force that affects both victims and bullies in a way that is statistically related to poor performance in later life.

Investigation Methods

The 2013-2014 Grand Jury:

- Reviewed the applicable California Department of Education Code sections, all Placer County high school handbooks, and several middle school handbooks.
- Reviewed all policies regarding bullying and harassment provided by school administrators.
- Interviewed the Superintendent of the Placer County Office of Education, school district superintendents, high school and middle school principals, and School Resource Officers.
- Reviewed anti-bullying material and programs available to schools through the Placer County Sheriff's Office.
- Reviewed reports and national studies published by the National Institutes of Health, including the Centers for Disease Control and Prevention, and the Cyberbullying Research Center regarding the occurrence and health effects of bullying and cyberbullying.
- Reviewed articles and studies related to bullying and cyberbullying published in leading journals, including the Journal of Adolescent Health, the Journal of the American Medical Association, and at www.stopbullying.gov.

Facts

- Placer County Office of Education (PCOE) has not updated its bullying policy since 2003, even though the individual school districts update their policies annually.
- Although the individual schools we investigated do promote their own anti-bullying events, currently, PCOE has no district guidelines with which to promote bullying awareness, such as guest speaker programs/presentations to students, bullying-awareness weeks, and other events in which students can participate in order to facilitate positive solutions to the problem.

- Studies uniformly report that bullying and cyberbullying can cause victims to have a statistically significant increase in psychological, health, and behavioral problems, including: low self-esteem, depression and anxiety, suicidal ideations and attempts, stomach pains, headaches, sleep disruption, abnormal appetite, fatigue, and reduced academic performance.
- The Safe Place to Learn Act (Seth’s Law) requires the State of California “to ensure that all local educational agencies continue to work to reduce discrimination, harassment, violence, intimidation, and bullying” and “to improve pupil safety at schools and the connections between pupils and supportive adults, schools, and communities.” (Education Code §234.)
- The California Department of Education is required to monitor, review, and assess whether local educational agencies and districts have “adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics...and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.” (Education Code §234.1.)
- The California Department of Education is also required to monitor, review, and assess whether local educational agencies and districts have “adopted a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics...and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.” (Education Code §234.1.)
- Local agencies are required to adopt a process to “publicize anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies,” investigate complaints of discrimination and bullying, maintain documentation of complaints and ensure that students who complain are protected from retaliation. (Education Code §234.1.)
- The California Department of Education is required to publish (and post on its website) information addressing discrimination and bullying, and identifying statewide resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination and bullying. (Education Code §§234.1, 234.2, 234.3, and 234.5.)

- A student may be suspended or expelled from school for using force, threatening the use of force, harassing, intimidating, hazing, or bullying another student. The behavior is prohibited both in person and by electronic means, including by texting, instant messaging, creating a “burn page” on the internet, creating a false profile, and making false and/or derogatory posts online. The school’s authority is limited to behavior that occurs while on school grounds, while going to or coming from school, during the lunch period (whether on or off the campus), during a school-sponsored activity, or while going to or coming from a school-sponsored activity. (Education Code §48900.)

Findings

- F1. PCOE has not updated its bullying policy since 2003, even though the individual school districts update their policies annually.
- F2. Although the individual schools we investigated do promote their own anti-bullying events, currently, PCOE has no district guidelines with which to promote bullying awareness, such as guest speaker programs/presentations to students, bullying-awareness weeks, and other events in which students can participate in order to facilitate positive solutions to the problem.
- F3. Every high school and middle school has a written policy against bullying, which includes graduated enforcement policies that could result in suspension or expulsion of a student for bullying. All the policies appear to comply with state laws and are published and distributed in student handbooks. Although the terminology used in the student handbooks differs, each handbook clearly describes the types of prohibited behavior and the consequences of bullying.
- F4. Not all student handbooks state which options are available to students to report bullying other than reporting incidents directly to a teacher, counselor, or administrator. Some schools have peer-to-peer resources, i.e., student mentors that staff a peer-bullying hotline and an “anti-bullying club.”
- F5. Several handbooks state that a student who is a witness to bullying is required to report the incident. At least one school has a “secret witness” program that offers reporting anonymity and a reward for reporting. At least one school considers a student who witnesses bullying, but fails to report it, as being part of the problem.

- F6. No school was identified as having a comprehensive program to evaluate the effectiveness of its anti-bullying programs and policies. Anti-bullying policies are widely implemented, but not widely evaluated. Most schools do not have a program that surveys students anonymously on the prevalence and types of bullying that they experience or witness.
- F7. The Grand Jury was impressed by anti-bullying material and programs available to schools through the Placer County Sheriff's Office.

Conclusion

Bullying among students remains a pervasive problem, and instances of cyberbullying are increasing. Victims of persistent bullying can suffer significant and long-term psychological, health, and performance problems.

Placer County educators recognize the problem and have implemented anti-bullying policies and programs that are based on whole-school and multi-disciplinary approaches. However, comprehensive means to evaluate the effectiveness of anti-bullying programs and gather feedback directly from students do not currently exist.

Recommendations

The Grand Jury recommends that:

- R1. High schools and middle schools provide an environment that is safe for reporting both bullying and cyber bullying.
- R2. Schools implement a policy that requires that both parents/legal guardian and students sign a document that acknowledges that they have read and understood the sections in the handbook pertaining to bullying and cyberbullying. These documents need to be kept in the student's file for possible reference.
- R3. High schools and middle schools utilize resources such as the Placer County Sheriff's School's Resource Department program, semi-annual student assemblies, and classroom seminars in order to educate students of the dangers and consequences of bullying and cyberbullying for both the bully and the bullied.

- R4. Professional training for all teachers for identifying the bullying victim and the bully before an incident occurs, and to deal with bullying incidents in the event they do occur.
- R5. Schools should develop a comprehensive means to evaluate the effectiveness of their anti-bullying programs and policies. Schools should conduct semi-annual anonymous surveys of the student body to measure the effectiveness of anti-bullying programs. In addition to gathering information regarding the amount and type of bullying that the student has experienced, the survey should seek student perceptions of the attitudes of teachers and administrators toward bullying.
- R6. The results of the semi-annual evaluations and student surveys should be posted on school websites.
- R7. PCOE should update its bullying policy.

Request For Responses

Gayle Garbolino-Mojica # R1-R7 **Due by: September 1, 2014**
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360 Nevada Street
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George Sziraki # R1-R6 **Due by: October 1, 2014**
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Auburn, CA 95603

Roger Stock # R1-R6 **Due by: October 1, 2014**
Supt., Rocklin Unified School District
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Rocklin, CA 95677

Ron Severson/Tony Monetti # R1-R6 **Due by: October 1, 2014**
Supt., Roseville Joint Union High School District
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Roseville, CA 95661

Robert Leri # R1-R6 **Due by: October 1, 2014**
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Truckee, CA 96161

Scott Leaman # R1-R6 **Due by: October 1, 2014**
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Mark Geyer # R1-R6 **Due by: October 1, 2014**
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