



2009/2010

AMADOR COUNTY CIVIL GRAND JURY
FINAL REPORT



June, 2010

2009/2010

AMADOR COUNTY CIVIL GRAND JURY

FINAL REPORT

Amador County Courthouse, Jackson



June, 2010



AMADOR COUNTY Grand Jury

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

June 21, 2010

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

Dear Judge Harlan:

I am proud to present to you the final report of the 2009-2010 Amador County Grand Jury. This report contains investigations and recommendations based on what the Grand Jury believed were important issues to the citizens of this county.

The Grand Jury's opinion is that the agencies we investigated were more challenged due to difficult economic times. We observed that several of the agencies were handling the same or more responsibility with fewer resources. Our report reflects on those agencies accomplishing their tasks, and others that will need extensive re-organization and closer management. We trust that our recommendations will be heeded by those agencies.

We believe we completed our mandated responsibilities along with those complaints and suggestions submitted to us, to the degree we deemed appropriate, during the course of our term. I know that the members of this Grand Jury worked together putting in extensive hours in interviews, document reviews and careful analysis of the facts obtained in a fair and unbiased manner. I am very proud of the commitment and dedication of our members.

Our Grand Jury would like to extend its appreciation to Martha Shaver and Jennifer Magee of the County Counsel for their legal analysis of our work and directed questions. We also wish to thank your assistant, Ms. Heather Korsgaard, for her communication and organizational support. Specifically, we thank you for your words of support and encouragement throughout the year. This helped us to stay focused and on task.

Lastly, I want to thank my fellow Grand Jurors for their dedication, hard work and humor. Our cooperation and extensive efforts helped produce what I believe is a thorough and well documented final report.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael E. Phalen".

Michael E. Phalen

Foreperson

Amador County Grand Jury 2009-2010



Superior Court of the State of California
County of Amador

CHAMBERS OF
SUSAN C. HARLAN
JUDGE

500 Argonaut Lane
Jackson, CA 95642

June 22, 2010

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

RE: 2009-2010 Amador County Grand Jury

Dear Mr. Phalen and Members of the 2009-2010 Grand Jury:

It is hard to believe that a year has passed since I administered the Oath of Office to you. During the past year, after taking a crash course on Grand Jury responsibilities, you immediately formed committees, began investigations, and produced a thorough report. This impressive accomplishment was not possible without a significant sacrifice of time away from your families. Winston Churchill once said "We make a living by what we get, but we make a life by what we give."

You have given generously to our community through your service on the 2009-2010 Amador County Grand Jury. Thank You.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan C. Harlan".

Susan C. Harlan
Judge, Amador Superior Court



HISTORY OF THE GRAND JURY

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

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



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CITY ADMINISTRATION

 CITY of IONE BUILDING INSPECTOR



Chinese parade, Ione

**CITY ADMINISTRATION
CITY of IONE BUILDING INSPECTOR**

INTRODUCTION:

On October 6, 2009, the 2009/2010 Amador County Civil Grand Jury received a complaint concerning inconsistencies in the fees charged by the Building Inspector for the City of Ione. Based upon this complaint, an investigation was initiated.

BACKGROUND:

The City of Ione employs a full-time Building Inspector as part of its Public Works Department, which is overseen by the City Engineer. In addition to the frequent, periodic inspection of construction sites, the Building Inspector is responsible for issuing building permits and assigning the appropriate fees to projects requiring a permit.

RESPONSIBLE AGENCY:

IONE CITY COUNCIL
1 East Main Street
Ione, CA 95640

JUSTIFICATION/JURISDICTION:

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

METHOD OF EVALUATION:

INTERVIEWS

- Ione City Manager
- Ione City Planner
- Ione City employees
- Contractors

DOCUMENTS

- Ione Building Permits
- Resolution #1742
- Building Permit Process & Fees Memo (1/17/09)
- Ione City Council Staff Report (7/29/09)

FACTS:

1. Building Permit fees, which include Plan Check fees, are determined by a set fee schedule based on the size and scope of the project.
2. A memo, dated January 1, 2009, from the City Planner to the Building Inspector stated, in part: *Plan Check fee – this denotes the fees due at time of a permit application. In most cases they cover the costs for staff to review the application for consistency with building, fire, and engineering codes and standards, as well as zoning and related conditions of approval for a project. An application for building permit may not be accepted unless these fees are paid.*
3. Sewer connection fees are calculated according to a set fee schedule based on the size of the project and expected demand on the sewer system.
4. The Building Inspector is a full-time position in the City of Ione.
5. In 2009, there were only 21 building permits applied for by *JTS*, a major builder in Ione.
6. Resolution #1742, dated July 29, 2009, recommended a reduction in staff due to decreased workload.

FINDINGS:

1. Building Permit fees and Sewer Connection fees are levied inconsistently. Projects with no discernable difference in specifications are charged differing fees. (Facts #1, #4)
2. Fees not properly collected have a negative impact on the General Fund and other City funds. (Fact #2)
3. Information pertaining to Building Permits is incomplete in the City’s database.
4. Resolution #1742 indicates that the inspections needed for the anticipated number of building projects does not justify a Building Inspector for more than 12 hours a week. (Facts #5, #6)
5. The Building Inspector signed off on a job before the contractor completed the job or requested a final inspection.
6. Resolution #1742 was presented to the City Council and rejected. (Fact #6)

RECOMMENDATIONS:

1. Establish a system to review permits that ensures the information is complete and that fees are charged consistently. (Facts #1, #2)
2. Eliminate the full-time Building Inspector position, and contract inspections on a part-time or “as needed” basis. (Fact #4)
3. Investigate the adoption of cost-effective measures, similar to Resolution #1742, that would reduce unnecessary loss of revenue to the city. (Fact #6, Finding #5)

RESPONSE REQUIRED:

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





CITY & COUNTY GOVERNMENT

 AMADOR COUNTY ANIMAL CONTROL



Amador County Fair, Plymouth


CITY & COUNTY GOVERNMENT

**CITY AND COUNTY GOVERNMENT
AMADOR COUNTY ANIMAL CONTROL**

INTRODUCTION:

In response to citizens' complaints, the 2009/2010 Amador County Civil Grand Jury elected to review the policies and procedures of Amador County Animal Control (ACAC).

BACKGROUND:

ACAC has been in its new, modern facility for three years. It operates under the General Services Administration (GSA). ACAC Personnel consist of a Director, an Office Coordinator, three Animal Control Officers, three Animal Control Technicians, and one part-time Animal Control Officer.

ACAC depends heavily upon its volunteer base. There are approximately 30 active volunteers. Volunteers must be at least 18 years old, and are required to have *Livescan* fingerprinting, paid for by ACAC.

ACAC's jurisdiction is the County of Amador, with restricted agreements (*Animal Control Services Agreements*) in the cities of Amador City, Ione, Jackson, Plymouth, and Sutter Creek.

RESPONSIBLE AGENCY:

AMADOR COUNTY ANIMAL CONTROL
12340 Airport Road
Jackson, CA 95642

JUSTIFICATION/JURISDICTION:

California Penal Code § 925. *The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county...* California Law, n.d.

METHOD OF EVALUATION:

INTERVIEWS:

- Interviews with ACAC Director
- Interview with ACAC Office Coordinator
- Interview with Animal Control Officer
- Interview with two Volunteers
- Interview Amador County Sheriff

DOCUMENTS:

- *On Call/After Hours Response Policy*
- *Animal Adoption Policy*
- *Activity Reports* by jurisdiction
- *Animal Control Services Agreements*
- *Animal Control Services Fee Schedule*

FACTS:

1. ACAC does not have a current Policies and Procedure Manual. It is operating under its interpretation of an outdated and poorly written manual.
2. Under a strategic plan passed by the Board of Supervisors, all Amador County offices must adopt Policies and Procedures Manuals by the year 2011. ACAC's updated manual will be reviewed and approved by the GSA, then submitted to the Board of Supervisors for final approval.
3. There are two policies that have already been completed and approved:

ON CALL/AFTER HOURS RESPONSE

Requires that Animal Control Officers be assigned on-call duty during hours when no one is on full duty. On-call officers handle urgent situations that may occur at any hour. They are authorized to respond to:

- An injured domestic animal when the owner is not present or known
- A report that a human has been bitten by an animal, the animal is not confined, and the owner is unknown
- A report of an animal bite in which the animal is deemed a continuing danger to the community
- The possible exposure of a person or domestic animal to rabies
- Large livestock on or near public roads
- A request to assist another public agency
- Any other circumstance in which public health or safety is endangered by an animal

ANIMAL ADOPTION

Establishes standard practices for evaluating adoption applications and selecting the adopter or rescue organization taking possession of an adoptable animal. It requires that notice be made to the general public before an animal can be placed in an adoptive home. When more than one party is interested in adopting a particular animal, a lottery is held. All adoptions are logged into the computer, along with extensive notes regarding the animal and the date of public notice. All adopted animals are micro-chipped.

4. Animal Control Officers exercise peace officer powers of arrest and serve warrants under California Penal Code § 830.9 (PC 830.9), providing they have completed training under PC 830.9, which includes firearms training. The PC 830.9 training is required by law and is paid for by the County.
5. The County also requires all Animal Control Officers and Animal Control Technicians to complete a comprehensive 2-week seminar on *Animal Law Enforcement* and *Advanced Animal Laws*. It is paid for by the officers.
6. A registered trainer or veterinarian instructs the officers and technicians in techniques of euthanasia by injection.
7. In cases of animal cruelty, ACAC can issue citations against the owner and impound animals if necessary. Laws relating to the humane treatment of animals provide only for disciplinary fines rather than imprisonment. Legal action against the owner is decided upon and pursued by the District Attorney. The Animal Control Officer usually writes a report about a specific incident and sends it to the District Attorney's Office.
8. Animal-related emergencies are defined as a rabid animal, injured animal, animal in distress, dogs fighting, dog bites, wounded animals, and livestock on roadways. ACAC responds to

emergencies as soon as possible, but on-call response time can range from two hours to two days. ACAC relies on other agencies in the county for emergencies.

9. The *Animal Control Services Agreements* between the cities and the County of Amador are located in the GSA office. ACAC provides the following services to the cities: Rabies quarantine, inspections, investigations, euthanasia, shelter, transportation, bite holds, vaccinations, veterinary care, and disposal of dead animals. The cities agree to pay for these services under an *Animal Control Services Fee Schedule* set by the Board of Supervisors. Policy changes by both the cities and the county have made these agreements obsolete.
10. Many animal-related calls are dispatched through the Sheriff's Department to various law enforcement agencies. All calls within a city's limits are dispatched to its police department. Livestock calls are often dispatched to the Highway Patrol. Dog bites involving humans are automatically reported to the County Health Department.
11. ACAC's first priority is the care of animals in the shelter.
12. Animal Control Officers respond to complaints from the general public. Calls are prioritized by level of danger.
13. A dog accused of a vicious attack against another animal must be inspected by an Animal Control Officer to confirm the complaint. A dog is deemed vicious if there are two or more documented attacks within a three-year period. The case may then be referred to the District Attorney. The owner of the animal is responsible for all damages incurred.
14. Sections 121575-121710 of the California Health and Safety Code and Title 17, § 2606 of the California Code of Regulations contain stringent procedures for the identification, quarantine, and treatment of cases involving rabid or potentially rabid animals. ACAC must adhere to all codes pertaining to rabid animals.
15. Dogs in Amador County are required to be licensed and current on vaccinations. ACAC enforces these regulations.
16. Citations can be issued if the AC Officer has firsthand knowledge, i.e., actually witnesses the offense or can obtain proof, such as blood, from the offending animal's body. Issued citations are enforced by the District Attorney's Office.
17. A computer tracking program has been installed at ACAC. The system links activities such as complaints, adoptions, and licenses issued to a particular animal and owner. Owner information can also be retrieved from the animal's microchip.
18. The primary responsibility of volunteers is to walk and socialize animals at the shelter. In 2008, volunteers walked each dog every day, including holidays. They logged in over 5,000 hours for the year, the equivalent of 2½ employees.
19. The Amador County Probation Department sends probationers who have volunteered in the county's alternative sentencing program.
20. ACAC holds an adoption fair once a year, featuring reduced adoption fees.
21. The law requires that animal bites involving humans must be reported to County Public Health.

STATE BUDGETARY CONCERNS:

1. Budget cuts have resulted in the loss of a full-time Animal Control Technician and two part-time Animal Control Technicians, which equated to the loss of one full time employee. County furloughs necessitated four 9-hour days, closing ACAC to the public on Fridays. AC Officers are on call 7 days a week, typically 5:30 pm - 7:30 am.

2. Animal Control Officers feel they would benefit from attending refresher courses and training classes, but ACAC does not have the funding for additional training.
3. Assistance to the cities has decreased. Most calls are now handled by the cities' police departments.
4. ACAC has had an influx of abandoned and surrendered pets because of the financial problems of their owners.

FINDINGS:

1. ACAC strives to maintain an amicable relationship with the public, working out difficulties without involving law enforcement. Very few citations are issued. Those issued are usually in response to cases of neglect. The officer interviewed stated that issuing citations is only a small part of resolving problems. Better communication with pet owners has helped with most issues.
2. The facility was clean and well kept. The animals were well cared for and appropriately kenneled. Personnel are pleased with the new administration and facility. The first priority for all staff is the care and welfare of the animals. The volunteers participate in the care of each of the animals. A new "play yard" aids in the animals' socialization and evaluation, improving their chances of being adopted.
3. In cases of stray or wandering animals and nuisance complaints, ACAC recommends that the complainants call in to report every incident, even if repeated calls are necessary. Because the "offense" must be witnessed by an ACAC Officer, this repeated reporting is essential. Adequate documentation of dates and times is needed to identify habitual offenders.
4. Many of the policies set forth in the *Animal Control Services Agreements* have been modified, but the agreements held at the GSA offices do not contain these modifications in writing. (Fact #9)
5. County leash laws are defined by California Government Code § 53074. Accordingly, ACAC can only seize or impound a dog or issue citations if the dog is on property other than that owned by its owner or the person who has a right to control the dog. A dog that has strayed but has then returned to its owners' property cannot be seized or impounded, but a citation may be issued.
6. When kenneling an animal on private property, there are standards for kennel size set by a formula in PC § 597, which states: "Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area." This requirement is interpreted to mean that the kennel must be of adequate size for an animal to be able to assume all normal body positions, such as standing and sleeping. A responding Animal Control Officer makes a determination on kennel size based upon what the officer deems reasonable.
7. Owner/Animal histories not being documented has led to problems. For example, after the owner surrender and subsequent adoption of a dog, ACAC received a report that the animal had been involved in a human bite incident shortly before it was surrendered.
8. When the Sheriff's Office routes animal-related calls to other law enforcement agencies, reports of these dispatches are not always provided to ACAC, making it difficult for ACAC to compile accurate owner/animal histories.
9. Animal bites involving humans are not always reported promptly to ACAC and to County Public Health by the responsible county agencies or cities.

RECOMMENDATIONS:

1. Update *Animal Control Services Agreements* and fee schedules with the cities on a yearly basis. (Finding #4)
2. Hire more officers when funds become available.
3. Provide additional training for Animal Control Officers when funds become available.
4. Request that the county pay for the mandated 2-week seminars, *Animal Law Enforcement* and *Advanced Animal Laws*, required for animal control personnel. (Fact #5)
5. Set up a more reliable record-keeping system for animal-related dispatches made by the Sheriff's Office (Finding #8).
6. Suspend charges to the cities for surrendered or stray animals.
7. Hold adoption fairs offering reduced adoption fees more frequently than once a year. (Fact #20)
8. Report animal bites involving humans to ACAC within 24 hours of occurrence.

RESPONSE REQUIRED:

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

REFERENCE MATERIALS:

- California Penal Code: Animal Welfare Provisions, § 597
- Government Code § 53074, Title 5
- California Health and Safety Code
- California Code of Regulations





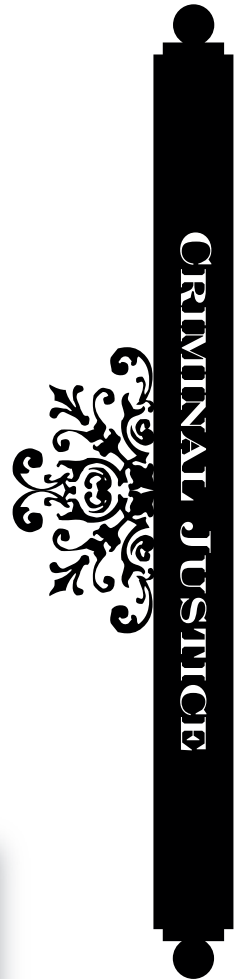
Preston School wagon, Lone

CRIMINAL JUSTICE

- ☞ MULE CREEK STATE PRISON
- ☞ AMADOR COUNTY DETENTION FACILITY
- ☞ PRESTON YOUTH CORRECTIONAL FACILITY
- ☞ PINE GROVE YOUTH CONSERVATION CAMP



California Conservation Camp, Pine Grove



**CRIMINAL JUSTICE
MULE CREEK STATE PRISON**

INTRODUCTION:

The 2009/2010 Amador County Civil Grand Jury conducted the required inspection and review of the Mule Creek State Prison (MCSP) on October 21, 2009.

BACKGROUND:

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

Although the design capacity of MCSP is 1,700 inmates, the average inmate count at the time of the grand jury visit was 3,900. Current staffing includes 560 non-custody personnel and 681 custody personnel. There are 1,562 inmates serving life terms with possibility of parole and 155 inmates serving life terms without possibility of parole. Of these, 22 inmates are considered high-notoriety Public Interest Cases (PICs).

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

The Annual operating budget for fiscal year 2009/2010 is \$156,513,883 of which \$5,095,924 is for education and \$56,327,894 is for health care.

RESPONSIBLE AGENCY:

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

JUSTIFICATION/JURISDICTION:

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

METHOD OF EVALUATION:

INTERVIEWS & TOUR

- Pre-inspection briefing by the Warden and the Administrative Assistant/Public Information Officer
- Questions and Answers session
- Discussions with correctional officers, teachers, department heads, and inmates

- Tour of Administrative Offices
- Tour of Facility A
 - Exercise yard
 - Dining hall and kitchen
 - Chapel
 - Classrooms
 - Cell Block
 - Level III gymnasium, converted into overflow housing for inmates
 - Prison Industries Authority (PIA)

DOCUMENTS

- 2008 MCSP Administration Organizational Chart
- Map of MDSP
- Chart: *Institution Population by County of Commitment*
- Statistical Information, October, 2009
- Memorandum for Fire Department Mutual Aid Activity, August 2009
- Mule Creek Fire Department Incidents, August, 2009
- Fire Department, August 2009: *Mutual Air Response Summary*
- MCSP 2008/09 Fiscal Year Food Sales

FACTS:

1. The tour was conducted on a day when electrical retrofitting was taking place. The facility was in a minimum security lock down.
2. Three gymnasiums have been converted into inmate housing with dormitory-style living arrangements. Up to 360 Level I, II, III inmates are housed in these gymnasiums. Each is provided a bunk and small locker for his personal affects. The bunks are triple-stacked and placed in close proximity. A podium manned by two officers with surveillance equipment watch over the inmates. Several officers patrol the floor.
3. Overcrowding is a problem experienced by all California correctional facilities. Approximately 8,000 inmates statewide have been sent to other states for incarceration. An additional 2,500 will be sent during 2009/2010.
4. The inmates' medical needs are accommodated by either in-house services for less serious conditions or by transportation to regional hospitals and clinics. In-house medical resources cover medical, dental, pharmaceutical, and psychiatric needs. These resources include estrogen shots for transsexual inmates. Interpreters are provided for the hearing impaired and non English-speaking population.
5. The inmates are provided access to formal religion from several denominations in the MCSP chapels, and to sacred religious grounds in the yard.
6. The inmates are provided access to a legal library at the prison.
7. There are two perimeter posts manned 24 hours a day. Each housing unit has an armed correctional officer manning the observation posts 24 hours a day. There is electric fencing surrounding the entire facility.
8. Counseling, academic, and educational programs are part of MCSP rehabilitation efforts.

9. Currently MCSP offers academic programs of K through 12, and a GED with the successful completion of high school equivalency requirements. MCSP also offers independent studies and “distance learning” for those who wish to continue their education.
10. Vocational programs include landscape gardening, milling and cabinet making, welding, auto mechanics, AC/refrigeration, office services, electronics, small engine repair, and graphic arts.
11. The PIA (Prison Industry Authority) program offers the inmates an opportunity to learn a vocation while earning money. PIAs include textiles, coffee roasting, meat processing, digital mapping, laundry, administration and warehouse work. Digital mapping is a sought-after trade, and requires an interview and resume from each inmate interested. Inmates’ PIA earnings are placed in a trust account.
12. There is a long waiting list for inmates wishing to participate in any of the Educational, Vocational, and PIA programs.
13. Many of the inmates at MCSP are designated “sensitive needs,” defined as those inmates who may be subject to harm or have “enemy situations.” They include high notoriety/highly publicized cases, those convicted of heinous crimes, and those considered high risk. Sensitive needs inmates are provided safe-housing facilities to prevent inmate interaction.
14. There is absolutely no smoking allowed on the prison’s premises, either by inmates or staff.
15. There were 1,713 inmates participating in the prison’s mental health programs at the time of the inspection.
16. Inmate records are in the process of being converted to electronic format.
17. The number of family units for conjugal visits has been reduced from four to two. These visits are thoroughly monitored by staff.
18. MCSP sells and donates food to various county agencies, including the Amador Tuolumne Community Action Agency, Amador Senior Center, Hospice of Amador, Amador County Recreation Agency, Pregnancy Help Center, Amador Community Foundation, the Interfaith Food Bank, and Preston Castle Foundation.
19. The Mule Creek Fire Department is responsible for incidents that occur at the prison. Staff and inmate firefighters also participate in mutual aid assistance in the community. The Mule Creek Fire Chief cooperates with the Ione City Fire Department, the Amador County Fire Chief’s Association, the Amador County Disaster Council and the Amador County Sheriff’s Office Emergency Service.
20. The state institutions within the Amador County are having difficulty obtaining inspections from the State Fire Marshall.

STATE BUDGETARY CONCERNS:

1. Budget-related legislation in January, 2010 forced MCSP to reduce its staff. In preparation for the anticipated cutbacks, the prison initiated many precautionary measures in 2009 to compensate for the staff reductions.
2. Academic and vocational programs offered at MCSP may be reduced or eliminated. It is expected that one half of the academic staff will be cut. To mitigate the reduction of state funded vocational programs, the prison does receive some federal funds for life-skills programs.
3. PIA programs are not earmarked for elimination because the products manufactured or produced actually bring money into the prison system.

FINDINGS:

1. Overcrowding continues to be problem at MCSP. This is complicated by budget issues. An early release program for inmates has become necessary. (Facts #2, #3)
2. The reduction of staff and academic/vocational programs will have a negative effect on inmates and result in a state prison system that deals exclusively with the incarceration of inmates, not with their rehabilitation. (Facts #8, #9, #10)
3. Of the anticipated 20,000 to 25,000 inmates to be paroled statewide, 500 to 1,000 are expected to come from MCSP. The parolees will be released into their counties of commitment. Amador County has 217 inmates in the entire state prison system, equaling one percent of the total population.

RECOMMENDATIONS:

1. Maintain academic and vocational programs by soliciting help from the community to keep them viable. (Finding #2)

RESPONSE REQUIRED:

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



**CRIMINAL JUSTICE
AMADOR COUNTY DETENTION FACILITY**

INTRODUCTION:

The 2009/2010 Amador County Civil Grand Jury conducted the required inspection and review of the Amador County Detention Facility (ACDF) on December 16, 2009.

BACKGROUND:

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

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

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

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

The current ACDF budget is \$3,520,830, which includes employees, services and supplies, and medical.

The current ACSO administration continues to pursue funding for a new detention facility as suggested by previous grand juries.

RESPONSIBLE AGENCY:

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

JUSTIFICATION/JURISDICTION:

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

METHOD OF EVALUATION:

INTERVIEWS & TOUR

- Interview with ACSO Sheriff
- Interview with ACSO Undersheriff

- Interview with ACSO Jail Captain
- Interview with ACSO Lieutenant, Correctional
- Tour of the facility

DOCUMENTS

- Power Point presentation CD and hard copies
- Portions of the Jail Manual, Amador County Sheriff's Office:
 - Grievance Policy & Procedure
 - Telephone Guidelines
 - Correspondence
 - Medical Receiving Screening
 - Inmate Discipline
- Daily Inmate Plan
- Medical Receiving – Screening Form
- Felony Release Criteria
- Penal Code § 4025: Inmate Welfare Fund
- Newspaper Article, August 20, 2009: *Ledger-Dispatch: Inmate Found Dead at Amador County Jail*

FACTS:

1. Over a ten-year period beginning in 1999, there has been an 8% increase in staff and a corresponding 112% increase in jail population. Due to the Amador County hiring freeze, only 26 of the 29 staff positions allocated to ACSO were filled at the time of inspection.
2. Because of budget constraints, there are three unfilled and “defunded” staff positions. The staff is currently working four 9-hour days.
3. Staffing includes a Correctional Officer classification. Besides working in the jail, a Correctional Officer handles transportation of inmates to Court and other appointments. The education requirements for this classification are a high school diploma, attendance at a correctional academy, and on-the-job training.
4. The current facility is overcrowded. The 2008 Needs Assessment has projected a need for 162 beds by 2011.
5. The average length of stay for inmates has increased from 12.7 days in 2002 to 17.4 days in 2008. Approximately 83% of inmates stay less than 60 days.
6. The existing site is too small to allow the current facility to be enlarged. Overcrowding has forced the Sheriff to place bunks in dayrooms. The required separation of inmates by classification cannot occur.
7. Limited jail capacity has made it necessary for the Sheriff's Office to use alternative release programs. Non-violent felons are reviewed for release on *Agreement to Appear*, *Sheriff's Parole* and *Home Electronic Monitoring*.
8. Misdemeanants are reviewed for release by citation. They must have been arrested for non-violent violations, have no outstanding warrants, and meet the Penal Code § 853.6 criteria.
9. Staffing expenditures in fiscal year 2001/2002 to fiscal year 2007/2008 have increased by 14.8 %.

10. Since 2001, the ACDF inmate population has increased due to community growth, casino growth, and the reintroduction of state prisoners into the community.
11. Title 15 of the *California Code of Regulations* for the safekeeping of inmates has added to the staff's responsibilities by requiring hourly cell checks, suicide prevention, sobering cell checks, medical treatment, and protective custody for inmates.
12. There was a serious incident in 2009 resulting in the suicide of an inmate. Inmates with mental health issues pose a concern when they are in custody. Traditionally, inmates with mental health histories represent 30-40 percent of the population. Amador County Mental Health Services schedules only one 2-hour visit each week.
13. The Inmate Welfare Fund is used to conform to *Penal Code § 4025*. Income is produced from inmate purchases of telephone cards and commissary products. These funds can be used for programs, services, repairs from inmate vandalism, and for facility maintenance. At the time of the inspection, there was approximately \$110,000 currently in the Inmate Welfare Fund.
14. No one under the age of 18 can be housed at ACDF. Juvenile custodial arrests are handled through the County Probation Department. When a minor is arrested, the Probation officer responds and takes custody.
15. Video arraignments are conducted on Monday, Tuesday, Wednesday, and Friday in the Video Conferencing Station at the jail.
16. The county facility has been at or over capacity since 2003.
17. Booking fees are set by state law. The fees are reimbursed to the County by the State once a year. The state is not currently reimbursing the county for the full amount due.

FINDINGS:

1. The philosophy of the current administration is to treat inmates with dignity and to provide a safe and secure environment.
2. Because of overcrowding, the safety and security of staff, inmates, and visitors are at risk.
3. The house monitoring equipment is so antiquated that it is increasingly difficult to find repair personnel.
4. There is no effective means to keep track of an inmate once released from custody.
5. Inmate classes are currently being held in the library and in hallways. Some activities are no longer available because of staffing constraints.
6. There is no longer a Community Work Crew because of staffing shortages.
7. As per last year's recommendation, ACSO has continued to pursue funding for a new facility through matching funds legislation. The County received a conditional award of up to \$22,712,000. The conditions of this award require that the county raise matching funds of approximately \$7-\$8 million. Property has been purchased for the new facility.
8. The morale of the staff is better due to efforts to move forward with AB900.
9. Sheriff's Deputies with Law Enforcement Officer Classification are forced to work in the correctional facility to make up for understaffing. As a result, there are fewer officers on patrol. (Facts #1, #2)
10. Felony Release Criteria have been used for the early release of non-violent felons due the overcrowding of the jail facility. This program has not been very successful because ACSO is unable to keep track of persons once they are released from custody. (Fact #4)
11. Booking fees reimbursed by the state do not adequately offset costs. (Fact #17)
12. ACSO has petitioned County Administration for an exemption to fill the vacant staff positions required by CSA guidelines.

RECOMMENDATIONS:

1. Replace the outdated electronic monitoring system. (Finding #3)
2. Pursue the matching funds for AB900. (Finding #7)
3. Petition the State to reimburse the total amount of booking fees due the ACDF. (Finding # 11)
4. Continue to petition County Administration for the exemption to fill vacant staff positions that are required to comply with CSA guidelines. (Finding #12)

RESPONSE REQUIRED:

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



**CRIMINAL JUSTICE
PRESTON YOUTH CORRECTIONAL FACILITY**

INTRODUCTION:

The 2009/2010 Amador County Civil Grand Jury conducted the required inspection and review of the Preston Youth Correctional Facility (PYCF) on November 4, 2009.

BACKGROUND:

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

PYCF also serves as a reception center for youths committed to the Division of Juvenile Justice in Northern California. Each youth is assessed for individual needs and his placement determined.

RESPONSIBLE AGENCY:

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

JUSTIFICATION/JURISDICTION:

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

METHOD OF EVALUATION:

INTERVIEWS & TOUR

- Interview with Superintendent
- Interview with PYCF staff
- Tour of the facility

DOCUMENTS

- Injury and Illness Prevention Program, May 2000
- Behavior Treatment Program description

FACTS:

1. PYCF houses approximately 280 youth in open dormitories and single living units. Since 1996, the population of CDCR-DJJ facilities statewide has steadily declined. PYCF is under populated, but has the capacity to house 1100.
2. The ratio of youth-to-staff at PYCF is currently 1.8 to1. This ratio is calculated using only the staff that provides direct care to the youth.

3. The average stay for an inmate in the CDCR-DJJ system statewide is 26 months. California is one of only four states that hold youths beginning at age 14 until they reach 25. The average age of CDCR-DJJ youths is 18.5.
4. PYCF has the Intake Unit for the State’s northern counties on its premises. After an initial screening of all new offenders, the youngest are transferred to *O. H. Close Youth Correctional Facility* in Stockton.
5. More inmates go to Pine Grove Youth Conservation Camp from PYCF than from any other CDCR-DJJ facility in the State.
6. There are now “sensitive needs” units at Preston for youths who may be subject to harm or have “enemy situations”. Staff is being retrained to handle the issues associated with sensitive needs cases.
7. There is training/counseling to help youths deal with substance abuse, anger management, sexual offenses, and to develop better social skills via the Behavior Treatment Program (BTP).
8. There are two BTP units in place at PYCF. BTP utilizes motivational, cognitive and behavioral interventions, social learning, case management and family involvement to target aggressive behavior. Individualized treatment and case management are used to ensure success in the least restrictive environment possible.
9. There are 450 persons employed at PYCF. Approximately 150 (or one third) of these are Amador County residents.
10. The number of incidents requiring the use of restraints was down in 2009 compared to 2008.

NUMBER OF FIGHTS

| | |
|--------------------------|--------------------------|
| October 2008: 71 | October 2009: 12 |
| November 2008: 60 | November 2009: 12 |

11. PYCF attributes this improvement to enhanced Staff training and the addition of Conflict Resolution Teams, which help the youth find alternatives to violence.
12. Young men who persistently refuse to get along are placed in a “solo program” Education, recreation, and counseling are provided apart from the general population. Youths on a solo program are encouraged to reintegrate themselves into the regular program.
13. Nearly all incidents at PYCF are gang related. Officials deal with gang activity by housing youths according to risk-level. Because inmates attend classes during the day, class period changes are carefully monitored to prevent intermingling.
14. There are two full-time Gang Information Coordinators at the facility to assist staff. The facility uses selected inmates to identify potential gang activity through peer intervention.
15. The young men at PYCF are offered educational opportunities, vocational training, and guidance in behavior modification. The fully accredited *James A. Wheaton High School* provides daytime classes. There are Auto Body/Welding and Cabinet Making/Milling programs available. The youth may also work with foremen on the premises, doing contracted services such as electrical, plumbing, and repairs.
16. There are several community support programs available:
 - *Match 2 Mentoring Outreach (M2)*, a church sponsored visiting program run by volunteers and former gang members
 - Alcoholics Anonymous

- Gang Outreach
 - Religious support
17. In addition to BTP, a reward-based tiered system is offered to youths who are doing well in the facility. This program enables them to interface with others with the goal of improving social skills and resolving conflicts.
 18. A Culinary Arts program (“FEAST”) trains inmates in food preparation and food service. Through this program wards prepare and serve lunches daily. These meals can be purchased by staff and visitors. Only the “best” youths are allowed to participate, and the director can fire them for bad behavior.

STATE BUDGETARY CONCERNS:

1. Although there are some youth correctional facilities being considered for closure or modification, PYCF is under no imminent threat.

FINDINGS:

1. The two BTP units at PYCF have made a positive contribution to the life-skills of the youth incarcerated there. (Facts #7, #8)
2. As per last year’s grand jury recommendations, no kitchen and power upgrades have been made.
3. Adequate parking for staff and visitors has not been added.
4. Although inspections by Ione City Fire Department or a State Fire Marshall have not occurred within the last year, internal inspections are conducted. The institutions within the County of Amador are having difficulty obtaining State Fire Marshall inspections.
5. Fire extinguishers are inspected monthly and serviced regularly.
6. The movement sensors (alarm) in the low-risk dorms have been repaired and periodic inspections are performed. The school is shut down when the sensors malfunction.

RECOMMENDATIONS:

1. Expand the Behavioral Treatment Program to other units within the facility. (Finding #1)
2. Continue and expand the vocational programs.
3. Initiate kitchen and power upgrades pursuant to the recommendation of the 2008/2009 Grand Jury.
4. Provide adequate parking for staff and guests at the facility.

REFERENCE MATERIALS:

- CDCR Website, www.cdcr.ca.gov

RESPONSE REQUIRED:

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



**CRIMINAL JUSTICE
PINE GROVE YOUTH CONSERVATION CAMP**

INTRODUCTION:

The 2009/2010 Amador County Civil Grand Jury conducted the required inspection and review of the Pine Grove Youth Conservation Camp (PGYCC) on October 29, 2009.

BACKGROUND:

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

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

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

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

RESPONSIBLE AGENCY:

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

JUSTIFICATION/JURISDICTION:

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

METHOD OF EVALUATION:

INTERVIEWS & TOUR

- Interview with CDCR-DJJ Chief
- Interview with CALFIRE Chief
- Interview with CDCR-DJJ Captain
- Interview with CALFIRE Captain

- Tour of the facility

DOCUMENTS

- Informational Sheet
- Camp Fact Sheet
- Fire Hours Report
- Staff News, Department of the Youth Authority, State of California, June 20, 2003
A Day at Fire Preparedness Training Exercises with Pine Grove Crews
- Staff News, Department of the Youth Authority, State of California, November 7, 2003
All YA Camp Crews Home – No Injuries and a Job Done Well
- October 26, 2005
Pine Grove Camp commemorates 60th anniversary
- CDCR Today, April 7, 2009
Pine Grove Youth Conservation Camp Firefighters Raise Nearly \$575 for Amador County Charity
- CDCR Today, April 14, 2009
Pine Grove Youth Firefighters Attend Foothills Play
Pine Grove Youth Conservation Camp Crew Rescues Injured Hiker
- Family Justice News & Updates, July 8, 2009
A Model for Juvenile Justice Reentry Planning
- Youth Incentive News, Vol. 1, Issue 5, Page 3
Why Pine Grove Camp is Different
- *Points of Light* (flyer)
- Photos

FACTS:

1. At the time of the Grand Jury visit, 77 youths were enrolled. The facility is capable of housing 120. Their ages range from 18 to 25. Occasionally a young man can begin at age 17 providing he reaches his 18th birthday by the time his fire training is completed. No one under the age of 18 is allowed to participate in fire suppression activities with CALFIRE.
2. Juveniles at PGYCC must have been convicted of a crime prior to the age of 18. They are granted the privilege of coming to PGYCC from other institutions because of good behavior.
3. Crimes that disqualify a candidate from PGYCC include sexual offenses, arson, and most Category 1 offenses, such as murder.
4. The wards at PGYCC must be California residents.
5. Certain mental and physical health requirements must be met. Medical problems can be an obstacle to being placed at PGYCC. A case management worker from the Intake Unit determines an individual's competence in advance.
6. PGYCC's Limitation Parole Requirement specifies that an individual must have between 6 to 36 months remaining before release.
7. There is zero tolerance of gang activity at PGYCC. Each young man must make a commitment to stop all gang involvement at the time of his assignment.

8. The average stay for a ward of PGYCC is 13 months. Each is expected to be on a CALFIRE crew after an extensive training program.
9. The CDCR-DJJ has a four-point program:
 - **GROUP LIVING**
Individuals learn respect for rules and staff, and how to improve interaction with others.
 - **COUNSELING**
Participation is required. Each individual is assigned a Youth Correctional Counselor, who sees to it that he gets the counseling appropriate to his needs. The average youth-to-counselor ratio is less than 7 to 1. Case conferences are held every 30 days.
 - **EDUCATION**
The high school diploma program is administered by the CDCR-DJJ. Graduation is the number one goal. Higher education can be obtained through college courses designed for incarcerated students.
 - **EMPLOYABILITY SKILLS**
The needs of an individual are identified and a plan set up based upon those needs. Upon parole, each youth is provided with 3 to 7 job referrals.
10. Staff receives training in violence prevention and control and use of force. Mental health problems are quickly identified and a counselor referral made. There are no psychotropic or behavior control drugs administered.
11. A youth count is conducted every 30 minutes, whether they are participating on strike teams, in community crews, or at the facility.
12. Privileges are given on a phase system; those at a higher phase get more privileges. This system encourages them to work harder, attain their educational goals, and be more productive members of their crews. Any credits or points earned on the phase system may contribute to an early parole.
13. The daily PT program requires each individual to run, work out in the weight room, and participate in evening sports. All are encouraged to participate in competitive athletic programs. A sports field is under construction and the staff hopes that other entities in the community will hold sporting events at the camp. At this time, PGYCC participates in Pine Grove Softball and Jackson Baseball Leagues.
14. An individual “corrective action plan” is developed for each youth to help him adjust to his program. If he is unable to adapt to PGYCC requirements, he can be returned to a higher level institution. .
15. The primary responsibility of PGYCC is to assist in fire fighting. CALFIRE supervises a total of four Type 1 Hand Crews, consisting of 15 individuals per crew and a captain. CALFIRE takes strike teams throughout California.
16. The PGYCC employability training is conducted in partnership with CALFIRE. Each youth is given a year-round employment assignment. During the summer, hand crews participate in statewide fire suppression. In winter, the crews perform tasks at the county and city level, referred to as Grade Projects.
17. Grade Projects are community service work such as brush removal, creek maintenance, and other contracted projects. The community work crew can only benefit small city and county government entities.
18. Some agencies using the community work crew are charged for their services, but no more than \$200/day. That amount helps PGYCC to re-coup its costs.

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

STATE BUDGETARY CONCERNS:

1. In 2009, it was not anticipated that PGYCC would be affected by state or federal budget cuts. PGYCC has been an asset to the state and to CALFIRE, and the program has been well supported by the state Legislature and the Governor.
2. To reduce costs in 2010, the state is now looking at a population reduction between the two remaining fire camps in Pine Grove and Ventura. If a population reduction should become necessary, PGYCC would have to transfer some of its wards to regular adult CDCR facilities, and one of the two camps might be required to close.
3. PGYCC and CALFIRE have successfully arbitrated CALFIRE budget cuts for the past 3 years.
4. There are state hiring and spending freezes currently in effect.

FINDINGS:

1. At PGYCC, members of the various gangs are required to live and work together. No gang activity is tolerated. A youth will be immediately transferred to another institution if this policy is violated.
2. Both the CDCR-DJJ and CALFIRE staff work to build a good relationship with each youth, using professional courtesy when addressing them. As a result, PGYCC has evolved from a strict military atmosphere to a more interactive one.
3. The youths placed at PGYCC are considered the “cream of the crop.” The staff feels responsible for making each one succeed in the program. A low rate of recidivism at PGYCC (28%) compares favorably to national figures (60-70%).
4. Youths learn a strong work ethic. Many of them have grown up on the streets without an opportunity to acquire social and work-related skills. PGYCC focuses on steering them toward becoming productive members of society.
5. A concerted effort is made to find job opportunities for each young man. Case Managers keep in touch with them through phone follow-ups.
6. The State of California benefits significantly from PGYCCs low cost, high quality firefighting resources.

RECOMMENDATIONS:

1. Retain PGYCC as a joint CALFIRE and CDCR-DJJ facility, because of its tremendous success as both a fire-fighting resource and as an institution for successful rehabilitation.
2. Model more juvenile rehabilitation facilities after PGYCC.

RESPONSE REQUIRED:

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





Union High School, Jackson

EDUCATION

AMADOR COUNTY UNIFIED SCHOOL DISTRICT

- Driver's Education
- Community School



EDUCATION
AMADOR COUNTY UNIFIED SCHOOL DISTRICT, Driver's Education

INTRODUCTION:

The 2009/2010 Amador County Grand Jury elected to investigate the Driver's Education program for the Amador County Unified School District (ACUSD). The investigation focused on the "recovery" of the program.

BACKGROUND:

In 1998, as a result of State-imposed budget constraints, ACUSD's Driver's Education program was eliminated. Students who could afford it sought private means to acquire driver's training, leaving those who could not to wait until they were of legal age (18), and could get their licenses directly from the California Department of Motor Vehicles.

Following suspension of the program, Amador County's office of the California Highway Patrol recorded an increase in teen fatalities involving motor vehicles in the county, which peaked in 2006. Combined efforts of the Amador Teen Driving Council and the ACUSD Superintendent of Schools resulted in the reinstatement of the program in 2008.

RESPONSIBLE AGENCY:

AMADOR COUNTY UNIFIED SCHOOL DISTRICT
217 Rex Avenue
Jackson, CA 95642
209-223-1750

JUSTIFICATION/JURISDICTION:

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

METHOD OF EVALUATION:

The 2009/2010 Amador County Grand Jury's investigation of the ACUSD's Driver's Education program consisted of the following:

INTERVIEWS:

- Interview with Superintendent of ACUSD
- Interview with member of Amador Teen Driving Council
- Interview with California Highway Patrol Officer

REVIEW OF WEBSITES:

- ACUSD School Board, http://amadorcoe.org/School_board.htm
- Amador Teen Driver Council, www.amadorteedriver.org
- California Highway Patrol www.chp.ca.gov

FACTS:

1. Driver's Education in the classroom is now established as an elective.
2. On-the-road driver's training is available from the private sector.
3. At the time of this report, there had been no teen fatalities involving motor vehicles in Amador County since 2006.

FINDINGS:

1. The suspension of the Driver's Education program was in violation of the *California Education Code § 51850-51854*.
2. The Amador Teen Driving Council, California Highway Patrol *Start Smart* program, and the reinstatement of the ACUSD Driver's Education program have contributed significantly to the reduction of vehicle-related teen fatalities in Amador County. (Fact#3)
3. The Superintendent of ACUSD is committed to maintaining the Driver's Education program.

RECOMMENDATIONS:

1. Continue to find funding for Driver's Education regardless of changes in the State's budget. (Finding #1)

RESPONSE REQUIRED:

None

REFERENCE MATERIALS:

California Law. (n.d.) Education Code: California Codes:

Retrieved February 15, 2010 from Official California Legislative Information Website
<http://www.leginfo.ca.gov/cgi-in/waisgate?waisdocid=57489021967+0+0+0&waisaction=retrieve>



EDUCATION
AMADOR COUNTY UNIFIED SCHOOL DISTRICT, Community School

INTRODUCTION:

The 2009/2010 Amador County Civil Grand Jury elected to investigate the Amador County Community School (formerly known as Court School). The focus of the investigation was to examine the purpose, goals, and success of the program.

BACKGROUND:

The Amador County Community School is located in Plymouth, CA. It was founded as a court referral school for students expelled from regular comprehensive schools and without an educational alternative. The state of California is required by law to provide education for all youth. The Community program is designed for students Grades 7-12. The school day is 4 hours long.

RESPONSIBLE AGENCY:

AMADOR COUNTY UNIFIED SCHOOL DISTRICT
217 Rex Avenue
Jackson, CA 95642

JUSTIFICATION/JURISDICTION:

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

METHOD OF EVALUATION:

The 2009/2010 Amador County Grand Jury's investigation of the ACUSD's Community School consisted of the following:

- Interview with Superintendent of ACUSD
- Interview with Administrator of Amador County Community School

FACTS:

1. Students are bused to and from classes by the ACUSD.
2. The credit requirement at the Community School is lower (220 credits) than at regular, comprehensive schools (250 credits). The difference is electives. There are no electives at Court School.
3. At the time of the interview, there were 14 students (13 boys, 1 girl). Each student is given an Individual Education Plan (IEP) and works closely with one teacher.

4. There are three full-time staff positions at the school:
 - Administrator/Teacher (held by the same person)
 - Teacher (a position added in FY 2009/2010)
 - Administrative Assistant
5. Lunches are prepared at Amador High School and delivered the Community School each day.

FINDINGS:

1. Bussing of the students by ACUSD is problematical. Regularly, there will be only one student on return trips, even for long-range (upcountry) destinations.
2. The Administrator and Teacher(s) work diligently to build rapport with all students and their parents. Parents are kept up-to-date on the behavioral and academic progress of the students.
3. The lunches provided are minimal. There is no breakfast program. Because some of the students come to school hungry, staff keeps a supply of snack foods for them, so that they are better able to concentrate and learn.
4. The current Administrator's dedication and support have made this school what it is today and are essential to the success of the program. The Administrator is committed to ensuring that Community School students learn at a level equivalent to those in a traditional school setting.

RECOMMENDATIONS:

1. Research alternate means of supplying single students with transportation home, to determine if they can be made more cost-effective. (Fact #1, Finding #1).
2. Make the added position of a second full-time teacher permanent. (Finding #2)
3. Provide more varietal and nutritious lunches to maintain a solid learning program. (Finding #3).
4. Continue funding and support for the Community School.

RESPONSE REQUIRED:

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



ELECTIONS

 AMADOR COUNTY ELECTION OBSERVER PANEL



Amador County Fairgrounds, Plymouth



ELECTIONS
AMADOR COUNTY ELECTION OBSERVER PANEL

INTRODUCTION:

The 2009/2010 Amador County Civil Grand Jury accepted an invitation to review and evaluate the Amador County Elections Department and its procedures as part of the Election Observer Panel (EOP). Two Grand Jury members participated on the panel, along with representatives from the Democratic Central Committee, the Republican Central Committee, the Amador Ledger Dispatch, TSPN (television) and KNGT (radio).

BACKGROUND:

The purpose of the EOP is to insure that the election process is conducted transparently, encourage participation, and help build voter confidence in the election process.

OBSERVERS MAY:

- Observe the proceedings at the polls, including the opening and closing procedures
- Obtain information from the precinct index that is posted near the entrance
- Make notes and watch all procedures
- View all activities at the central counting site on Election Day
- View the canvass of the vote activities following the election
- View absentee and provisional ballot processing
- Ask questions of staff
- Ask questions of supervisors at the central counting site

OBSERVERS MAY NOT:

- Interfere in any way with the conduct of the election
- Touch any voting materials or equipment, or sit at the official worktables
- Converse with voters within 100 feet of the entrance to a polling place regarding the casting of a vote, or speak to a voter regarding his or her qualifications to vote
- Display any election material or wear campaign badges, buttons, or apparel
- Wear the uniform of a peace officer, a private guard, or security personnel
- Use cellular phones, pagers, or two-way radios inside the polling place and/or within 100 feet of the entrance to the polling place
- Talk to central counting site workers while they are processing ballots

OBSERVERS ARE RESPONSIBLE TO:

- Check in at each site with the site lead (Inspector, Registrar of Voters)
- Wear an identification badge
- Maintain a professional manner while observing the election process
- Ensure they do not interfere with the elections process

RESPONSIBLE AGENCY:

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

JUSTIFICATION/JURISDICTION:

The Amador county grand jury was invited to participate on the EOP pursuant to California Penal Code § 925, “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county...” California Law, n.d.

METHOD OF EVALUATION:

The 2009/2010 Amador County Civil Grand Jury’s participation on the EOP consisted of the following:

- Interview with Amador County Clerk/Recorder/Registrar of Voters
- Interview with Deputy Registrar of Voters
- Interview with office staff
- Interview with volunteers
- Tour of Amador County Elections Department
- Tour of county precinct on Election Day
- Attended EOP meeting
- Attended Election Officer training, Board of Supervisors’ chambers

FACTS:

1. Regular meetings were held to keep the EOP apprised of all aspects of the Elections Department’s duties. Panelists were invited to attend training classes for Election Day volunteers.
2. Over 40 volunteers participated in the training.
3. Operation of the voting machines was demonstrated to panel members.
4. County computer systems used in the voting process were demonstrated to EOP members.
5. The EOP was given a list of polling locations and precincts to allow random observation on Election Day.
6. Panelists observed the procedure for processing of absentee ballots.
7. Observers were asked to report problems or discrepancies to the Elections Department.

FINDINGS:

1. The observation of nine precincts revealed that the polling places were run in an orderly and professional manner. Security sleeves were consistently presented before the ballots were placed in official ballot boxes. A provisional ballot was issued to one voter after signing the Precinct Index.

2. According to the Registrar of Voters, the number of registered voters in Amador County is down by 2% compared to the last election, but the polling places observed were steadily populated throughout the day.

RECOMMENDATIONS:

None

RESPONSE REQUIRED:

No Response required.

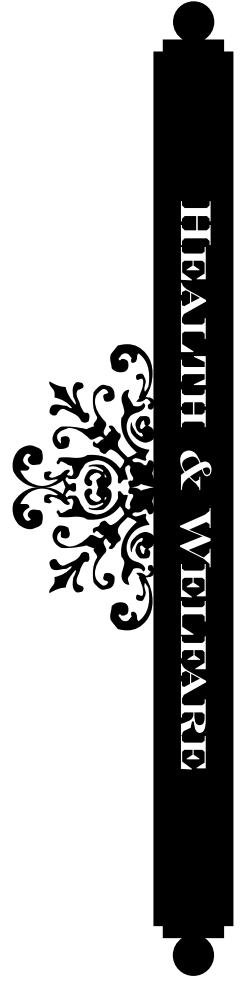




Valley Brew baseball team, Sutter Creek

HEALTH & WELFARE

AMADOR COUNTY
HEALTH and HUMAN SERVICES



**HEALTH & WELFARE
AMADOR COUNTY HEALTH and HUMAN SERVICES**

INTRODUCTION:

The 2009/2010 Amador County Civil Grand Jury investigated Amador County Health and Human Services, the Amador County Department of Behavioral Health, the Amador County Department of Social Services, the Sierra Wind Support Center, the Amador County Auditor/Controller and the Amador County Conservator. The purpose of the investigation was to evaluate the following:

- HEALTH and HUMAN SERVICES, budget
- MENTAL HEALTH FUNDING from the STATE of CALIFORNIA
- BEHAVIORAL HEALTH, responsibilities and functions
- SOCIAL SERVICES, budget
- SOCIAL SERVICES, responsibilities and functions
- SUPPORT CENTER, responsibilities and functions
- AUDITOR/CONTROLLER, responsibilities and functions
- CONSERVATOR, responsibilities and functions

Amador County Health and Human Services was eligible to obtain funding from the State for mental health services. Our objective was to determine whether Health and Human Services had completed the required paperwork, submitted it to the State of California and had either received or been denied funding through the County Auditor/Controller's office.

BACKGROUND:

In November 2004, voters in the State of California passed Proposition 63, the Mental Health Services Act (MHSA), designed to expand and transform California's county mental health service systems by increasing taxes on high income individuals. The MHSA is funded by imposing a one percent tax on personal income in excess of one million dollars.

To receive funding under the MHSA, counties are required to develop three-year plans consistent with the requirements outlined in the act. The plans are developed in collaboration with citizens and stakeholders to accomplish the desired results through meaningful use of time and capabilities, including employment, vocational training, education, and social and community activities. Also required are annual updates to the State, and a public review process. County proposals are evaluated by their success in achieving the following goals:

- Providing adequate housing, including safe living environments for children and youth
- Reducing homelessness
- Creating a network of supportive relationships
- Providing timely access to needed help
- Preventing incarceration in jails and juvenile halls
- Minimizing institutionalization and out-of-home placements

A recommendation was made by the 2008/2009 Amador County Civil Grand Jury that Amador County Health and Human Services continue its pursuit of any and all available MHSA funding by submitting the 2008/2009 fiscal year plan revisions prior to August 1, 2008.

RESPONSIBLE AGENCIES:

AMADOR COUNTY DEPARTMENT of BEHAVIORAL HEALTH
10877 Conductor Boulevard
Sutter Creek, CA 95685

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

SIERRA WIND SUPPORT CENTER
10877 Conductor Boulevard
Sutter Creek, CA 95685

AMADOR COUNTY AUDITOR/CONTROLLER
810 Court Street
Jackson, CA 95642

AMADOR COUNTY CONSERVATOR'S OFFICE
10877 Conductor Boulevard
Sutter Creek, CA 95685

JUSTIFICATION/JURISDICTION:

California Penal Code § 925. *The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county... California Law, n.d.*

METHOD OF EVALUATION:

INTERVIEWS

- Health and Human Services Director
- Behavioral Health Director
- Social Services Director
- Support Center Director
- County Auditor/Controller

FACTS:

1. Amador County Health and Human Services has a total of 92 employees, including 18 in the Public Health Nursing Department, 26 in the Department of Behavioral Health and 48 in the Department of Social Services.
2. The Department of Behavioral Health administration receives county, state, and federal funding.
3. Health and Human Services available to persons needing assistance include:
 - CAL-LEARN: Helps parents under the age of 18 receive high school diplomas

- WELFARE-TO-WORK: Teaching, training, and counseling to help candidates find a job
- MEDI-CAL: General health coverage to those who qualify, plus services for dental, vision, and mental health care
- TRANSITIONAL MEDI-CAL (RMC): Free medical coverage for up to 2 months for qualified participants transitioning from public assistance to private coverage
- FOOD STAMPS PROGRAM: Helps families in need purchase nutritious food
- SIERRA WIND SUPPORT CENTER: Counseling, meals, and a supportive atmosphere for persons recovering from addictions

FINDINGS:

DEPARTMENT of BEHAVIORAL HEALTH

1. Management monitors and administers services provided by state, federal and county funding.
2. The Department of Behavioral Health is audited by the State of California.
3. There has been a continued increase in families needing services within the past year, due to economic conditions and loss of jobs.
4. The department receives MHSA funding from the State by submitting paperwork pertaining to its Mental Health plans. Amador County has received set-up funding of \$465,000 and Mental Health Services funding of \$1.8 Million.
5. Monies received from Proposition 63 (MHSA) have been put in trust by Amador County.
6. Contract employees with experience filing annual plans were used to write the Amador County plan, resulting in successful Proposition 63 funding from the State.
7. Management is proud of the work being done by its dedicated employees.
8. Monitoring and evaluation of applications for services and benefits has resulted in successful early fraud detection. Applicants' income is verified, fingerprinting is done, and applications are given a target date of completion within compliance criteria.
9. Child Protective and Adult Protective cases have increased while staffing has decreased. These two services' increased activity would be better served by additional employees.
10. Behavioral Health patient billing must be made within 6 months, or the department will lose its ability to get a refund.
11. Behavioral Health is negotiating with UC Davis to obtain a psychiatrist who would shadow the current contract labor psychiatrist. Salary for the "shadow psychiatrist" would be paid by UC Davis. The UC Davis psychiatrist would accomplish residency through this program.
12. One third of the patients using Behavioral Health services cannot pay for them.
13. Amador County Behavioral Health does not receive funds from the General Fund to support jail or hospital mandatory counseling.

DEPARTMENT of SOCIAL SERVICES

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

15. Applications for all assistance programs averaged 399 per month from September 2008 to September 2009, with a peak of 453 applications. This is due to a 12%+ unemployment rate for the county.
16. In a year, the value of Food Stamps issued nearly doubled from \$195,560 in September, 2008, \$327,321 in September 2009.
17. Between September 2008 and September 2009, continuing cases for all assistance programs averaged 2,083 per month, with a peak of 2,094.
18. Eligibility workers are the front line against fraud.
19. When fraud is discovered in an application, the applicant is prosecuted and penalized.
20. Every Social Services program is at maximum capacity, and there is currently a hiring freeze within the county.
21. The staff is handling the increased workload/caseload admirably. Detailed charts were provided to the Grand Jury showing the increase in request for services. The department is down by 5-6 employees due to reorganization.
22. Employees have gone from a 40 to a 36 hour work week and have experienced a 10% pay cut.
23. Social Services conducts annual "peer audits" from neighboring counties to ensure the programs are working as designed.
24. The Department has an on-call employee, on standby 24/7, paid \$3.00/hour.

SIERRA WIND SUPPORT CENTER

25. The Support Center has been moved to a new location which serves the community in a less threatening environment.
26. The family of its clients is supported, including children.
27. Referrals from Health and Human Services, the Amador County Sheriff's Office, and walk-ins seeking help with addiction recovery are all supported.
28. Twenty to fifty people a day are seen by the Support Center.
29. The Support Center is renting its current facility. The facility was outgrown the day it moved in.
30. Staff will make jail visits as required.
31. The program calendar includes:
 - Monday- Friday, 9:00 am to 4:00 pm: special evening programs
 - Wednesday: dedicated to the support of Native Americans
 - Thursday evening: dedicated to *Five Alive*, a teen suicide-prevention program
32. Continuous suicide prevention counseling is provided.
33. The Center operates in partnership with the Church of the Nazarene, Jackson.

AMADOR COUNTY AUDITOR/CONTROLLER

34. The County Auditor/Controller performs audits of the Amador County Treasury and audits for budget compliance with State laws.
35. The County Auditor/Controller does not audit the budgets of departments within the county, only the overall County budget.
36. County departments hire independent auditors to review and audit their budgets annually.
37. Department Management can approve expenditures up to \$20,000. Proposed expenditures over \$20,000 require approval from the Board of Supervisors, a Request for Proposal (RFP), and a review process.

AMADOR COUNTY CONSERVATOR'S OFFICE

38. The Conservator's Office reports to the Amador County Department of Social Services.
39. The Conservator's Office budget is established by the Amador County Department of Social Services.
40. Separate accounts are provided for each client.
41. The Conservator's Office is audited by an outside auditor; Galina & Co. LLP.
42. The Conservators Office has 4 employees.

RECOMMENDATIONS:

1. Continue to ensure proper Mental Health funding by evaluating and demonstrating caseload activity and implementing programs and treatments that will serve the community to its fullest possible advantage (Finding #4).
2. Monitor patient caseload and track billing to ensure timely refunds for services (Finding #10).
3. Continue efforts to obtain a UC Davis psychiatrist who can shadow the current contract psychiatrist (Finding #11).
4. Provide a budget from the General Fund to pay Behavioral Health staff for mandatory Jail and Hospital patient counseling (Finding #13).
5. Track and report the results from neighboring county "Peer Audits" (Finding #23).
6. Monitor and report increases and decreases in caseload and activities at the Wellness Center (Finding #28)
7. Change the title of the Amador County Auditor/Controller to *Amador County Controller*, to reflect accurately the functions of that office (Findings #34, 35)
8. Determine whether Amador County would save money by hiring one auditing firm for the entire county, rather than multiple auditors (Finding #37).

RESPONSE REQUIRED:

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

REFERENCE MATERIALS:

California Mental Health Services Act (Proposition 63)





Main Street, Sutter Creek

CITY OF SUTTER CREEK

- ❧ INTRODUCTION
- ❧ FINANCE, ADMINISTRATION, and POLICY
- ❧ SANITARY SEWER MANAGEMENT PLAN
- ❧ WASTEWATER TREATMENT PLANT
- ❧ SUTTER CREEK POLICE DEPARTMENT
- ❧ ANIMAL ISSUES WITHIN CITY LIMITS



**CITY OF SUTTER CREEK
SPECIAL INVESTIGATIVE COMMITTEES**

INTRODUCTION:

As the result of complaints concerning the solvency and governmental efficiency of the City of Sutter Creek, the 2009/2010 Amador County Civil Grand Jury decided to investigate the operations of the city.

Three areas of concern were identified, and special committees formed to conduct the investigations:

- Finance, Administration and Policies
- Sewer and Wastewater Management
- Sutter Creek Police Department

A fourth area became evident in the course of an unrelated investigation of Amador County Animal Control, so an additional report examining the handling of animal issues inside the city limits of Sutter Creek was added to this section of the Final Report.

Since beginning its research and interviews in January, the 2009/2010 Grand Jury became aware that steps have been taken to correct many of the issues identified in the following reports. Although the Grand Jury is encouraged that corrective measures have begun, the Sutter Creek City Council should have been aware of the issues and taken action prior to the start of this investigation.

**CITY OF SUTTER CREEK
FINANCE, ADMINISTRATION, and POLICY**

INTRODUCTION:

In response to a complaint received in January, 2010, regarding the spending of Sutter Creek funds, the 2009/2010 Amador County Civil Grand Jury agreed to investigate the financial and administrative stability of the City of Sutter Creek.

BACKGROUND:

The purpose of this investigation was to evaluate the City of Sutter Creek in regard to its handling of finances during the economic downturn, the Highway 49 bypass, and the closing of dealerships selling new automobiles. The general effectiveness of city administration and policy were also examined.

RESPONSIBLE AGENCY:

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

JUSTIFICATION/JURISDICTION:

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

METHOD OF EVALUATION:

INTERVIEWS:

- Sutter Creek Mayor
- Sutter Creek Mayor Pro Tem
- Sutter Creek City Council (City Council)
- Sutter Creek City Manager (CM)
- Sutter Creek Chief of Police (COP)
- Sutter Creek Assistant City Manager (ACM)
- Sutter Creek City Clerk
- Sutter Creek Finance Department
- Sutter Creek City Hall Employees
- Sutter Creek Building Department
- Sutter Creek Citizens

DOCUMENTS:

- Sutter Creek Financial Report
- Sutter Creek *Personnel Handbook*

- Sutter Creek *Policy Manual*
- Ralph M. Brown Act
- California Public Contract Codes
- Fair Political Practices Act
- Ethics Training for Local Government Officials
- California Public Records Act
- California State Constitution

FACTS:

1. California Public Contract Codes § 20162 and 20168 set forth requirements pertaining to the bidding process for public projects and the proper procedure for declaring emergencies. The CM, after consulting only one City Council member, without approval from the full Council, entered into an “emergency” contract agreement to upgrade the Sutter Creek Wastewater Treatment Plant (WWTP).
2. The CM declared an “emergency” on the city-owned Musetti House because of an eroding foundation. A remodel of the interior of the house was begun without an RFB and without approval of the City Council. The CM did not follow proper procedure to begin construction. The Sutter Creek Planning Commissioner reports the project has cost over \$59,000. The foundation work was ultimately stopped due to lack of funds. It has not been completed.
3. Sutter Creek does not maintain inventory records. Movable and fixed assets owned by the city are unaccounted for. These assets include, but are not limited to, city vehicles, computers, and smart communications devices.
4. The City Council has been advised annually, by an outside finance auditor, to track depreciation of capital assets. This has not been done.
5. The *Employee Handbook*, § 5C1 and §5F1, states that city employment opportunities should be advertised, tested and reviewed.
6. A police officer left work on medical leave in November 2008. A Workers’ Compensation claim, filed in January 2009, was denied April 14, 2009. The COP/CM approved continuation of pay to the officer at full salary including accumulation of vacation and sick leave, on the assumption that denial of the Workers’ Compensation claim would be reversed, and without the approval of City Council.
7. Sutter Creek has a *Policy Manual* and a *Personnel Handbook*. The policies are not dated and the pages for both documents are not numbered consistently or consecutively.
8. The *Policy Manual* defines the steps for purchasing equipment, office supplies, and all office procedures.
9. Both the *Policy Manual* and the *Personnel Handbook* refer to leaves-of-absence that are in conflict with the Family Medical Leave Act of 1993.
10. According to Government Code § 53235, ethics training by the City Attorney is required every two years.
11. The *Policy Manual* states *when a city credit card is used, the employee will make a notation on the front of the charge slip stating the purpose of the charge and, in the case of meals charges, the names of the persons for whom meals were purchased.*

12. Finance Reports are not “user friendly”, making it difficult to interpret the city’s financial standing. City Council has asked the Finance Department on several occasions to simplify reports.
13. Because of the economic downturn, the 49 Bypass and the loss of tax revenues from the sale of new automobiles in Sutter Creek, revenue from sales tax decreased by over 50%. Sutter Creek tourism has decreased substantially and Transient Occupancy Taxes (TOTs) from hotels, motels, and bed & breakfasts has decreased. The Sutter Creek budget for Fiscal Year 2009/2010 is operating under a deficit.
14. The City Clerk, an elected official, is responsible for producing minutes of City Council meetings. Minutes are to be written and then approved at the next regular meeting. The City Clerk is also responsible for updating the Ordinance and Municipal Code book.
15. Sutter Creek employee contracts currently pay 100% of the Public Employees Retirement System (PERS) and Social Security contributions.
16. A bridge in Sutter Creek was dedicated to a City Council member’s daughter. The dedication ceremony was funded in part by a fund-raising event sponsored by Gold Rush employees. Sutter Creek was in active negotiations with Gold Rush Development at the time.
17. Four positions: COP, CM, Director of Amador Regional Sanitation Authority (ARSA), and Wastewater Treatment Plant (WWTP) Manager are held by the same person.
18. In December 2007, the City Council authorized the cash purchase of a Toyota hybrid. In April 2008, a loan was secured against the vehicle, without the approval of City Council. In December 2008, the vehicle was sold without advertising or RFBs.

FINDINGS:

1. California Public Contract Code § 20168 states:
In case of an emergency, the legislative body may pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this chapter. If notice for bids to let contracts will not be given, the legislative body shall comply with Chapter 2.5 (commencing with Section 22050).
The CM was out of compliance with California Public Contract Code § 20162 and 20168. (Facts #1, #2)
2. Further specifications of the California Public Contract Code §22050 concerning emergencies include:
In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency and procure the necessary equipment, services and supplies for those purposes, without giving notice for bids to let contracts.
Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.
Neither of these specifications was taken into account by the CM. (Fact #2)

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

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

4. California Public Contract Code, §100 states:

The Legislature finds and declares that placing all public contract law in one code will make that law clearer and easier to find. Further, it is the intent of the Legislature in enacting this code to achieve the following objectives:

- *To clarify the law with respect to competitive bidding requirements*
- *To ensure full compliance with competitive bidding statutes as a means of protecting the public from misuse of public funds*
- *To provide all qualified bidders with a fair opportunity to enter the bidding process, thereby stimulating competition in a manner conducive to sound fiscal practices*
- *To eliminate favoritism, fraud and corruption in the awarding of public contracts*

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

5. When the remodel was begun on the Musetti House, proper procedure for RFBs was not followed. Repair of the foundation should have been subject to the procedures cited in California Public Contract Code §100b. The foundation repair remains unfinished and the building is now occupied. (Fact #2)
6. Inventory Control Systems maintain records of movable and fixed assets. Sutter Creek has a *Fixed Assets Capitalization and Inventory Control Policy* adopted October 21, 2002. However, this policy is not being followed. (Fact #3)
7. Though City Council meetings are recorded, hard copies of the minutes are months out-of-date, the *Minutes Book* is out-of-date, and the minutes have not been approved by the City Council. (Fact #14)
8. City Ordinances and Municipal Codes are out-of-date by 4 to 5 years, according to the Deputy City Clerk. (Fact #14)
9. Job openings for Public Works and Sewer Plant Heavy Equipment Operator were not properly advertised, tested and reviewed. CM hired two employees without following proper procedure. The City Council knew of these placements and did not intervene. (Fact #5)
10. When City Council became aware of the police officer's continued pay while on medical leave, legal counsel was consulted regarding legal remedies to correct the situation. City Council did not, however, stop the payments. (Fact #6)
11. California Labor Code § 4850.3 defines the eligibility for continued payment while a worker is on leave. It is unclear whether there was a final determination made that the cause of the medical leave arose from a work-related injury or not. If it was not, the payment was a misuse of public funds. (Fact #6)
12. The Finance Department is required to provide the City Council with financial status reports. Figures in these reports are inconsistent. Figures were questioned by the City Council; the explanation was that they had been entered incorrectly. Corrections were made and additional inconsistencies were found. During the investigation of the Finance Department, the 2009/2010 Grand Jury also found inconsistencies and the changing of figures. (Fact #12)

13. During interviews, it was determined that most employees and city workers were unaware of the *Employee Handbook* and *Policy Manual*. The *Personnel Handbook* has an acknowledgement form to be signed by the employee upon receipt of the handbook. The CM is responsible for assuring that employees and city workers are aware of these manuals. (Facts #7, #8, #9)
14. *Personnel Handbook*, § L, page 47 states:
An employee on an extended (medical) absence must apply for any other compensation and benefits, such as Workers' Compensation or disability insurance. Any leave of absence without pay exceeding fifteen (15) calendar days shall cause the employee's salary anniversary date to be postponed the number of calendar days equal to the number of days of the unpaid leave. Benefits accruals such as vacation, sick leave or holiday benefits will be suspended during the leave and will resume upon return to active employment.
This directive was not followed by the COP/CM in relation to the Police Officer's medical leave. (Fact #6)
15. The City Council has made efforts to reduce spending. Job positions have been either eliminated or bundled. Hours have been reduced and wages decreased. The city's share of PERS for *new* hires has been reduced from 100% to 50%. Some assets have been sold to reduce expenditures and some construction has been halted pending improvement to the financial situation. (Facts #2, #15, #18)
16. The Sutter Creek Business Association is partnering with the Amador Council of Tourism to promote tourism not only for the city of Sutter Creek but also Amador County. This partnership eases the burden of cost to Sutter Creek and its advertising reaches a wider market.
17. Government Code § 87301, 87302, "Conflict of Interest" law prohibits gifts from individuals or entities to a government agency, city, county or public official that could result in the financial gain of the individual or entity. (Fact #16)
18. Record-keeping of the city's credit card charges is poor. Receipts are not always provided. Documentation of the reason for charges is incomplete. When meals are charged, the attendees are not listed. (Fact #11)
19. Sutter Creek officials use city credit cards to pay for meals with consultants and contractors, and then invoice reimbursement from the consultants or contractors. This practice has been seen as a conflict of interest, it also delays reimbursement to the city, presenting a cash flow problem. (Facts #7, #11)
20. On occasion, COP/CM must make decisions that require an opinion from both positions. These decisions may conflict with each other. This conflict may also exist between the interests of CM, ARSA Director, and WWTP Manager. (Fact #17)
21. When asked about the Toyota hybrid transaction, none of the City Council members were aware of the loan. (Fact #18)
22. The CM has, on several occasions, not followed the policies and procedures of Sutter Creek City government. (Facts #1, #2, #3, #5, #6, #7, #8, #11, #18)
23. City Council has, on several occasions, not followed the policies and procedures of Sutter Creek City government. (Facts #1, #2, #3, #4, #5, #6, #7, #8, #11, #18)
24. Grand Jurors attending City Council meetings observed some members of the City Council managing by intimidation and being unresponsive to citizens' concerns.

RECOMMENDATIONS:

To the SUTTER CREEK CITY COUNCIL:

1. Emergencies, as defined by Public Contract Codes §1101-1104, should not be declared without City Council approval and a 4/5ths vote. (Facts #1, #2 and Findings #1, #2, #3, #4, #5)
2. Direct the CM to follow procedure for contracting projects, including those specified by the California Public Contract Code. (Facts #1, #2 and Findings #1, #2, #3, #4, #5, #22, #23)
3. Develop a procedure to ensure the City Council is aware of all decisions made by the CM concerning financial disbursements. These decisions should be made by the entire City Council. (Facts #1, #2, #6, #11, #18 and Findings #1, #2, #3, #10, #11, #14, #15, #18, #21)
4. Follow proper procedure when hiring new employees. (Fact #5, Finding #9)
5. Ensure that all City Council members and city employees are aware of responsibilities regarding Sutter Creek's vital programs by providing each with a copy of the *Personnel Handbook*. (Fact #7, Finding #13)
6. Place a *Policy Manual* in each department and make city employees and City Council members aware of its location. (Fact #7, Finding #13)
7. Require that the Finance Department report directly to the City Council, not just the CM. (Facts #12, #18 and Findings #12, #21)
8. Follow the policy in the *Policy Manual* regarding inventory control and depreciation of capital assets. (Facts #3, #4 and Findings #6, #12)
9. Discontinue immediately the practice of paying for or accepting meals or gifts from consultants. Discontinue immediately the practice of "billing back" to the consultant for meals during business hours. These meals should be paid for by each individual involved. (Facts #11, #16 and Findings #13, #17, #18)
10. Submit all contract agreements to the City Council for review and approval. (Facts #1, #2, #18 and Findings #1, #2, #3, #4, #5, #21)
11. Conduct ethics training for all new hires within 90 days of employment, with refresher courses every 2 years. (Fact #10)
12. Re-negotiate contracts so that only the employer's portion of PERS and Social Security are paid by the City of Sutter Creek. (Fact #15, Finding #15)
13. Adhere to the *Policy Manual* concerning receipts by including required documentation with each receipt prior to submission for payment. (Facts #8, #11 and Finding #13)
14. Establish a policy regarding any special event, such as the bridge dedication, regarding conflict-of-interest. (Fact #16)
15. Make use of the Inventory Control function in the current accounting system to track and report the value and location of Sutter Creek assets. (Facts #3, #18 and Findings #6, #21)
16. Remove outdated leave-of-absence references from the *Policy Manual* and *Employee Handbook*. (Fact #9)
17. Take action to ensure that the City Clerk fulfill the obligations of the office. Remedies may include recall or changing the elected position to an appointed one. (Fact #14 and Findings #7, #8)
18. Add a written Workers' Compensation procedure to the *Policy Manual* and *Personnel Handbook*. (Fact #6)

19. Adopt a policy of promptly transcribing and presenting the council meeting minutes to the City Council for approval. (Fact #14, Finding #7)
20. Update and provide revision dates for the *Policy Manual* and *Personnel Handbook* to reflect current laws. Index and number the pages properly for easy reference. This will avoid confusion and establish a tracking mechanism for compliance with California State Laws and/or the Fair Political Practices Commission. (Fact #7, Finding #13)
21. Do not allow one person to hold multiple positions if those positions have inherent conflicts (CM and COP, ARSA Director and WWTP Manager). (Fact #17, Finding #20)
22. Protect the City's funds and maintain awareness of all expenditures and decisions being made on behalf of Sutter Creek. Do not leave these decisions to the CM or Finance Department personnel alone. (Facts #1, #2, #6, #18 and Findings #21, #22, #23)
23. Act immediately to correct a situation in which policy has not been followed, putting the best interests of Sutter Creek first, both financially and ethically.

To the CITIZENS of SUTTER CREEK:

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

RESPONSE REQUIRED:

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



**CITY OF SUTTER CREEK
SANITARY SEWER MANAGEMENT PLAN**

INTRODUCTION:

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

BACKGROUND:

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

RESPONSIBLE AGENCY:

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

JUSTIFICATION/JURISDICTION:

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

METHOD OF EVALUATION:

INTERVIEWS:

- Sutter Creek City Manager (CM), Director of Amador Regional Sanitation Authority (ARSA), Wastewater Treatment Plant (WWTP) Manager
- Sutter Creek Assistant City Manager (ACM)
- Retired Public Works Superintendent
- Sutter Creek City Council Members
- WWTP Supervisor (on-site)
- Public Works Foreman
- Sutter Creek Citizens

DOCUMENTS:

- Sutter Creek Municipal Code §14.04.230; 14.04.060; 14.04.70; 14.08.080; 1.16; and 14.08.090
- Government Code § 36901
- Health and Safety Code § 5410–5416

FACTS:

1. The City complied with state requirements by submitting a certified SSMP in April 2008. The SSMP was comprised of 11 separate elements (see REFERENCES).
2. By November 2009, within the required timeline, the CM and the ACM had completed elements 1-6 of the SSMP.
3. Elements 7-11 of the SSMP, due in May 2010, have not been completed.
4. Element 7 of the SSMP deals specifically with Fats, Oils, and Grease (FOG) in the system.
5. Due to the budget crisis in the City, much of the SSMP work has been neglected. As recently as April 2010, two raw sewage spills occurred in the City.
6. The City retained the services of *HDR Consulting* to prepare a Gap Analysis (a study that compares the in-compliance parts of the sewer collection system with the parts that are out-of-compliance). The City paid \$18,156 for this analysis.
7. Sutter Creek Municipal Codes § 14.04.070, 14.08.080, 1.16 and 14.08.090, pertain to the flushing of materials that are considered hazardous to the sewer collection system and/or the WWTP.

FINDINGS:

1. The Sutter Creek Sewer Committee (SCSC) stated that over the last 24 months, weather has prevented the completion of the maintenance program which was submitted. (Fact #3)
2. The City has not addressed the FOG issue. (Fact #4)
3. One of the raw sewage spills in April 2010 was caused by a root ball which would have been discovered by the video surveillance required by Element #4 of the SSMP. (Fact #5)
4. At the time of this report, the Gap Analysis had not been completed. (Fact #6)
5. Many businesses in the City are not using grease interceptors, which violates Sutter Creek Municipal Codes § 14.04.070, 14.08.080, 1.16 and 14.08.090, and causes high biochemical oxygen demand (BOD) levels in the system. (Fact #7)
6. The pipe deficiencies in the City's antiquated sewage collection system will adversely affect the City's future growth.

RECOMMENDATIONS:

1. Complete the SSMP in a timely manner to minimize future spills. (Facts #1, #2, #3, and Finding #1)
2. Update the SSMP on a yearly basis, and keep in compliance with it. (Facts #1, #2, #3)
3. Implement an inspection and maintenance program to regulate the FOG issue. (Fact #4, Finding #2)

4. Complete video inspections as specified in the SSMP to reduce raw sewage spills in the City. (Fact #5, Finding #3)
5. Require businesses within the City to install and maintain properly sized grease interceptor traps, and conduct quarterly inspections of the traps. (Fact #7, Finding #5)
6. Provide written notices to City businesses and households that identify the hazards to the City's sewer collection system (diapers, paper towels, feminine hygiene products) and the potential for fines, penalties, and forfeitures as cited by Government code 36901.
7. Repair or replace collection system piping, per the SSMP, to prevent raw sewage overflows at the WWTP storage basin and contamination of natural waterways ("riparian zones"). (Finding #6)
8. Implement a System Evaluation and Capacity Assurance Plan (SECAP) to anticipate future growth in Sutter Creek. Install flow meters in each branch of the sewage collection system to help identify infiltrations.

RESPONSE REQUIRED:

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

REFERENCE MATERIALS:

- California Integrated Water Quality System (CIWQS)
- HDR Gap Analysis (incomplete)
- Report Developed by Consulting Civil Engineer
- Rural Community Assistance Partnership
- SSMP Organizational Chart
- Report Developed by *Weatherby/Reynolds/Fritson*
- Sanitary Sewer Maintenance Plan (SSMP) Elements
 - 1) Goal
 - 2) Organization
 - 3) Legal Authority
 - 4) Operations and Maintenance Program
 - 5) Design and Performance Provisions
 - 6) Overflow Emergency Response Plan
 - 7) FOG Control Program
 - 8) SECAP
 - 9) Monitoring, Measurement and Plan Modifications
 - 10) Program Audits
 - 11) Communication Program



**CITY OF SUTTER CREEK
WASTEWATER TREATMENT PLANT**

INTRODUCTION:

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

BACKGROUND:

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

RESPONSIBLE AGENCY:

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

JUSTIFICATION/JURISDICTION:

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

METHOD OF EVALUATION:

INTERVIEWS:

- Sutter Creek City Manager (CM)/Sutter Creek WWTP Manager
- Sutter Creek Assistant City Manager (ASM)
- Sutter Creek Public Works Superintendant, retired
- Sutter Creek City Council Members
- Mayor of Sutter Creek
- WWTP Supervisor
- Sutter Creek Public Works Foreman
- Sutter Creek Citizens
- Sutter Creek Public Works Operator
- Grade 5 Engineering Consultant
- Sutter Creek Deputy City Clerk
- Community Development Director/Building Official, retired

TOURS:

- Sutter Creek WWTP

MEETINGS ATTENDED:

- Sewer Committee Meetings

DOCUMENTS:

- California Health and Safety Code, § 5411–5411.5 (a) (b) (c), Article 2. *Sewage and Other Waste*
- Sutter Creek Municipal Code § 14.04.070 and 14.08.090
- California Public Contract Code
- California State Constitution, Article 13D § 6(b)
- Government Code § 53721, 53722 (2/3 vote of electorate)

FACTS:

1. The current WWTP Manager is also the Sutter Creek Chief of Police (COP), Director of Amador Regional Sanitation Authority (ARSA), and Sutter Creek City Manager (CM).
2. The CM/WWTP Manager does not hold a State Wastewater Treatment Certification or the engineering degrees necessary to understand the biological, PH, or disinfection process needed to maintain quality process control.
3. California Public Contract Code § 20168 sets forth requirements for the identification of emergencies, including the need for a four-fifths vote from the City Council when approving certain expenditures, and when a Request for Bids (RFB) is necessary. The CM declared an emergency and began an upgrade of the WWTP without a four-fifths vote or an RFB, both of which were out of compliance with California Contract Code § 20168.
4. Engineering and construction has cost \$2,250,000.00.
5. The City acted as the General Contractor for the WWTP upgrade. The WWTP Manager/CM, on behalf of the City, conducted the hiring of sub-contractors and city staff to work on the WWTP.
6. An estimate for the drying beds and other *HDR* designed equipment was \$83,000. The City Building Inspector informed the CM that the cost for the items should be considerably less. The CM authorized the City Building Inspector to proceed with a modified design for \$14,000.
7. There was no electrical cost analysis completed prior to the installation of three new aerators at the WWTP.
8. The WWTP effluent is currently exceeding Regional Water Quality Control Board standards. Reports dated 3/03/10 to 4/28/2010 reveal failure in either one or more of the three testing categories; total suspended solids (TSS), biochemical oxygen demand (BOD), and total coliform bacteria (TCB). *HDR* was hired to modify the WWTP and resolve the TSS, BOD, and TCB problems. The modifications did not establish compliance.
9. Wastewater treatment depends on biological organisms in both the aeration basin and the “Klargester” (container) to process the wastewater. The *HDR* design for the City’s WWTP has organisms in the aeration basin that conflict with the Klargester organisms. If these organisms come into contact with each other, the organisms from the aeration basin could kill off the organisms in the Klargester, which could result in a complete shutdown of the treatment process. Upon discovery of this error, water flow to the aeration basin was shut off on 4/30/2010.
10. The Waste Water Collection System is experiencing “infiltration and inflow” problems during periods of rain. Infiltration dramatically increases the level of the aeration basin. One hour from

commencement of rain there is a significant spike in the inflow of the WWTP. This spike creates a capacity storage problem to the plant. Raw sewage could spill into in the natural waterways (“riparian zones”), or complete WWTP failure could occur as a result of limited basin storage capacity.

11. *HDR* did not provide an operations manual for the newly upgraded WWTP.
12. The City collects sewer fees and deposits these fees into an account designated “Sewer Enterprise Fund”. Proper dispensation of these fees is defined by Article 13D § 6 (b) (2) of the California State Constitution, which states "Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed."

FINDINGS:

1. The WWTP Manager is not qualified to hold the position. PH balance is critical to plant operations as it directly influences disinfection (chlorine demand). Without the required training or experience, the WWTP Manager is unaware of the current and most efficient WWTP equipment and processes. (Fact #2)
2. The CM is not qualified to be the General Contractor on the project. (Fact #2)
3. By declaring an emergency, the CM/WWTP Manager intended to avoid the time-consuming process of a formal Request for Proposals/Bids (RFPs, RFBs). The upgrade took over three years. (Fact #3)
4. Sub-contractors and city staff hired to work on the WWTP were poorly managed, which caused long delays in the completion of the upgrade.
5. A person knowledgeable in construction would have recognized the need for a licensed contractor to manage the project. The WWTP operators have since located a highly qualified Grade 5 engineer to consult with the plant operators and get the plant into compliance at a cost of less than \$14,000. (Fact #6)
6. The motor control center (electrical panel) was placed in a bad location and is in a potentially hazardous condition. *HDR* found the electric panel to be undersized for the added load of the 10, 15 and 20 horsepower aerators. (Fact #7)
7. There has been a 300% increase in power demand since installation of the new aerators. Prior to the installation, the PG&E bill averaged \$1,256 per month. Since powering up the aerators, the bill has averaged \$4,914 per month. (Fact #7)
8. The City spent \$2.25 million dollars on *HDR* engineering studies and equipment upgrades to the WWTP. This upgrade has *not* brought the plant into BOD compliance. While the basin lining, sledge press and new electrical panel were necessary and successful improvements, these improvements did not rectify the problem for which the emergency was declared. They did not require expensive engineering studies.
9. Changes in PH balancing, chlorination or ultra violet and trickling filter water application will make the treatment process much more efficient, with a potential two-fold increase in plant capacity. (Fact #2)
10. *HDR* did not follow through with its Quality Control/Quality Assurance obligations.
11. *HDR*'s trial and error approach to resolving the TSS, BOD, and TCB issues should not have been at the expense of the City. *HDR* was hired because of its highly regarded reputation and expertise.
12. *HDRs* design for the WWTP has several deficiencies:

- Bacteriologic incompatibility
 - No PH control
 - High operating costs, especially in summer
 - High chlorine demand
 - Unresolved high BOD levels
 - Overbuilt due to Gold Rush considerations
 - No process manual
 - No follow-through on Quality Control/Quality Assurance
13. The City Treasurer provided the Grand Jury with documents which suggest that Sewer Enterprise Funds have been transferred to the General Fund, once in the amount of \$24,250, another in the amount of \$220,000. There is no evidence that either of these transfers were paid back, as required by Article 13D § 6 (b) of the California State Constitution (Fact #12)

RECOMMENDATIONS:

1. Hire separate individuals to fill the positions of WWTP Manager and CM.
2. Discontinue the practice of acting as a General Contractor for city projects. (Fact #5 and Findings #2, #3, #4, #5)
3. Hire a Grade 5 wastewater treatment engineer to correct plant equipment and processing deficiencies. The return on this investment would be realized within 6 months from PG&E savings alone. The consultant should provide an operations manual and all necessary training to the operators. The knowledge and expertise of a Grade 5 consultant will ensure compliance and increased efficiency at the WWTP. (Facts #8, #9, #10, #11 and Finding #5)
4. Retain a Grade 5 wastewater treatment engineer to consult with operations staff for at least the next 4 to 5 years. Doing so will allow plant operators access to the solutions needed to keep the WWTP in compliance and avoid possible fines against the City.
5. Repair or replace sewage collection system pipes to protect the WWTP's aeration basin from potential overflow.
6. Launch an immediate investigation of the "errors and omissions" clause as described in the *General Terms and Conditions for Engineering and Environmental Services* of the HDR contract. (Findings #10, #11, #12)
7. Adopt a policy requiring clear and legal justification of all transfers from the Sewer Enterprise Fund into the General Fund (or any other unqualified city funds) to prevent violation of the Constitution. (Fact #12, Finding #13)

RESPONSE REQUIRED:

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

REFERENCE MATERIALS:

- *HDR Consulting* Master Plan
- *HDR Consulting* Task #1 Wastewater Planning Project
- *HDR Consulting* Task#2 Develop Estimate of Projected Populations and Influent Flows and Loads
- *HDR Consulting* Task #3 Wastewater Master Plan
- *HDR Consulting* Task #4 Phase 1 Environmental Site Assessment (ESA)
- *HDR Consulting* Task #5 Sutter Creek Interim Treatment Facility Design
- *HDR Consulting* Task #9 Water and Sewer Design and Construction Standards
- *HDR Consulting* Task #10 Wastewater Treatment Plan Upgrade Design
- *HDR Consulting* Task #13 Miscellaneous Services Related to Gold Rush Development
- *HDR Consulting* Task #14 Phased Implementation Plan
- *HDR Consulting* Task #15 Electrical System Improvements
- *HDR Consulting* Task #100 Project Management and Quality Assurance/Quality Control (QA/QC)
 - Subtask #110 Project Management and Coordination
 - Subtask #120 Progress Meetings
 - Subtask #130 QA/QC Program
- Effluent Sampling Reports from Sierra Foothill Laboratory, Inc
- Proposal given to City Council by *WTR Sciences Group*
- Summary of billings by *HDR* to the City of Sutter Creek
- Final budget for FY 2009/2010



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

INTRODUCTION:

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

BACKGROUND:

SCPD handles police-related calls within the City.

RESPONSIBLE AGENCY:

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

JUSTIFICATION/JURISDICTION:

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

METHOD OF EVALUATION:

INTERVIEWS

- Interview with SCPD Chief of Police (COP) /Sutter Creek City Manager (CM)
- Interviews with SCPD Sergeants
- Interview with SCPD Corporal
- Interviews with SCPD Officers
- Interviews with members of the Sutter Creek City Council (City Council)
- Interview with Sutter Creek Finance Director

DOCUMENTS

- Memorandum of Understanding (MOU) for Fiscal Year 2008/2009
- Communications regarding the negotiations of the FY 2008/2009 MOU
- Impasse Procedures, Staff Report, Interoffice Memo, and Comments of Opposition from Local SEIU 1021 Members and Sutter Creek Police Officer Association (SCPOA)
- SCPD Budget and Grant Reports

FACTS:

1. The projected Fiscal Year 2009/2010 budget for SCPD is \$951,000. Of this amount, \$560,000 is expected to come from the General Fund. The remaining allocation is derived in part from the following grants: State grants \$182,000; grant for Amador County Combined Narcotics Enforcement Team (ACCNET) \$84,000; School Resource Officer (SRO) grant \$57,000.
2. The current Sutter Creek COP was hired in June 1999.
3. By the year 2000, the COP was serving in the following additional capacities:
 - Sutter Creek CM, October 1999
 - Sutter Creek Wastewater Treatment Plant Manager, December 2000
 - Amador Regional Sanitation Authority (ARSA) Director, December 2000
4. At the time this investigation began, there were six full-time officers including: the COP; a day sergeant; a night sergeant; a corporal; an SRO; and an officer assigned to the ACCNET.
5. ACCNET is a drug enforcement task force which includes a Jackson Police Department Officer, a District Attorney Investigator, and officers from Mule Creek State Prison and the Sheriff's Department. The positions are funded by a grant from the State of California. The officer's paycheck is issued by the City and reimbursed quarterly. ACCNET covers 100% of wages and benefits.
6. The wages for the SRO during the school session are funded by the Amador County Unified School District. The City covers all other costs and benefits, including the officer's vehicle, medical coverage, and retirement. During vacations and holidays, the City absorbs the wages.
7. Since the start of the investigation, the SRO accepted employment elsewhere. Another officer is temporarily filling the SRO position.

BUDGET ISSUES

As a consequence of funding shortfalls:

8. There are no plans to hire a replacement SRO; this position will be vacant by the end of school session in June 2010.
9. There is only one officer on duty during each shift. Backup is available through mutual aid from the Jackson Police Department, Ione Police Department, Amador County Sheriff's Department, California Highway Patrol, and Amador County Animal Control. Off-Duty SCPD officers are called in case of an emergency.
10. All SCPD officers have taken a reduction in pay and are required to incur furlough hours.
11. SCPD does not employ an office clerk. Administrative duties normally performed by office staff are now being handled by the officers.
12. Office computer equipment is outdated.

NEGOTIATIONS:

13. April 30, 2008, SCPOA attempted to initiate negotiations with the City Council for the Fiscal Year 2008/2009 MOU by submitting a proposal. On February 2, 2009, the City officially began negotiations with SCPOA for the MOU that should have been in effect July 2008.
14. February 24, 2009, the SCPOA formally accepted a 2.5% work furlough program.
15. March 2, 2009, the City Council approved an MOU for FY 2008/2009 that included the 2.5 % furlough.

16. March 9, 2009, all City employees were sent a draft memo proposing impasse and unilateral implementation procedures. The SCPOA rejected the proposal.
17. April 6, 2009, the City Council ignored SCPOA's request to "meet and confer." The impasse proposal went before City Council and passed, despite city employee objections.
18. The SCPOA hired union representatives to negotiate with the City Personnel Committee and negotiations started for the FY 2008/2009 MOU.
19. September 28, 2009, the City Council voted unilaterally to implement an MOU which included the last and best City offer, per the City's impasse procedures. An improvised agreement titled *Wages, Hours, and Other Terms and Conditions of Employment* was implemented. SCPOA was not allowed to go to arbitration as outlined in the 2008/2009 MOU.
20. The SCPD does not currently operate under an MOU.

FINDINGS:

1. There is a morale problem inside the SCPD precipitated by:
 - Reductions in pay
 - Lack of support by the City Council/COP
 - Lack of leadership and communication by COP
 - Breakdown in negotiations
 - Lack of job security due to the City's financial situation
 - Personnel evaluations not being completed in a timely manner
2. Officers have the perception that the COP is an "absentee chief." The officers attempt to manage themselves. (Fact #3)
3. Duties of the COP conflict with the duties performed for the positions of CM, WWTP Manager, and ARSA Director. (Fact #3)
4. The two sergeant positions have created difficulties in the chain of command. Sergeants have equal authority and decisions are often conflicting. (Fact #4)
5. One of the City Council Members has publicly stated that the City should lay off its COP and police officers, eliminating the SCPD.
6. Continued staff reductions will make 24-hour shift coverage by SCPD highly questionable.
7. Staff shortages make it necessary for officers to be reactive, rather than proactive. Investigations are compromised due to lack of available time.
8. Infractions such as parking violations are not being enforced because of the officers' additional duties.

RECOMMENDATIONS:

1. Eliminate the dual position of COP and CM, and appoint a full-time COP. (Fact #3, Finding #3)
2. Eliminate one of the sergeant positions and re-establish a tiered chain of command. (Finding #4)
3. Hire a full-time office clerk for SCPD when funds are available. (Fact #11, Finding #8)
4. Recruit volunteers to work as office staff and for parking enforcement. (Finding #8)
5. Update the office computers. (Fact #12)

6. If the SRO position is not filled, the individual schools should be contacted to set up protocol for handling criminal activity on campus.
7. Negotiate a MOU for Fiscal Year 2010/2011 in a timely manner. (Facts #18 through #25, Finding #1)

RESPONSE REQUIRED:

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



**CITY OF SUTTER CREEK
ANIMAL ISSUES WITHIN CITY LIMITS**

INTRODUCTION:

The 2009/2010 Amador County Civil Grand Jury, in response to a citizen's complaint regarding reasonable kennel size, elected to review the policies and procedures of the Sutter Creek Police Department (SCPD) regarding animal-related issues.

BACKGROUND:

Prior to December, 2008, most animal control issues within the City of Sutter Creek were handled by Amador County Animal Control (ACAC).

The Sutter Creek Chief of Police is also the Sutter Creek City Manager. In December, 2008, it was decided by the Sutter Creek Chief of Police (COP)/Sutter Creek City Manager (CM) that SCPD should handle its own animal-related calls inside the city limits of Sutter Creek. SCPD would follow the procedures specified in the *Animal Control Services Agreement* (Agreement) between Amador County and the City, and ACAC would be called in for assistance when necessary.

RESPONSIBLE AGENCIES:

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

JUSTIFICATION/JURISDICTION:

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

METHOD OF EVALUATION:

INTERVIEWS:

- Interview with SCPD Chief of Police/Sutter Creek City Manager
- Interview with SCPD Sergeant
- Interview with SCPD Corporal
- Interview with ACAC Director
- Interview with Amador County Sheriff

DOCUMENTS:

- *Animal Control Services Agreement*

FACTS:

1. The most recent Agreement between the County of Amador and the City of Sutter Creek is dated May 24, 2005.
2. The terms of this Agreement included the following:
 - *City shall investigate and attempt to solve all violations, complaints and problems governed by said ordinance within City's jurisdiction... utilizing procedures provided by the following attached documents: Bat Calls, Wild Animal Encounters, When to Call Animal Control, and Bite Report/Rabies Suspect Form.*
 - *The County provides services including rabies quarantine, inspections, investigations, euthanasia, feed and care for sheltered animals, bite holds, vaccinations, veterinary care, and disposal of dead animals upon the request of City. The City pays for these services in accordance with fees established in attached Exhibit A, the Animal Control Services Fee Schedule.*
 - *The City pays the County for each animal boarded at the County Animal Shelter, whether delivered by a private citizen, police officer, or Animal Control Officer, including strays picked up within City limits.*
 - *The contract can be terminated by either party with 180 days written notice. The Agreement is valid for a period of one year, and shall be automatically extended on an annual basis unless notice [is given] to the non-canceling party at its regular business address.*
3. An attachment provided that ACAC was to be called under the following circumstances:
 - If an animal has bitten a person and is still on the loose
 - If an animal attacks another animal and the attacking animal's owner is unknown or unavailable
 - If an animal is hit by a vehicle
 - If there is livestock on the roadway

FINDINGS:

1. SCPD does not refer to any applicable laws when dealing with animal control issues in Sutter Creek. When kenneling an animal on private property, there are standards for kennel size set by a formula in California Penal Code § 597, which states: "Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area." This requirement is interpreted to mean that the kennel must be of adequate size for an animal to be able to assume all normal body positions, such as standing and sleeping.
2. Regarding the citizen's complaint, the kennel size was judged to be adequate by SCPD. However, the complainant was never contacted.
3. SCPD frequently requested ACAC assistance for animal-related calls within Sutter Creek city limits between May, 2005 and November, 2008.
4. In December, 2008, in accordance with the Agreement, ACAC billed Sutter Creek for services rendered during the previous 15-month period in the amount of \$4,310.
5. Argument was successfully made before the Board of Supervisors by COP/CM, acting in his capacity as CM, to forgive these charges. Any levies for services rendered to the City of Sutter Creek thus began in December, 2008. ACAC Director learned of this decision not from the Board of Supervisors but from the General Services Administration.

6. COP/CM contacted ACAC and advised that he, in his capacity as COP, must approve all calls requiring assistance from ACAC. Without said approval, ACAC could not come within the city limits. Furthermore, the County Animal Shelter was not to accept animals delivered there by private citizens from Sutter Creek. He stated that the city could no longer afford the services provided by ACAC, but that all other aspects of the Agreement would still be valid.
7. SCPD officers were not informed of this change in policy, either by written memo or verbal announcement.
8. The Amador County Sheriff's Dispatcher was not informed of this change in policy.
9. When an animal-related emergency arose, the responding SCPD officer requested assistance from ACAC through the Sheriff's Dispatcher. The Dispatcher contacted ACAC and was informed that ACAC could not be dispatched into Sutter Creek without pre-approval by the COP/CM. The Dispatcher then informed the SCPD officer of this new policy.
10. SCPD officers are required to obtain permission from the Chief of Police before contacting ACAC. The COP/CM is often difficult to reach. In an emergency, the lag time could be dangerous.
11. Pursuant to the direction of the COP/CM, ACAC stopped accepting animals from Sutter Creek private citizens. This resulted in a citizen's complaint to the Board of Supervisors. ACAC was instructed by GSA to resume taking animals from within Sutter Creek city limits without charge to the city.
12. There are no livestock restrictions on private property within Sutter Creek city limits. SCPD now takes all livestock calls within the city. When necessary, a request for assistance from another law enforcement agency is made, particularly when livestock is on roadways. ACAC has not been called regarding livestock issues since December, 2008.
13. Citizens have four means by which to make animal-related complaints:
 - Call the SCPD and leave a message on the answering machine, which is checked twice during each 12-hour shift
 - Call the non-emergency line to the Sheriff's Dispatcher and wait until an officer is dispatched
 - Call ACAC and wait for a memo to be forwarded to SCPD
 - Call 911 in case of emergency
14. Most stray dog and animal nuisance calls directed to SCPD are handled informally. The municipal code for stray dogs in Sutter Creek is enforced only if a dog is causing a serious problem. Stray dogs are picked up and returned to their owners. The owners of barking dogs are verbally warned. Unlicensed dogs (owner unknown) are brought to ACAC. When SCPD transports animals to ACAC there is no charge to the city. Citations are occasionally issued.
15. Stray dog and nuisance call issues are frequently not logged and reports are not written.
16. Calls forwarded from ACAC are logged and assigned to the duty officer. ACAC is informed of the resolution.
17. The more serious animal-related incidents are logged and a report is written. These incidents are infrequent.
18. SCPD officers state that there are no policies or parameters under which animal-related incidents are handled. They have received no formal training in animal control. As ACAC is no longer involved in most cases, the basis for their decisions is situational.

- In case of an injured domestic animal, the duty officer determines whether a veterinarian should be called or the animal put down. ACAC is not contacted.
 - In case of a threatening animal, the duty officer attempts to control the animal with a snare, noose, pepper spray, or side arm. The officer must receive pre-approval from the COP/CM before contacting ACAC.
 - In case of animal bite involving a human, medics would be dispatched if necessary. If the owner is known and the animal's shots are current, it would be quarantined for 10 days in the owner's home. SCPD Officers assess the animal after 10 days. Under certain circumstances, it may be brought to ACAC for quarantine. In some cases, ACAC is not immediately informed about dog bite incidents.
 - In case of suspected rabies, the responding officer would use deadly force, if necessary, to contain the animal.
 - In case of animal abuse, a SCPD officer would investigate. ACAC would be notified.
 - SCPD handles most wildlife issues, although Fish & Game is sometimes called for assistance.
 - Officers stated that they did not know ACAC's policies regarding animal bites or rabies and that they were not aware of California's regulations pertaining to the handling of rabid animals.
19. The City of Sutter Creek does not have a budget for animal control.
20. The City of Sutter Creek does not collect fees and fines for animal-related violations.
21. Equipment available to SCPD for animal control includes a dog snare, nooses, and leashes for transporting strays in their vehicles. SCPD officers have used pepper spray to control dangerous animals. They will use deadly force if necessary.
22. Continuity does not exist between the policies and procedures of ACAC and SCPD when dealing with animal-related issues.
23. The City of Sutter Creek has interfered with the ability of ACAC to function as a county authority within its city limits.
24. SCPD now responds to all emergency and non-emergency animal-related calls.

RECOMMENDATIONS:

1. Renegotiate annually, in writing, the *Animal Control Services Agreement* between the County of Amador and the City of Sutter Creek (Fact #1).
2. Inform SCPD officers by written memo of all changes in policy, when made. (Finding #7)
3. Inform the Sheriff's Dispatcher by written memo of all changes in policy that may affect their ability to properly dispatch incoming emergency and non-emergency calls. (Finding #8)
4. Eliminate the SCPD policy of pre-approval by the COP/CM before ACAC can be called for assistance. In emergencies, SCPD needs immediate access to ACAC through the Sheriff's Dispatcher. (Findings #9, #22, #23)
5. Provide SCPD officers with a copy of the *Animal Control Services Agreement*, so that they can acquaint themselves with ACAC policies for Bat Calls, Wild Animal Encounters, and Rabies Encounters. (Finding #18)

6. Provide SCPD with training in ACAC policies and all California codes and regulations regarding animal control. ACAC and the County Public Health Officer are available to provide training. (Finding #18)
7. Inform ACAC immediately of all animal bite incidents involving humans.
8. Enforce Municipal Code related to animal control and collect fees and fines for violations.
9. Inform all citizens making animal-related complaints how the complaint was resolved.

RESPONSE REQUIRED:

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

REFERENCE MATERIALS:

California Penal Code: § 597

Government Code § 53074

California Health and Safety Code

California Code of Regulations

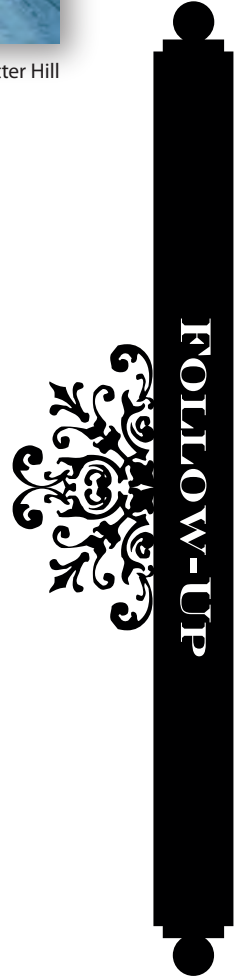




Bandstand, Italian Picnic Grounds, Sutter Hill

FOLLOW-UP

- ❧ INTRODUCTION
- ❧ JACKSON VALLEY BOARD of DIRECTORS
- ❧ AMERICAN LEGION AMBULANCE SERVICE
- ❧ AMADOR COUNTY DETENTION FACILITY
- ❧ PINE GROVE YOUTH CONSERVATION CAMP
- ❧ PRESTON YOUTH CORRECTION FACILITY
- ❧ ACUSD Board Member Training
- ❧ ACUSD Dress Code
- ❧ AMADOR COUNTY ELECTIONS DEPARTMENT
- ❧ AMADOR COUNTY DEPARTMENT of SOCIAL SERVICES
- ❧ AMADOR COUNTY VETERAN'S DEPARTMENT
- ❧ AMADOR AIR DISTRICT
- ❧ AMADOR COUNTY BUILDING DEPARTMENT
- ❧ AMADOR COUNTY PLANNING DEPARTMENT



**FOLLOW-UP
RESPONSES to 2008/2009 CIVIL GRAND JURY**

INTRODUCTION:

As part of its duties and responsibilities, the 2009/2010 Amador County Civil Grand Jury followed up on the Findings and Recommendations of the 2008/2009 Grand Jury. The required responses were received and recorded as written.

RESPONSES REQUIRED:

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

RESPONSES by committee:

CITY & COUNTY GOVERNMENT

- Jackson Valley Board of Directors
- American Legion Ambulance Service

CRIMINAL JUSTICE

- Amador County Detention Facility, Inspection and Review
- Mule Creek State Prison (*no response required*)
- Pine Grove Youth Conservation Camp, Inspection and Review
- Preston Youth Correctional Facility

EDUCATION

- Amador County Unified School District, Board Member Training Review
- Amador County Unified School District, Dress Code Review

ELECTIONS

- Amador County Elections Department

HEALTH & WELFARE

- Amador County Department of Social Services
- Amador County Veteran's Services

PLANNING & ENVIRONMENT

- Amador Air District
- Amador County Building Department
- Amador County Planning Department

NO RESPONSE REQUIRED:

After careful consideration, the 2009/2010 Grand Jury decided that no response would be required of Mule Creek State Prison.

**FOLLOW-UP
JACKSON VALLEY BOARD of DIRECTORS (JVBD)**

FINDINGS:

FINDING #1

The Jackson Valley Fire Protection District (JVFPD) Chief consistently attempted to perform his duties while impaired under the influence of alcohol. By doing this he posed a risk to the public.

RESPONSE

Partially disagrees

JVBD does not have objective scientific information to determine the level of alcohol that may or may not have been consumed by the Fire Chief. The Board of Directors does not know if the symptoms observed by on-site witnesses were due to other circumstances, such as prescribed medication, heat exhaustion, etc.

FINDING #2

Seventy eight percent of witnesses were aware of the JVFPD Chief being under the influence while attempting to perform his duties. The knowledge of the JVFPD Chief being intoxicated while on scenes was widespread.

RESPONSE

Partially disagrees

Without scientific documentation or first-hand information it is not possible for the JVBD to accurately assess the Chief's level of intoxication while on scene. The JVFPD does not have the resources or expertise to provide an accurate assessment of this finding.

FINDING #3

The Fire Chief for the City of Ione, Chairperson for JVBD, a Battalion Chief for CALFIRE, and a supervisor for the American Legion Ambulance had knowledge and the power to correct this issue and preserve the public safety. It was determined that they turned their back on their responsibility to public safety. The individuals without the immediate power to correct the problem were the ones who eventually brought the problem to the attention of the Amador County Grand Jury. It was found, through testimony, that the individuals who brought this problem to the attention of the Amador County Grand Jury had previously advised their superiors of the issue.

RESPONSE

Partially disagrees

The JVBD was not informed by individuals with first hand information that the Fire Chief was under the influence of alcohol while responding to emergency calls.

FINDING #4

Neither proper training nor Policy and Procedure Manuals for the firefighters at the JVFPD have been implemented. This is the responsibility of the JVFPD Chief and the JVBD. It was also found that, though a previous Amador County Grand Jury investigation brought this to light, the problem continued to be ignored.

RESPONSE

Partially disagrees

The JVFPD volunteers operate under a set of by-laws that were implemented in 1993. Many of these by-laws continue to be valid and address areas such as; duties, driver requirements, general membership and regulations, disabilities, training, emergency response duties and rules of conduct. Each firefighter is required to read and sign this document. The JVFPD agrees this document needs to be updated and separated into manuals exclusive to training, policy and procedure.

FINDING #5

Members of the JVBD violated the Brown Act (California Law, n.d.).

RESPONSE

Agrees

FINDING #6

The chief of the JVFPD gave false testimony to the Amador County Grand Jury.

RESPONSE

No response

Information regarding this matter is not available at this time to JVBD.

FINDING #7

The JVFPD Chief remained on calls after concerns for his level of intoxication had been established. In an attempt to minimize his impact on the scene, the JVFPD Chief was placed in a peripheral job or area and allowed to stay on site.

RESPONSE

Partially disagrees

The JVBD does not respond to emergency calls and does not have substantiated information that this occurred.

FINDING #8

The JVFPD does not have a Policy and Procedure Manual in place. This leaves the firefighters without direction or guidelines.

RESPONSE

Partially disagrees

The JVBD agrees there is not a current Policy and Procedure Manual. However, the current by-laws do provide policy and procedure directions for the firefighters.

FINDING #9

The JVBD discussed the issue at hand while not in session and in violation of the Brown Act (California Law, n.d.).

RESPONSE

Agrees

Several minutes prior to a scheduled regular Wednesday Board meeting, each Board member present was served a subpoena to appear before the Amador County Grand Jury the following Monday. A brief discussion took place regarding the nature of the issue.

FINDING #10

The JVFPD Chief obtained the Ione City Fire Department Policy and Procedure Manual, subsequent to the request of the Amador County Grand Jury. He then presented it to the Amador County Grand Jury as the manual for the JVFPD. This manual had not been adopted by the JVBD, nor had it been adopted by the JVFPD.

RESPONSE

Partially disagrees

The JVBD agrees that a policy and procedure manual has not been adopted.

FINDING #11

The JVFPD Chief is in contempt of court due to his actions in defiance of the admonitions given to him by the Amador County Grand Jury.

RESPONSE

Agrees

FINDING #12

There is no procedure for vetting and subsequent appointment of the applicants for the positions on the JVBD by the Amador County Board of Supervisors.

RESPONSE

No response

FINDING #13

Information was received that the JVFPD Chief had not maintained a valid California driver's license. Through testimony, it was determined that there was not a mechanism in place to ensure that individuals driving JVFPD equipment were legally entitled to do so. The Grand Jury notes that driving without a valid California driver's license is a Misdemeanor pursuant to section 12500(a) of the California Vehicle Code.

RESPONSE

Partially disagrees

The JVBD does not know if the JVFPD Chief maintained a valid California Driver's License, however, the current by-laws require that each firefighter provide a DMV printout to the Chief by February 1st each year.

RECOMMENDATIONS:

RECOMMENDATION #1

Remove the JVFPD Chief from office, pursuant to Government Code § 3060 (Facts #6, #12, #15 & #16 and Findings #1, #4, #6, #10 & #11).

RESPONSE

The Fire Chief has been placed on administrative leave from the JVFPD pending further investigation.

RECOMMENDATION #2

Remove the Chairman of the JVBD from office, pursuant to Government Code § 3060 (Facts #6 & #9 and Findings #2, #4, #5 & #9).

RESPONSE

JVBD does not have authority to act on this recommendation.

RECOMMENDATION #3

Require that the JVBD comply with the Brown Act (Findings #5 and #9).

RESPONSE

The recommendation has not yet been implemented, but, will be in the future with a time frame of 180 days. The JVBD will attend Brown Act training within the next 180 days. All procedures mandated by the Brown Act will be followed.

RECOMMENDATION #4

Require that the JVBD be trained in the Brown Act.

RESPONSE

The recommendation has not yet been implemented, but will be within the next 180 days.

RECOMMENDATION #5

Adopt a Policy and Procedure Manual for the JVFPD. The JVFPD Chief and the Chairperson for the JVBD need to be held accountable for violations, pursuant to Government Code § 3060 (Facts #6, #7 & #8 and Findings #4, #8 & #10).

RESPONSE

The recommendation has not yet been implemented, but will be in the future. Within 180 days, a Policy and Procedure Manual will be completed. Regarding the JVFPD Chief being held accountable, the recommendation requires further analysis by the JVBD. Due to limited resources, time constraints and possible legal input, this recommendation may take up to six months to resolve. The Fire Chief is currently on Administrative Leave. Regarding the Chairperson of the JVBD being held accountable, this recommendation will not be implemented because JVBD does not have authority in this issue.

RECOMMENDATIONS # 6 and #7 are not under the scope of the JVFPD Board of Directors.

RECOMMENDATION #8

Require that members of the JVFPD and the JVBD attend ethics training.

RESPONSE

This recommendation has not yet been implemented, but will be implemented in the future. The JVFPD will explore available training in this area and schedule when possible. Because the JVFPD is manned by volunteers with an assortment of work schedules, it may take 180 days to complete.

RECOMMENDATION #9

Assess the JVFPD Chief for violations of California Penal Code §118 (Finding #6 and Fact #12).

RESPONSE

This recommendation is not within the scope of authority of the JVBD.

RECOMMENDATION #10

Implement a procedure to ensure applicants have clear and current California driver's licenses and continue to maintain a valid driver license during the course of service. A fingerprinting and background procedure is implemented to determine suitability for service in a particular position as set forth by industry standards for such positions (Findings #12 & #13).

RESPONSE

The recommendation has not yet been implemented, but will be in the future. The current by-laws require that a firefighter maintain the current California driver's license necessary to operate equipment and notify the Chief of any restrictions placed on it. Driver's license shall be free of any DUI conviction and have no more than two moving violations charged during a five year period. The by-laws also require each firefighter to furnish a DMV printout once per year. Within the next 180 days, a procedure will be implemented to expand this requirement and include the same requirement of the Chief of the JVFPD. A fingerprint procedure has not yet been implemented, but will be in the future. The fingerprinting of members of the JVFPD will be pursued through local law enforcement agencies. This procedure will take place within the next 180 days. The recommendation to have a background procedure will not be implemented. However, the JVFPD will explore the procedures and cost requirements experienced by other fire agencies. The JVFPD will use the results of the fingerprinting and DMV records at this time to determine suitability for the JVFPD.



**FOLLOW-UP
AMERICAN LEGION AMBULANCE SERVICE**

FACTS:

FACT #1

Neighboring emergency service departments took no action after receiving complaints concerning the consumption of alcohol, while on calls by the JVFPD Chief. These departments include the Ione Fire Department, CALFIRE and American Legion Ambulance Service.

RESPONSE

Disagrees

American Legion Ambulance Management did not receive any complaints and had no knowledge regarding the JVFPD Chief consuming alcohol on calls. American Legion management would have taken immediate appropriate action.

FACT #12

The following witnesses gave false, misleading or inconsistent testimony:

- Chief, Jackson Valley Fire Protection District
- Assistant Fire Chief, Jackson Valley Fire Protection District
- Chief, Ione Fire Department
- Operations Manager, American Legion Ambulance
- Captain, City of Ione Fire Department
- Chairperson, Jackson Valley Board of Directors

RESPONSE

Disagrees

After an extensive interview with American Legion's Operations Manager and review of the Grand Jury report, it is management's opinion that the American Legion Ambulance Operations Manager did not give false or misleading testimony.

FINDINGS:

FINDING #3

The Fire Chief for the City of Ione, Chairperson for the JVBD, a Battalion Chief for CALFIRE, and a Supervisor for the American Legion Ambulance all had the knowledge and the power to correct this issue and preserve the public safety. It was determined that they turned their back on their responsibility to maintain public safety. The individuals without the immediate power to correct the problem were the ones who eventually brought the problem to the attention of the Amador County Grand Jury. It was found, through testimony, that the individuals who brought this problem to the attention of the Amador County Grand Jury had previously advised their superiors of the issue.

RESPONSE

Disagrees

American Legion Ambulance Management did not have the knowledge of this issue. Our standard operating procedure would be to report an issue of this nature to the proper authorities immediately.

RECOMMENDATIONS:

RECOMMENDATION #8

Members of the City of Ione Fire Department, the JVFDP, the JVBD, CALFIRE and American Legion Ambulance attend ethics training (Facts #10, #11 & #12 and Findings #3, #4, & #6).

RESPONSE

Agrees with the finding and is in compliance.

American Legion Ambulance (ALA) provides ethics training annually to our employees. ALA will provide a refresher ethics class to all employees within the next 60 - 90 days and will continue to provide this refresher course annually.

RECOMMENDATION #10

A procedure be implemented to ensure applicants have clear and current California driver's licenses and continue to maintain a valid driver's license during the course of service. A fingerprinting and background procedure be implemented to determine suitability for service in a particular position as set forth by industry standards for such positions (Findings #12, #13).

RESPONSE

Agrees with the finding and is in compliance.

ALA continually monitors driving records for all employees through the California Department of Motor Vehicles Employer Pull Notice Program. Copies of employee driving records are received on an annual basis or any time activity is reported on an individual's record. American Legion also has policies and procedures in place regarding traffic violations and insurability. Paramedics are licensed by the State of California. As part of the licensure process, the California Emergency Medical Services Authority requires a Live Scan (fingerprints) for all paramedic applicants.

As authorized by Health & Safety Code Section 1797.172, all new applicants for licensure as a Paramedic and Paramedics whose licenses have lapsed beyond one year are required to submit fingerprints for a California Department of Justice (DOJ) criminal history check prior to being licensed. In addition, all applicants who have not resided continuously in California for the past seven years and/or applicants that have a criminal history outside of California are required to complete a Federal Bureau of Investigation (FBI) criminal history check.

EMT's are certified through Mountain Valley EMSA and require a Live Scan for all EMT applicants.

American Legion Ambulance Service would never knowingly ignore or cover-up an issue of such importance. American Legion's policy on substance abuse on duty is a zero tolerance policy. We agree with the Grand Jury, it should apply to all agencies responsible with the safety and well-being of our citizens.

I personally wish to thank the Amador County Grand Jury and the investigating agencies for their due diligence in this matter. If American Legion Ambulance Service can be of any additional help in this matter, please do not hesitate to contact me.



**FOLLOW-UP
AMADOR COUNTY DETENTION FACILITY**

FINDINGS:

FINDING #1

The jail is overcrowded and under-staffed as reported by the state Corrections Standards Authority (CSA) and the Amador County Grand Jury. Staff is forced to use the required sobering cells and safety cells for general housing of inmates at times because of a lack of space. This does not comply with CSA guidelines.

RESPONSE

Department Head: Agrees

With regard to overcrowding, the CSA has rated the Amador County Sheriff's Office Jail at 76 beds. In FY 99/00 the Average Daily Population (ADP) in the jail was 46.28. In 2008, the ADP was 85.17, with the yearly high ADP of 97 inmates in July. A staff audit on August 5, 2009 showed that of the 95 inmates in custody that day, 72 were held on Felony charges (76%) and 23 on Misdemeanor charges. An additional staff audit of August 11, 2009 revealed 58% of all inmates were awaiting sentencing and 42% were sentenced. The Sheriff's Office continues to utilize all overcrowding mitigation measures at its disposal for inmates qualified to participate in those programs.

With regard to staffing levels for Corrections personnel, the following statistics are illustrative of the situation. From FY 99/00 through 2008, the inmate population increased in excess of 90% whereas the Corrections staffing level increased by approximately 15%. Effective July 1, 2009, the Corrections staff has 1 vacant and 3 de-funded Correctional Officer positions out of 20, and the Correctional Sergeant positions have 1 de-funded position out of 6. The jail therefore, is currently down 19% in staffing for positions that have direct daily contact and responsibility for inmate welfare and safety.

The Sheriff's Administration will continue to hold discussions with the Board of Supervisors and the CAO to advise them of the staffing deficiencies and suggested remedies. Unfortunately, the current fiscal situation critically hampers a resolution in the near future.

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #2

The ACSD staff appears to be operating the Amador County Detention Facility with a unity of objective. Morale of staff and inmates appears to be very positive and upbeat, even though met with many obstacles. The facility and operations are clean and orderly, and each member of the team is task-oriented and organized. There is a strong sense of team among the staff.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head and commends the Sheriff's Office for its professionalism.

FINDING #3

The policy of the staff is to treat all inmates with dignity and respect. This was echoed many times not only by staff, but during inmate interviews as well. Staff partly credits this policy with no serious incidents this year.

RESPONSE

Department Head: Agrees

This finding is supported by several unsolicited letters received by the Sheriff's Office from former inmates complementing the Correctional Staff for the way in which they were treated during their incarceration in our jail facility.

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #4

Although met with continuing disappointments and obstacles, the new Sheriff's administration is relentlessly pursuing funding for a new jail facility through AB 900. This was a recommendation of the 2007-2008 Grand Jury.

RESPONSE

Department Head: Agrees

On November 13, 2008, the Corrections Standards Authority (CSA) conditionally awarded Amador County up to \$22,712,000 in jail construction funding pursuant to the Public Safety and Offender Rehabilitation Services Act of 2007 (AB 900). However, due to several delays and the state budget crisis, there have been no awards presented to date. The Sheriff's Administration has received excellent support from the Board of Supervisors, the CAO and General Services in identifying and moving forward on the purchase of a specific property to be used for the new jail site if and when state funding becomes available.

Board of Supervisors: Agrees with the response by the Department Head.

RECOMMENDATIONS:

RECOMMENDATION #1

Continue pursuing funding for a new facility through matching funds legislation AB 900 (Finding #4).

RESPONSE

Department Head: The Sheriff's Administration fully intends to continue its pursuit of the AB 900 jail funding solution to our current overcrowding situation, in cooperation with the Board of Supervisors and the CAO.

Board of Supervisors: This recommendation has been implemented. The Board of Supervisors in conjunction with the Sheriff continues to analyze the possibility of obtaining and using AB 900 funds for the construction of a new jail, given the extremely unfavorable general economic climate and the burdens on existing services.

RECOMMENDATION #2

Petition County Administration for an exemption to fill vacant staff positions required to comply with CSA guidelines (Fact #1).

RESPONSE

Department Head: The Sheriff's Administration will continue to work cooperatively with the Board of Supervisors and the CAO to remedy the staff shortages currently caused by vacancies and de-funded positions within the Corrections Division of the Amador County Sheriff's Office.

Board of Supervisors: This recommendation has not yet been implemented. On September 15, 2009, The Board authorized the hiring of two defunded Correctional Officer positions, along with a vacant Correctional Officer position. The Board, in conjunction with the Sheriff, will continue to analyze the County budget situation to determine if a portion of frozen positions may be filled. This examination is ongoing.



**FOLLOW-UP
PINE GROVE YOUTH CONSERVATION CAMP (PGYCC)**

FINDINGS:

FINDING #4

The facility was showing some signs of wear and tear, especially the paint on the exterior walls of the buildings. In addition, the interior walls of the dorms and showers showed signs of wear and tear.

FINDING #5

An odor coming from the septic system was detected near the nurse's office.

FINDING #6

No record of a State Fire Marshal inspection was produced for review.

RECOMMENDATIONS:

RECOMMENDATION #1

Apply a fresh coat of paint on the exterior walls of the buildings. In addition, a fresh coat of paint is recommended for the interior walls of the dorms and showers (Finding #4).

RESPONSE

PGYCC has assigned the task of painting to the Community Service Crew. When they have days that they are not in the community and we have money for paint, they will be painting the inside and outside of our buildings.

RECOMMENDATION #2

Have the septic system inspected for health and safety issues and to determine proper operating conditions (Finding #5).

RESPONSE

PGYCC/CALFIRE has inspected the septic system and invested a substantial amount of time and money into the system. It currently operates properly.

RECOMMENDATION #3

Contact the State Fire Marshal for bi-annual inspections for fire safety, and keep fire inspection records on file (Finding #6).

RESPONSE

PGYCC has contacted the State Fire Marshal to schedule an inspection.



**FOLLOW-UP
PRESTON YOUTH CORRECTIONAL FACILITY**

FINDINGS:

FINDING #1

The PYCF opened in 1894, had a new facility built in 1960 and additional structures added over the years. PYCF has a long history as an active part of Amador County and has been a major employer in the community, employing multiple generations of local family members. Currently there is more PYCF staff than incarcerated wards.

RESPONSE

Department Head: Agrees

FINDING #2

Keeping with the philosophy of the California Juvenile Court System, PYCF staff focuses on rehabilitation and education of the ward. The staff is unified in its efforts to provide special education, basic skills, high school diplomas, GED and job skills training.

RESPONSE

Department Head: Agrees

FINDING #3

PYCF is a reception center for all Northern California wards entering into the Youth Correctional System.

RESPONSE

Department Head: Agrees

FINDING #4

PYCF has a ward population which includes mixed gang members from all major gangs in California.

RESPONSE

Department Head: Agrees

FINDING #5

Gang members are segregated so that rival gang factions do not come in contact or have opportunities to cross paths.

RESPONSE

Department Head: Disagrees

This is not correct. The mission of the Division of Juvenile Justice is the treatment, training and education of our youth. To accomplish that mission, we do not segregate the youth. They are placed on units based upon their risk level for violence. All of the youth are encouraged to live together in a peaceful setting regardless of the youth gang affiliation. In addition, the youth attend classes based upon their educational needs, not their gang affiliation.

FINDING #6

Some gang related incidents and assaults have occurred in the past, but current strict discipline at the facility has prevented serious gang related incidents.

RESPONSE

Department Head:

The integration of the youth coming from southern institutions is an ongoing process. The majority of the youth is integrated and is taking advantage of opportunities here. However, there have been a few group disturbances and fights, but there have not been any serious injuries to staff or youth. Those youth who are unwilling to integrate are placed on the Behavior Treatment Unit.

FINDING #7

Due to funding being transferred to county probation departments, ward populations in all state youth corrections facilities is dropping.

RESPONSE

Department Head:

The Division of Juvenile Justice has experienced fewer youth being committed to our division, which is a reflection of the counties having to pay for the placement of their youth. Some of the counties have also built new facilities so they can provide services and keep the youth closer to their homes.

FINDING #8

Mental health evaluations are conducted at N. A. Chaderjian, commonly known as “Chad”, a youth corrections facility in Stockton.

RESPONSE

Department Head:

The Division of Juvenile Justice conducts mental health evaluations in all of our facilities. If a youth needs placement in a mental health unit, he is immediately transferred to the facility that provides these services, such as N. A. Chaderjian. There are also mental health unit available at O.H. Close in Stockton and the Southern Youth Correctional Reception Center and Clinic in Norwalk. For female offenders, there are mental unit/programs at Ventura Youth Correctional Facility in Ventura.

FINDING #9

Kitchen facilities are scheduled for remodeling, along with much needed upgrades to the facility power grid.

RESPONSE

Department Head:

Preston Youth Correctional Facility has proposed to build a new kitchen and, also, to upgrade the entire electrical system. However, at this point, while approved for some time in the future, there are no approved plans to move forward with these projects.

FINDING #10

The PYCF is being considered for closure, along with others in the state, by California Youth Corrections officials. Closures will likely occur, resulting in the consolidation of the wards and services into remaining facilities.

RESPONSE

Department Head: Agrees

FINDING #11

Parking areas are limited for both staff and visitors, causing employees to park on the shoulder of Waterman Road.

RESPONSE

Department Head: Agrees

FINDING #12

Security procedures are strictly enforced. Ward escapes are no longer an issue.

RESPONSE

Department Head:

Security procedures are strictly enforced and are enforced at all times. However, we do not assume that escaping or acting out behavior is not on the minds of our youthful offenders. Numerous counts are conducted each day to ensure that no youth have escaped.

FINDING #13

The 2009/2009 Amador County Grand Jury requested a copy of the latest fire inspection report; however, no report was received for review. Fire extinguishers were out of required inspection date.

RESPONSE

Department Head:

The Chief of Plant Operations does constant inspections of the institution: this includes inspections of all fire extinguishers. In addition, the Health and Safety Officer inspects the institution monthly and the Chief of Security has a fire evacuation plan for all areas of the facility.

FINDING #14

The 2008/2009 Amador County Grand Jury requested a copy of the latest Occupational Safety and Wellness Plan. No report was received for review indicating a need to address this required safety element.

RESPONSE

Department Head:

A copy of the Occupational Safety and Wellness Plan is included with this response.

FINDING #15

The Camp Fire Training Program, which prepares wards for fire assignments at Youth Conservation Camps in the state, has been eliminated because of the closure of all but two conservation camps.

RESPONSE

Department Head: Agrees

FINDING #16

Movement sensors in a dormitory ceiling appeared to be disabled with a foreign material acting as an obstruction or cover plate.

RESPONSE

Department Head:

The sensors that read the alarms are inspected monthly. They are also tested to verify that they are working. This inspection is completed by members of the security section and they immediately correct and repair any problems.

FINDING #17

The housekeeping, organization, and maintenance of this operation seem to be well managed. The serving staff wards are professional and attentive in their duties.

RESPONSE

Department Head: Agrees

FINDING #18

Medical staff appears to be professional, caring and compassionate in providing services. The services are organized and the facility is well maintained.

RESPONSE

Department Head: Agrees

FINDING #19

In 2008, the Governor's Award for Advocate of the Year was earned by a member of the staff of PPYCF for her leadership in consistently meeting small business participation goals over the last seven years (Fulkerson, 2008).

Department Head: Agrees

RECOMMENDATIONS:

RECOMMENDATION #1

Continue to pursue kitchen and power upgrades (Finding #9).

RESPONSE

Department Head:

Youth Correctional Facility has proposed to build a new kitchen and also to upgrade the entire electrical system. However, at this point, while approved for some time in the future, there are no approved plans to move forward with these projects.

RECOMMENDATION #2

Adequate parking should be provided for staff and guest parking at this facility (Finding #11).

RESPONSE

Department Head:

The institution is working to provide adequate parking space. Given the current funding with California State Government, the project is being reviewed, but, we will continue to pursue this project.

RECOMMENDATION #3

Fire extinguishers should be checked and signed off each month and serviced yearly. Periodic inspections should be implemented by contacting either the Ione City Fire Department or the State Fire Marshall for inspection (Finding #13).

RESPONSE

Department Head:

Fire extinguishers are checked by the plant operations staff. Because of our mutual aid agreement with Mule Creek State Prison, they supply fire suppression services. The Fire Chief from the prison is responsible for the inspections of the fire extinguishers at Preston Youth Correctional Facility.

RECOMMENDATION #4

Occupational Injury and Illness Prevention Program needs to be produced for review (Finding #14).

RESPONSE

Department Head:

The recommendation has been implemented. The Occupational Injury and Illness Prevention Program is enclosed with this response.

RECOMMENDATION #5

Movement sensors in low risk dormitory needs to be repaired and periodic inspections performed to ensure safety to wards and staff (Finding #16).

RESPONSE

Department Head:

As stated in the findings, monitors are inspected and repaired as needed. Our alarm system is critical to the safety of our staff. We take staff safety very seriously.



**FOLLOW-UP
AMADOR COUNTY UNIFIED SCHOOL DISTRICT (ACUSD)
Board Member Training Review**

FINDINGS:

FINDING #1

The California School Boards Association (CSBA) provides annual two-day training specifically for newly elected board members at their Institute for New and First-Term Board members.

RESPONSE

Agrees

One of our new members attended this training, one chose not to.

FINDING #2

The CSBA also provides training for existing board members, such as a Legal Symposium for experienced board members.

RESPONSE

Agrees

Two members attended training for Board and Superintendent evaluations.

FINDING #3

The school district must pay for the training, as well as any accommodations required to attend training.

RESPONSE

Agrees

The school district does reimburse members for training expenses.

FINDING #4

The CSBA provides shorter courses throughout the year at various locations within the state.

RESPONSE

No response required

FINDING #5

CSBA also offers online training courses throughout the year.

RESPONSE

No response required

FINDING #6

There is currently no practice in place to track training attended by ACUSD board members.

RESPONSE

Agrees

There are no plans to create a tracking system.

RECOMMENDATIONS:

RECOMMENDATION #1

Require each new board member to attend the training for newly elected board members as provided by the CSBA (Fact 1 and Finding #1).

RESPONSE

See Finding #1 response.

RECOMMENDATION #2

Encourage sitting board members to attend training offered throughout the year by the CSBA (Fact #1 and Finding #2).

RESPONSE

Board members attend training relevant to the Trustees' responsibilities.

RECOMMENDATION #3

Create a tracking system, specific for training attended by ACUSD members.

RESPONSE

There are no plans to create a tracking system. Personnel are being reduced.

RECOMMENDATION #4

Consider adjusting the next budget to allocate for board member trainings.

RESPONSE

This recommendation is taken under advisement.

RESPONSE TO RECOMMENDATIONS #1-#4, inclusive

The State of California does not require school board members to attend training prior to appointment or anytime during the school board term.

During perhaps the *greatest financial crisis* in the State's history, the governing board has chosen to minimize its travel/conference expenses.



**FOLLOW-UP
AMADOR COUNTY UNIFIED SCHOOL DISTRICT (ACUSD)
Dress Code Review**

INTRODUCTION:

Interviews with ACUSD employees have revealed that most, but not all, items cited in the 2007/2008 Amador County Grand Jury Report have been addressed. It should be noted that a concerted effort has been made by the ACUSD to correct the facts and recommendations put forth in the report. The following items are those that remained to be addressed or completed.

The Superintendent called the foreman of the Grand Jury regarding facts #2, 3#, #4 and #5 of this section. It appears as though something was unintentionally omitted in the transition from one Grand Jury to the next. Each of these item statements is inaccurate (see below).

FACTS:

FACT #2

Earthquake drills have not been performed once per school quarter, which is required in order to be in compliance with California Education Code 32282 B (II). It should be noted that some of the drills have been done, but not at all school sites and not in the frequency required by law.

RESPONSE

Disagrees

Records submitted by each and every school site reflect that required drills were held at the frequency necessary for compliance.

FACT #3

Fire drills have not been performed once per month, which is required in order to be in compliance with California Education Code 3201. It should be noted that some of these drills have been done, but not at all school sites and not in the frequency required by law.

RESPONSE

Disagrees

Records submitted by each and every school site reflected that required drills were held at the frequency necessary for compliance.

FACT #4

School safety plans have not been supplied to all law enforcement agencies and fire departments.

RESPONSE

Disagrees

The Superintendent personally delivered school safety plans to each fire and police department.

FACT #5

When safety drills were performed at the school sites, not all law enforcement departments and fire departments were invited to observe or evaluate these.

RESPONSE

Disagrees

This is an inaccurate statement. We believe the relevant requirement for this item is that law/fire departments are to be invited to at least one drill, respectively. Law enforcement and fire departments have been invited to participate in most, if not all, drills.

FINDINGS:

FINDING #1

School administrators are sensitive to gang issues and dress-related symbols that can indicate gang affiliation. Gang influence can be seen in tagging around the schools, intimidation of students, and pressure to join their gang to spread their sphere of influence. Students learn about the various signs and symbols indicating gang affiliation from each other. The State of California holds annual classes that are made available to school administrators. Most of the schools within the district send representatives every two or three years to these courses.

RESPONSE

No response required

FINDING #2

Each campus uses some discretion in enforcing dress code policies, depending on the student. Consequently, the discipline the students actually receive does not strictly follow the dress code. The school district has a basic dress code, but each school modifies that code to fit their own requirements, based on their individual needs.

RESPONSE

No response required

FINDING #3

Rather than punishing the students, the administrator's primary purpose is to correct the problem and return the student to class. Some schools have alternative clothing the students can wear or, in the case of an inappropriate symbol on a shirt, the students may be required to turn the shirt inside out. Asking the parents to bring alternate clothes from home is usually a last resort because the student will be out of class for an extended period of time.

RESPONSE

No response required

FINDING #4

The staff of grades 7 - 12 seems to be in touch with the current gang trends and they are educated to be on the alert for new or changing trends on our campuses.

RESPONSE

No response required

FINDING #5

Observations made on school campuses during interviews were supportive of the dress code. The students were dressed appropriately. However, it should be noted that the interviews were conducted in January during cold weather.

RESPONSE

No response required

RECOMMENDATIONS:

RECOMMENDATION #1

Review disciplinary actions so enforcement adheres to and is consistent with the ACUSD Dress Code Policy throughout the district (Finding #2).

RESPONSE

Agrees

The Governing Board and Superintendent reviewed the ACUSD/ACOE Dress Code Policy with the five secondary principals at the August 12, 2009 regular Governing Board meeting.

RECOMMENDATION #2

Require a parent or guardian to read and sign the Dress Code Policy. While there are consequences for failure to sign other portions of the Conduct Code and Disciplinary Policy, disregarding the Dress Code Policy costs the parents and students nothing. The schools should require the signature of the Dress Code Policy, backed by consequences similar to other required policies, which will command the respect of the parents and students (Fact #3).

RESPONSE

Agrees

The schools will require the signature of the parent indicating he/she has received all rules, regulations, and policies relating to behavior, attire, and discipline.



**FOLLOW-UP
AMADOR COUNTY ELECTIONS DEPARTMENT**

FINDINGS:

FINDING #1

Two precincts did not offer privacy sleeves to voters.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #2

One AutoMARK™ machine was malfunctioning at a polling location. It was reported to the Elections Office.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #3

One volunteer was uncooperative with the Elections Observer Panel (EOP) and was reported to the Elections Office.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #4

The elections office took all the necessary steps to ensure that the election occurred in an accurate fashion, without compromise or error.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #5

The election reflected the integrity and ethics of a well-trained staff, as is needed to carry out such an involved task.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head and commends the Department for its professionalism.

RECOMMENDATIONS:

RECOMMENDATION #1

Privacy sleeves must be emphasized to the volunteers in order to assure confidentiality and confidence of the voting public (Finding #1).

RESPONSE

Department Head: This recommendation has been implemented. We continually stress the importance of ensuring that the voters' rights are protected, including the issuance of a secrecy sleeve with their ballot, setting up the voting booths so that no one can observe the voters voting, the proper way to assist physically challenged voters, etc. Our Election Officer Manual (EOM) addresses the use of secrecy sleeves and is provided to all inspectors (Attachment #1). Furthermore, beginning with the February 2008 election we started providing copies of the EOM to everyone in attendance at the training classes. Attached for your review are pages from our training class PowerPoint presentation which cover procedures on issuing ballots and secrecy sleeves (Attachments #2 and #3).

Board of Supervisors: The Board of Supervisors agrees with the response by the Department Head. This recommendation has been implemented.

RECOMMENDATION #2

Repair or replace the AutoMARK™ machine that was reported to be malfunctioning (Finding #2).

RESPONSE

Department Head: This recommendation has been implemented. Any unit that we are unable to repair is immediately removed from service. Since acquiring the units in 2006, it has been our standard practice that whenever a problem is encountered with either the M-100 (vote tabulation) or the AutoMARK™ (ADA) units, extra-hire staff trained in troubleshooting is immediately deployed with a replacement unit if we are unable to resolve the malfunction over the phone. If staff is unable to repair the unit at the polling location, it is replaced and brought back to our office for repairs by our vendor. First, preventive maintenance is routinely performed immediately prior to the primary election on the M-100 and AutoMARK™ units by our vendor. Second, by law, prior to deployment of the units to the polling locations, they are thoroughly tested to ensure that they are functioning correctly. However, problems can and do arise that cannot be foreseen (parts break, units may be damaged during delivery, etc.). Due to the Secretary of State's security and seal requirements, equipment may not be retested by staff once it has been tested, certified and sealed; therefore, we provide each precinct with test ballots to run through the AutoMARK™ once the polls are open. If a problem is detected, the unit is immediately repaired or replaced.

Board of Supervisors: The Board of Supervisors agrees with the response by the Department Head. This recommendation has been implemented.

RECOMMENDATION #3

To ensure voter confidence in the voting process, the EOP must be able to investigate each polling precinct without interference. This should be emphasized at the training for both the volunteers and the paid workers (Finding #3).

RESPONSE

Department Head: This recommendation has been implemented. After being advised of the problem the EOP encountered at the November 2008 election, we included a new section (§ 9-1) in our EOM on Election Observers in order to clarify their role in the process for our poll workers (Attachment #4). The function of the EOP is to observe the election process at the Elections Office and polling locations and submit their findings/recommendations to the County Clerk for review and possible implementation. The EOP may observe all aspects of the election process and ask questions; however, under no circumstances may they interfere with the poll workers performing their job, or the voting process. The poll workers first priority is to the voters.

The Election Department continually updates the training materials provided to poll workers. However, the amount of information poll workers need to retain is tremendous and we feel very fortunate to have dedicated poll workers who assist us each election.

Board of Supervisors: The Board of Supervisors agrees with the response by the Department Head. This recommendation has been implemented.



FOLLOW-UP
AMADOR COUNTY DEPARTMENT of SOCIAL SERVICES (ACDSS)

FINDINGS:

FINDING #1

There has been an increase in families needing services within this past year.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #2

The staff is sufficient to handle the current caseload.

RESPONSE

Department Head: Agrees

It is noted that at the time of the Grand Jury review, the Department of Social Services (DSS) had 51 employees. Currently, DSS has 46 employees. While we are maintaining what we believe to be a high level of service at this time, the increasing caseload will impact our ability to do so in the future.

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #3

The department is successful at maintaining the current budgetary requirements.

RESPONSE

Department Head: Agrees

Given the current state of the economy in Amador County and in California, we anticipate difficulty on this point if we are to maintain the level of service to which our clients are accustomed. As caseloads increase so does the county share of those aid payments and this could greatly impact our budget.

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #4

The Early Fraud Detection procedure was successful, however due to budgetary constraints the program is no longer in use.

RESPONSE

Department Head: Agrees

The Department agrees that the procedure was successful. It should be noted that Early Fraud Detection activities are still being performed by our eligibility workers, who are trained in fraud detection, but as a result of reorganization we no longer have staff available to monitor the results.

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #5

The Management believes the employees are dedicated and take pride in their work.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #6

The Management is vigilant in administering services provided with tax dollars.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #7

Funding has been cut for programs that provide peripheral support, such as mental health services.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

RECOMMENDATIONS:

RECOMMENDATION #1

Continue to evaluate the caseload as the number of person-in-need increases (Finding #2), to ensure proper services are efficiently provided.

RESPONSE

Department Head: This recommendation has been implemented. The Department will continue, as always, to evaluate the number of cases in relation to the number of employees and redistribute workload as necessary.

Board of Supervisors: This recommendation has been implemented.

RECOMMENDATION #2

Reinstate the Early Fraud Detection procedure. This will save the time of the county employees and ensure that unqualified applicants will not receive aid (Finding #4).

RESPONSE

Department Head: The Department continues, in compliance with regulations, to make referrals to the District Attorney on all intake and continuing cases where the Eligibility Worker, who is trained in fraud detection, believes fraud may exist. At this time, we do not have staff assigned to track statistics for the District Attorney on these referrals, but will monitor workloads and reinstate such tracking when able to do so.

Board of Supervisors: This recommendation has not been implemented because it is infeasible to do so, due to the County's current economic situation.

RECOMMENDATION #3

Re-evaluate the access to peripheral programs (Finding #7) to better serve recipients.

RESPONSE

Department Head: The Department will continue to review availability of community resources and to refer clients to those resources as appropriate. As a part of that referral process, the Department will assist clients whenever possible in making contact with those resources.

Board of Supervisors: This recommendation has been implemented.

RECOMMENDATION #4

Consider organizing a support group consisting of people who are going through, or have gone through, the application process for receiving aid. This would provide a source of assistance, other than the eligibility workers, to answer question and alleviate misunderstandings that may arise during the application process. In addition, it would provide more help to those re-entering the workforce.

RESPONSE

Department Head: The recommendation will not be implemented. While the Department agrees that support groups are valuable in many situations, we disagree that such a group would be helpful for our application process. The program regulations are complex. It is the eligibility worker's task to ask necessary questions and request verifications needed in order to make accurate determinations of eligibility and benefit amounts. Because each family's situation is unique with respect to relationships, living arrangements, resources, and income, different clients are asked to provide different verifications and may even be required to complete different forms. We believe a support group would provide a forum for misinformation, resulting in more confusion, not less, for our clients.

Board of Supervisors: This recommendation will not be implemented.



**FOLLOW-UP
AMADOR COUNTY VETERAN'S SERVICES (ACVSA)**

FINDINGS:

FINDING #1

A dedication plaque honoring local veterans was a gift to the community from local veteran's donations. The Amador Veteran's Memorial Bridge plaque is location on Highway 49 between Drytown and Amador City.

RESPONSE

Department Head: Agrees
Board of Supervisors: Agrees

FINDING #2

There are approximately 30 veterans seen in the office each week. In addition, there are phone calls and support visits for both veteran and their dependents.

RESPONSE

Department Head: Agrees
Board of Supervisors: Agrees

FINDING #3

There has been a noticeable increase in requests for services.

RESPONSE

Department Head: Agrees
Board of Supervisors: Agrees

FINDING #4

There are no personnel available to keep the office open when the current Veteran's Services Officer is away for training, meetings, or home visits.

RESPONSE

Department Head: Agrees
Board of Supervisors: Agrees

FINDING #5

Some available benefits are not being utilized to the fullest potential, due to poor dissemination of information for those who are eligible.

RESPONSE

Department Head: Agrees
Board of Supervisors: Agrees

RECOMMENDATIONS:

RECOMMENDATION #1

Cross-train a county employee to staff the ACVSA office when the current Veteran's Service Officer attends trainings, meetings, or makes home visits.

RESPONSE

Department Head: This recommendation will not be implemented because it is not reasonable to do so given the County's current budget situation, coupled with layoffs, retirements and hiring freezes that have severely affected employee availability for cross-training purposes. However, the Department will examine utilizing volunteers, where appropriate, to carry out some functions.

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

RECOMMENDATION #2

Utilize local media and service organizations to educate the public about veteran benefits that are available. Volunteers from the local American Legion Post #108 could be trained to assist in presentations to the community, service organizations, and college-bound high school students. They could clarify what services are available to honorably discharged veterans and their dependents. This would help the ACVSA assure that all eligible veterans, and their dependents, receive the benefits to which they are entitled.

RESPONSE

Department Head: This recommendation has been partially implemented. The Department is utilizing local media and newsletters of service organizations to inform the public about available benefits. The Department is examining the potential for using the new County website to provide information about benefits and referral services. In addition, the Department is examining the possibility of using volunteers to augment paid staff in providing information about services.

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



**FOLLOW-UP
AMADOR AIR DISTRICT (AAD)**

FINDINGS:

FINDING #1

Anyone wanting to burn must contact the Amador Air District (AAD) for appropriate burn permits or information.

RESPONSE

Board of Supervisors: Agrees

FINDING #2

The Amador Air District has no money to advertise its services.

RESPONSE

Board of Supervisors: Agrees

FINDING #3

AAD is limited in its ability to improve vehicle pollution.

RESPONSE

Board of Supervisors: Agrees

FINDING #4

AAD is limited in the number of staff, regardless of any increases in responsibilities.

RESPONSE

Board of Supervisors: Agrees

FINDING #5

All disputes with fines can be brought to the attention of the Air Pollution Control Officer for discussion.

RESPONSE

Board of Supervisors: Agrees

RECOMMENDATIONS:

RECOMMENDATION #1

Hire additional personnel to include another full-time inspector.

RESPONSE

The existing inspection workload is adequately covered by the District's current field inspector.

RECOMMENDATION #2

Implement air monitoring equipment in additional locations to acquire more complete information on which to make more accurate decisions on burn days.

RESPONSE

The District does not have sufficient revenue to purchase air pollution monitoring equipment.

RECOMMENDATION #3

Reduce potential arbitrary influences on the assessment of fines by creating and publishing a specific breakdown of fines for each infraction.

RESPONSE

This recommendation will be analyzed during the next six months.

RECOMMENDATION #4

Acquire additional funds to update and improve the official website content.

RESPONSE

This recommendation will be analyzed during the next six months.



**FOLLOW-UP
AMADOR COUNTY BUILDING DEPARTMENT (ACBD)**

FACTS:

FACT #1

Should be corrected to read, “The ACBD performs field inspections of projects requiring construction approval”. The Public Works Agency is responsible for granting approval.

FACT #7

Should be corrected to read, “The Chief Building Official is in charge of staff, code compliance officers, and any complaints”. The Code Enforcement Officer reports to the Planning Director.

FACT #9

Should be corrected to read, “Qualifications for the position of Chief Building Official include job experience and a Building Official Certificate”.

FINDINGS:

FINDING #1

The amount of time to get building permits varies. Spring and summer can take up to six weeks to get plans approved, while the winter months are usually slower.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #2

There is a time limit on the validity of plans. If no action is taken on the plans by the builder, after they have been submitted a letter is sent by the ACBD notifying the individual that the plans are no longer valid.

RESPONSE

Department Head: Agrees

This finding is correct, with the clarification that the 2007 California Building Code determines the time limit for validity of plans: *§105.3.2 Time Limitation of Application: An application for a permit for any proposed work shall be deemed to have been abandoned 182 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued.*

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #3

Upon submission, the ACBD date stamps each plan and uses this date as a reference point for subsequent changes in ACBD rules.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #4

When performing multiple inspections, different inspectors are sent in order to avoid any implication of preferential treatment by an inspector to any one person or project.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #5

Citizens experiencing problems with an inspection or inspector should contact the Chief Building Official with their issues.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #6

Simple plans can be checked by anyone in the Department. More complex plans are reviewed by the Chief Building Official or Inspector III.

RESPONSE

Department Head: Agrees

This finding is correct with the clarification that simple plans can be checked by any Inspector in the Department.

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #7

Qualifications to become a Building Inspector include at least one year experience and certification.

RESPONSE

Department Head: Agrees

This finding is correct with the following clarification:

Qualifications to become a Building Inspector I include at least two years experience and candidate must obtain ICC Residential Building Inspector certification within two years of employment.

Qualifications to become a Building Inspector II include one year of building inspection experience comparable to a Building Inspector I with any jurisdiction and must have ICC Residential Combination, Building, Mechanical, Electrical and Plumbing Inspector Certification.

Qualifications to become a Building Inspector III include a high school diploma or GED equivalent, preferably supplemented by the completion of some training in the areas of building inspection, plan review or closely related field, or an Associate's Degree in Building Inspection Technology or related field. Three years of building inspection experience comparable to a Building Inspector II with any jurisdiction, with experience in commercial projects is preferred, and must have an ICC commercial/residential combination certificate.

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #8

A handout, describing the process of getting plans approved, is available in the ACBD office and on its website.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #9

If a customer asks for contractor referrals, the Chief Building Official states the Department does not offer any referrals. In the past, a list was used for referrals, but that list is no longer in use.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #10

The Chief Building Official states that the Department does not make referrals for engineering contractors.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

RECOMMENDATIONS:

RECOMMENDATION #1

Provide a clear, well defined, step-by-step application process that will help to eliminate the assumption of intentional long periods of time for plan approval (Findings #1 & #2).

RESPONSE

Department Head: This recommendation will be implemented in the future. Although the handout for *General Building Information* is currently online, we will be updating it to be available online and at the counter. This new handout will include clear directions on how the application process works, why it may take long periods of time to get a permit issued, fee estimates and other helpful information. We hope to have this handout in time to post it on the new website this summer.

Board of Supervisors: This recommendation has not yet been implemented, but will be implemented upon the release of the new County website. Estimated time of implementation is six months following release of the new County website.

RECOMMENDATION #2

Make better use of the ACBD's website to allow the public easier access to information (Finding #8).

RESPONSE

Department Head: The new Amador County Public Website should be online this autumn. This new website will permit each Department to manage its own area. This will allow the Amador County Building Department to update, and keep current, supportive information available to the public.

Board of Supervisors: This recommendation has not yet been implemented, but will be implemented upon the release of the new County website. Estimated time of implementation is six months following release of the new County website.



**FOLLOW-UP
AMADOR COUNTY PLANNING DEPARTMENT (ACPD)**

FACTS:

FACT #3

Should be corrected to read, “The ACPD Director is also staff to the Airport Land Use Commission (ALUC)”. The ALUC adopted an Airport Land Use Plan (ALUP), which the County has adopted as part of its General Plan. The Planning Department is responsible for ensuring its implementation.”

FINDINGS:

FINDING #1

The ACPD Director states that the department does not make recommendations for contractors.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #2

According to the ACPD Director, the Amador County Building Department takes the greatest amount of time in the plan approval process.

RESPONSE

Department Head: Agrees

The Department concurs with this finding however, it should be clarified that this statement was made in relation to the *building* plan approval process, which is conducted by the Amador County Building Department, not by the Planning Department.

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #3

In conjunction with the workload of the ACPD, there is an undetermined amount of time that is dedicated to the Plan Check process. This varies according to the volume and complexity of plans being reviewed. After completion, the application is routed to different departments; Public Utility, Fire, CalTrans, etc. A staff review is done, followed by a technical review, which makes note of proposed conditions, gives project change recommendations, and provides an environmental review.

RESPONSE

Department Head: Partially disagrees

It appears there is some confusion between the “Plan Check” process conducted for *building* permit applications by the Building Department and “land use project applications” (e.g. Use Permits, Parcel and Subdivision Maps, Zone Changes, Variances, General Plan Amendments), which are processed by the Planning Department. Planning Department review of *building* permit applications is done at the counter as an almost exclusively “on demand” basis. As for the second part of this finding, which does appear to be related to the land use project application review process done by the Planning Department, the amount of time required for processing does vary according to the type of application as well as the size/complexity; not necessarily the volume of projects. The process for staff-issued permit projects falls into two categories – some are immediate, “over the counter,” and others take about 3 weeks due to the

required public notification process. Unfortunately, the processing time for other types of project applications can vary by weeks, months, or even a few years depending on not only the type of project but also the potential environmental issues identified through the statutory environmental review process as well as site specific issues. This cannot always be “pre-determined” before going through the process. Staff does alert applicants to those issues we are aware of, at the time the project is submitted, or during any discussion/consultation with an applicant prior to submittal of a project application. Additionally, there are statutory periods of time that must be provided for certain steps of the process (e.g. public review and notification process).

The following information is provided to clarify the information contained in the Finding:

The project review process for Planning Department land use project applications requiring approval by the Planning Commission (i.e. not staff issued) *generally*, is as follows:

- Application submitted
- Staff reviews application materials
- Application materials are distributed to different departments
- Technical review is conducted – in most cases by TAC (Technical Advisory Committee)
- Environmental review/analysis is conducted by TAC
- TAC develops recommended conditions to be considered if project is approved
- Project is scheduled for public hearing before the Planning Commission

If required, project is scheduled for public hearing before the Board of Supervisors.

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #4

For general plan or zone variances, the ACPD only makes recommendations to the Amador County Planning Commission.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #5

Anyone wishing to appeal the Amador County Commission’s decision may do so by submitting a letter of appeal, along with the appropriate appeal fee, to the Clerk of the Board of Supervisors. The Board gives a final decision. If that decision is not satisfactory to the general public it must be challenged in Civil Court.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #6

The ACPD Director originally started as the ACPD Clerk, and consistently moved up within the department throughout each planner position.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #7

Planner I is an entry-level position. Two years experience as a Planner I are required to be promoted to a Planner II position.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #8

The Planner II position is a journeyman job. Many years of job experience are required to fully understand the many aspects of the job. The normal progression within the ACPD is two years as a Planner I, and two years as a Planner II.

RESPONSE

Department Head: Agrees

The finding is correct, with the clarification that it is not necessarily “The normal progression” but “The minimum experience required”.

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #9

The Planner III position is a lead position.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #10

There is not an Assistant Director position in the ACPD.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #11

There are no specific certifications required to perform the ACPD positions, although there are certifications available.

RESPONSE

Department Head: Agrees

Board of Supervisors: Agrees with the response by the Department Head.

FINDING #12

The ACPD has a website, but it lacks definitive information.

RESPONSE

Department Head: Partially agrees

The Department has a website. However, based upon past experiences, the Department believes that in the interest of good customer service certain information is best imparted in one-on-one discussion prior to submitting a land use application, as they are not “one size fits all.” The Department website is used to post information and documents the public may be interested in, pertaining to general information as well as specific projects – e.g. application forms for general plan amendments, zone changes, land divisions, second family dwelling permits, and trailer-while-building permits, project EIR’s, and General Plan update information. Additionally, the agendas and staff reports for all Planning Commission meetings are posted on the County’s website with all other Board and Commission meeting information.

Board of Supervisors: Agrees with the response by the Department Head.

RECOMMENDATIONS:

RECOMMENDATION #1

Provide a more specific fee schedule (Fact 10).

RESPONSE

Department Head: Fact 10, referenced in this Recommendation, which states “Smaller and simpler plans can be reviewed and approved by a Planner I or Planner II. Larger, more complex plans are reviewed by the Department Head or an engineer. Part of the fee is based on who is required to review the plans for approval” is not accurate.

It appears Fact 10 is more applicable to a building permit application with the Building Department. In the Planning Department, project review is done by the Planners and in some cases the Planning Director. The fees charged for project applications are based on an overall hourly rate for the Department, not on who is doing the processing. Engineers are not used for Planning Department project review though the County does have a Planning Services Consultant which an applicant may *choose* to use for the processing of more major projects. If an applicant avails themselves of this service, they do pay the actual costs for the consultant’s services.

As for the recommendation to provide a more specific fee schedule, in the interest of good customer service, the Department does not post the fee schedule on the website. Fees are determined by the process required to review a project so fees vary from project to project. We have found from experience that it is best to have personal contact with an applicant so it can be accurately determined what fees are applicable to their specific project. This eliminates applicants either over calculating or under calculating their fees.

After reviewing the information posted on the Department website regarding fees, the department can see the ambiguity its current information imparts. It is proposed to revise the information within 30 days to better advise potential applicants how to obtain application fees. A copy of the Planning Department’s entire fee schedule is attached.

Board of Supervisors: This recommendation will be implemented in the time frame set forth above.

RECOMMENDATION #2

Provide a clear, well defined, step-by-step application process, perhaps on the website as well as in print. There exists some confusion as to the reason for the long approval process, and this will help to eliminate the assumption of intentionally long periods of time for plan approval (Findings #2 & #3).

RESPONSE

Department Head: Please refer to responses for Findings #2 and #3 above. This recommendation will not be implemented. The Planning Department is not responsible for *building* plan processing (Finding #2), and, as indicated in the response to Finding #3, it is difficult, if not impossible, to provide a well defined, step-by-step description of the land use project application process that would be accurate, due to the many variables that can arise during the process. Additionally, the time each step may take can also vary due to a variety of factors, not all of which are controlled by the Planning Department. The Department does provide applicants *estimates* of how long they can expect the processing of their application to take, once the project is submitted.

Board of Supervisors: This recommendation will not be implemented because it is not reasonable to do so.

RECOMMENDATION #3

Make better use of the ACPD's website. This should provide helpful, informative, easy-to-access information for the public (Finding #12).

RESPONSE

Department Head: This recommendation has not yet been implemented, but improvements will be made prior to the end of the year. The County IT department is working with Vision Internet to host the County website, with the aim of making it more user-friendly and current.

Board of Supervisors: This recommendation has not been implemented but will be implemented upon completion of the new County website.





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