This document is an extract of a larger publication.

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Commitment

Persons selected for grand jury service can expect to serve an average of 25 to 30 hours per month for a period of one year, July 1 through June 30.

Remuneration

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

Orientation

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

Why Become A Grand Juror?

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

How to Apply to Serve as a Grand Juror?

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

Reports of the Grand Jury

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

How to Submit a Confidential Citizen Complaint

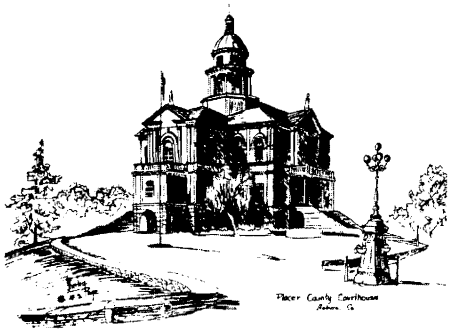
Download a Request for Action form from: http://www.PlacerGrandJury.org. mail, email, or fax it to the Grand Jury. The citizen will receive a letter acknowledging receipt of the complaint.

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

How to Contact the Grand Jury?

By Mail: Placer County Grand Jury, 11532 C Avenue, Auburn, CA 95603
By Web: http://www.PlacerGrandJuly.org
By Fax: 530.886.5201
By Phone: 530.886.5200

Instruction for Respondents



PLACER COUNTY GRAND JURY

Phone: (530) 886-5200 FAX (530) 886-5201
Mailing Address: 11532 B Avenue, Auburn, CA 95603

INSTRUCTIONS FOR RESPONDENTS

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

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

Type of Agency	Time Frame	To Whom
Public	Ninety (90) Days	• Presiding Judge of the Superior Court
Elective Office or Agency Head	Sixty (60) Days	• Presiding Judge of the Superior Court • Information copy to Board of Supervisors

Two originals of the responses must be provided to:

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

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

Placer County Grand Jury
11490 C Avenue
Auburn, CA 5603

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

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

Response to Grand Jury Report Form

Report Title: _____

Report Date: _____

Response By: _____ **Title:** _____

FINDINGS

- I (we) agree with the findings, numbered: _____.
- I (we) disagree wholly or partially with the findings, numbered: _____.

  (Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefore.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.

  (Describe here or attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefore.)

- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.

  (Describe here or attach a timeframe for the implementation.)

- Recommendations numbered _____ require further analysis.

  (Describe here or attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six (6) months from the date of publication of the grand jury report.)

- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.

  (Describe here or attach an explanation.)

Date: _____ **Signed:** _____

Number of pages attached _____.

California Penal Code

Section 933.05

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

(1) The respondent agrees with the finding.

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

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

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

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

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

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

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

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

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

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

Final Report
Summaries

Final Report Summaries

Auburn Police Department Jail Holding Facility

The Grand Jury conducted the annual inspection of the Auburn City Police Department jail holding facility, located at 1215 Lincoln Way, on September 13, 2012. The jurors were satisfied with the operations and conditions that were observed.

Bill Santucci Justice Center Court Holding Facility

The Grand Jury conducted its annual inspection/tour of the Bill Santucci Justice Center court holding facility in Roseville on October 11, 2012. The Placer County Sheriff's Department adequately provides security at this court holding facility and the courtrooms on the site. The prisoners are transported to the Justice Center from the Placer County Main Jail in Auburn on court days. They are held in the holding cells of the court until they are delivered to their court hearing.

Burton Creek Sheriff's Substation Holding Cell/Jail

The Grand Jury conducted the annual inspection of the Placer County Sheriff's Burton Creek Substation Holding Cell/Jail on October 25, 2012. The Burton Creek Sheriff's Substation Office is located at 2501 North Lake Blvd., Tahoe City. The jurors were satisfied with the operations and conditions that were observed at the holding cell/jail. The Grand Jury's longstanding concern about the overall condition of the building is addressed below.

Historic Courthouse Jail Holding Facility

The Grand Jury conducted its annual inspection/tour of the Historic Courthouse holding facility in Auburn on August 9, 2012. The Placer County Sheriff's Department adequately provides security at this jail holding facility and the courtrooms on the site. Prisoners are transported to the Historic Courthouse from the Placer County Main Jail on days they are scheduled for court. The prisoners are taken to their court hearing and

returned to the main jail. The Historic Courthouse holding facility is well maintained and well managed.

Placer County Mail Jail, Auburn, California Annual Inspection

The Grand Jury conducted the annual inspection of the Placer County Main Jail (PCMJ) located at 2929 Richardson Drive Auburn, California. The Placer County Sheriff's Department operates the county jail. This jail includes the male and female minimum-security barracks that functions as a work furlough facility. Both the main jail and the minimum-security barracks were clean, free of graffiti and staffed by uniformed Sheriff Officers.

Recently passed prison realignment legislation, AB 109, has caused challenges that have required the PCMJ to take measures to prevent overcrowding. There has been a 34% increase in the population to an already crowded facility because of this recent law. AB 109 allows non-violent, non-serious, and non-sex offenders to serve their sentence in county jails instead of state prisons. Under AB 109:

- No inmates currently in state prison are transferred to county jails.
- It requires most parole violators to serve their violations in local custody.
- It requires non-serious/non-violent/non-sex offenders to serve their sentences under local jurisdiction.

The State Department of Finance has projected an increase of 251 inmate average daily population for Placer County as a result of this legislation.

The new South Placer Adult Correctional Facility (SPACF) in Roseville may alleviate this problem after it opens.

The PCMJ is staffed by uniformed Sheriff’s Deputies and Correctional Officers.

Rocklin City Jail, Rocklin, California Annual Inspection

On September 27, 2012, the Grand Jury conducted its annual inspection of the jail located at the Rocklin Police Department at 4080 Rocklin Road. The Grand Jury found the jail to be modern, clean and well maintained.

Roseville Police Department Jail Holding Facility Annual Inspection

The Grand Jury conducted the annual inspection of the Roseville City Police Department jail holding facility, 1051 Junction Boulevard, Roseville, on September 12, 2012. The jurors were satisfied with the operations and conditions of the jail. The Grand Jury was also impressed with the department's method of generating revenue through the Sentenced Prisoner Program.

Annual Inspection Placer County Juvenile Detention Facility

The 2012-2013 Grand Jury inspected the Juvenile Detention Facility (JDF) on September 5, 2012. JDF is located at 11260 B Avenue, Auburn. The facility was clean and had been recently painted. Medical services are provided by California Forensic Medical Group (CFMG) which includes a full-time nurse, and the facility has access via a secured line to psychiatric services as needed. There are two credentialed teachers and two instructional aides assigned during instructional time. Special Education Services are provided by the Placer County Office of Education (PCOE) on an as needed basis. Meals and snacks are provided by the nearby Placer County Main Jail. The JDF has a large gymnasium for daily physical activities. The JDF is in the process of modifying their policy and procedures to comply with the federal Prison Rape Elimination Act (PREA) currently being implemented throughout the nation.

New Tahoe Justice Center, Options for Moving this Project Forward

For almost two decades the Placer County Grand Juries have recommended that the existing Placer County's Sheriff Department substation and court facility at Burton Creek be replaced due to a multitude of facility shortcomings documented over the years. For almost two decades those recommendations have not been implemented. The 2012-2013 Placer County Grand Jury decided to more thoroughly investigate the reasons for the lack of action and address that lack of action in a separate report.

After a considerable amount of fact finding and discussions with the responsible parties, the 2012-2013 Grand Jury has concluded that failure to replace this facility with a newer and more functional facility is not the result of a lack of will on either the County or the Administrative Office of the Courts (AOC). The lack of action is due to a multitude of significant factors including the administrative complexity of building a replacement facility in the Tahoe basin; legislative changes that have altered the administration of the Courts; a shortage of funds at both the state and county level to undertake this project; and failure to give this project adequate priority and funding to enable it to advance to planning, funding, and actual completion.

This Grand Jury feels the recommendation of prior grand juries is still valid. With adequate priority given to this project by the County; and their resolve to work with the Courts to overcome the administrative, fiscal, and environmental issues that have bogged down this project, the time is right to at least move this project on to the drawing board. The 2012-2013 Grand Jury hopes it will be the last grand jury to have to make this recommendation and that the County can finally move forward on a plan to replace this facility. There is sufficient funding to begin the planning phase of a multi-year, phased project. The recommendations this year are suggestions on how to proceed with the project.

Newcastle Fire Protection District, Measure F, Inconsistency & Confusion

The Grand Jury received many complaints about the Newcastle Fire District (NFPD) covering a variety of issues. This report focuses only on complaints received regarding year-to-year variations in tax charges related to Measure F.

A Special Tax was passed in 1997 by voters who live within the boundaries of the NFPD. This tax measure (Measure F) was intended to replace assessments the District previously was collecting and which continue to supplement revenues the NFPD collects from its share of Prop 13 property taxes.

Measure F was placed on the ballot because the previous existing $40 parcel tax was about to expire and there were changes in the law (Prop 218) requiring voter approval to impose new property taxes, as opposed to approval by governing boards. The amount of the Measure F special tax was based upon formulas (see **Appendix C**), and varies depending upon size and use of the property assessed.

Some property owners noticed that their tax levy varied from year-to-year. The Grand Jury reviewed tax levies over the last seven years. After review of the tax rolls and the ballot measure, the Grand Jury found that Measure F is confusing and lacks certain details. Therefore, there were inconsistencies in application of tax levy calculations.

The Grand Jury found that on a year–by-year basis, representatives for the District who prepare the Special Tax roll have changed periodically. It also found that there is no written policy clarifying certain subjects contained in Measure F which might be considered ambiguous or are not addressed at all. The Grand Jury has concluded that this lack of written guidelines or standard procedures contributed to an inconsistent application of Measure F.

Newcastle Fire Protection District, Fire Station & Finances

The Grand Jury received numerous complaints regarding the Newcastle Fire Protection District (NFPD). Some of these complaints pertained to the repair or replacement of the existing fire station (Station 41) serving the NFPD. The purpose of the Grand Jury's review was to investigate the validity of these numerous complaints, make the results of the investigation available to the public, and offer recommendations which may potentially assist NFPD in avoiding future similar issues.

Station 41, which is over 80 years old and was originally a dance hall, has been a major source of controversy for the community. In 2005 the building sustained structural damage as a result of an accident. The repair accomplished at the time was only temporary. Years went by in which nothing permanent was done. This inaction led to further deterioration of an already very old building.

In 2011, after Cal OSHA forwarded a formal complaint to Placer County officials regarding the safety of the building, the NFPD Board of Directors stepped up its exploration of finding a new fire station site. Construction of a new station was estimated to cost anywhere from $1,000,000 to $4,000,000. Because the NFPD was facing financial problems, the previous NFPD Board determined that a new special tax (Measure B) was needed to fund these costs. Some members of the public believed that repair of the existing building (rather than construction of a new fire station at a new site) would be much cheaper, potentially making the proposed Measure B tax unnecessary in their view.

Ultimately Measure B was passed in March 2012. The Measure B ballot narrative erroneously stated that the station was "condemned". At least one of the persons interviewed stated that until the word "condemned" was used there was little support to replace the existing building. After it was discovered the station had not been condemned, a group of parcel owners succeeded in getting their own ballot measure (Measure K) before the voters in the regular November general election.

After its review, the Grand Jury concluded that the NFPD did have very serious financial challenges in which some action needed to be taken. Additionally, the Grand Jury found that members of the NFPD Board authorized numerous expenditures for temporary relocation of the firefighters which were unnecessary. In particular, there are lease agreements which are possibly void contracts because there was no formal authorization by the NFPD Board to enter into these agreements.

All American Speedway, "Issues of Non-Compliance with County Agreement

The All American Speedway in Roseville, California is operated by the Placer County Fair Association. The Fair Association is a non-profit organization under contract with Placer County to operate both the Fairgrounds and the All American Speedway. The 2012-2013 Grand Jury found that the Placer County Fair Association is non-compliant and non-responsive to the Community Development Resource Agency requests for after-the-fact permits. The Grand Jury found that the Placer County Fair Association operates as an autonomous entity. The Grand Jury found no indication that the Board of Supervisors asserts any direct influence over the Placer County Fair Association.

Placer County Veterans Memorial Halls

The 2012-2013 Placer County Grand Jury investigated a confidential citizen complaint alleging that the Placer County Board of Supervisors and the Placer County Facility Services Department are not in compliance with Chapter 2 of the Placer County Code. The allegation is that each Veterans Memorial Hall Board of Trustees is not allowed to manage their respective veteran's hall. Specific concerns were raised relative to scheduling and the maintenance of hall calendars, rental agreements, changes in scheduling of maintenance and janitorial services, and a perception of misinformation provided by Facility Services. This Grand Jury found that although some of these concerns were legitimate and understandable, the overall intent of Chapter 2.82 of the Placer County Code was not compromised and that the changes implemented by Facility Services provided better value, services, and more continuity for the Veterans Halls.

Placer County Winery Ordinance Enforcement Review

The Placer County Winery Ordinance (Placer County Code 17.56.330 Wineries) was enacted in 2008. Citizens have raised concerns regarding the enforcement of the provisions of this ordinance. The Grand Jury found many factors that have led to confusion, misinterpretation, and have left the ordinance unenforceable. The factors are:

1. Vague and confusing definitions of terms such as "Promotional Events", "Temporary Outdoor Events", and "Tasting Rooms".

2. The Grand Jury identified two categories of Placer County Wineries. First, are Pre-Ordinance wineries that existed prior to the adoption of Placer County Code 17.56.330 on wineries. These wineries are allowed to operate under their existing Multiple Use Permits (MUP) until such time they want to add additional uses which must conform to the Winery Ordinance. Second are the Post-Ordinance wineries which must conform to this code. The vagueness which concerns the Grand Jury is the terminology of paragraph D of the ordinance, which states:

   "Development and Operational Standards. The following development and operational standards shall apply to all wineries. These standards will be applied with flexibility to encourage wine grape growing, consistent with the agricultural use of the property. For wineries on commercially and industrially-zoned parcels, commercial standards will apply. Wineries established prior to the adoption date of this ordinance will be afforded maximum flexibility in establishing reasonable standards when adding new uses."

How does CDRA quantify, for enforcement purposes, the phrases "applied with flexibility" and "will be afforded maximum flexibility"?

3. Noise and traffic standards are not addressed directly in the Wineries Ordinance. The ordinance refers to other standards in the Placer County Code therefore these are not violations of the Wineries Ordinance.

The Grand Jury found indicators that Placer County wants to establish and nourish a winery industry in Placer County. This report identifies our findings and makes recommendations to support this objective.

Assessment of Emergency Dispatch in Placer County

The Grand Jury investigated the coordination between the emergency (911) dispatch centers in Placer County. "Emergency 911" applies to fire, medical and law enforcement needs. There have been changes over the years, primarily technology driven, that have greatly improved the ability to coordinate between dispatch centers. Technology advances are improving efficiency while the cost of keeping pace with technological advances makes it less cost-effective to maintain separate dispatch centers.

Placer County has enough dispatch centers so that as the costs of upgrading become burdensome, consolidation becomes more viable. A candidate for consolidation is the dispatch center for the City of Lincoln.

Sierra Joint Community College, Emergency Operations Plan

In light of the recent protests, shootings, and other disturbances on college campuses, the Placer County Grand Jury investigated the existing Emergency Operations Plan (EOP) for Sierra College. The Grand Jury contacted the College Safety Department and the Rocklin Police Department. The Rocklin Police Department provides police services for the Rocklin campus. The college is presently amending their EOP, which includes the Tahoe Truckee campus, Roseville Campus and the Nevada County Campus.

The City of Lincoln: Four Parks were Planned for Lincoln Crossing That Have Not Been Built

In 2003, the Lincoln City Council approved the creation of a Community Facilities District for the Lincoln Crossing residential development. At the same time, the City Council also voted to incur debt, that is, sell bonds, to pay for capital improvements and services in Lincoln Crossing and other neighborhoods of the city. To make payments on the bonds, the City Council voted to levy a special tax, called a Mello-Roos, on Lincoln Crossing residents. Later in 2003 and in 2004, the City issued the bonds that produced $84.5 million in monies that were spent on infrastructure improvements in Lincoln Crossing and elsewhere in the City.

At the time that Lincoln Crossing housing units were marketed, the City planned nine parks and a trail for the Lincoln Crossing development. However, the City has been unable to complete all of the parks originally planned. In 2011 and 2012, residents of the Lincoln Crossing community voiced their concerns about the disposition of the bond proceeds because four of the parks that were originally planned for Lincoln Crossing had not been built. This report addresses those concerns.

The City attributes its inability to have completed all of the parks on the fact that when it built the Lincoln Crossing parks in 2007, 2008 and 2009, the City experienced a significant escalation in the City's cost for constructing parks over its 2003 cost estimates. In May 2010, the City reported that from 2007 through 2009 it had spent $5.8 million of the fees collected from the Lincoln Crossing developer for five new parks and a trail in Lincoln Crossing. And, as allowed by the Mello-Roos law, the other $3.6 million of fees collected from Lincoln Crossing developers were spent on parks elsewhere in the City, the purchase of a community center from the Western Placer Unified School District and other City-wide projects.

In the future, to ensure that parks in new residential developments are built as the development progresses, the City is revising its approach. Members of the Grand Jury were told that the City will require that the developer fund and build parks (rather than

the City) as they progress on their development. Once a specified number of permits have been approved for residences, the developer is required to complete the neighborhood park, and until the park is completed, the City will not approve additional building permits.

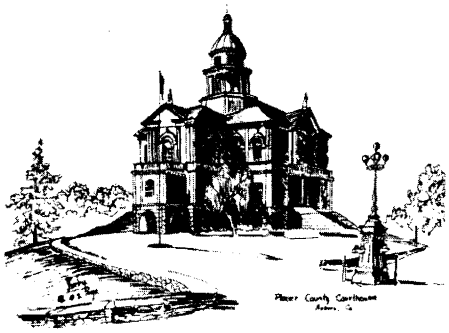
Placer County's Management of its Fleet of Light Duty Vehicles

The focus of this report is the County's management of its fleet of light duty vehicles; that is, those sedans, sport utility vehicles, and pickup trucks that are driven by employees while on County business. The Grand Jury reviewed the County's practices for purchasing, leasing, maintaining, fueling and the replacement of vehicles and found that the County does a commendable job of managing their fleet. However, the Grand Jury found that one aspect of the County's management of its fleet requires further attention. That is, a number of County vehicles were driven a limited number of miles in 2011-12, which suggests that departments may have more vehicles than they need. In 2011-12, 171 of the County department's light duty vehicles were driven fewer than 7,000 miles. Although, since the close of fiscal year 2011-12, the County has sold ten of these 171 vehicles. According to the County's policies, vehicles driven less than 7,000 miles in a year are not meeting the minimum number of miles for having a vehicle assigned to a department full time.

To get a closer look at how departments are using the vehicles assigned to them, the Grand Jury requested that four departments review each of their vehicles driven fewer than 7,000 miles. For some of the vehicles, the department convinced us that special circumstances led to their limited use. For example, some vehicles were driven frequently, but only for short trips. Another example would be that the County drove vehicles primarily during the snow season to transport crews to work sites around the County. For other vehicles, however, we were not convinced that the departments needed all of the vehicles that had been assigned to them. In two of the departments, vehicles were underused simply because of the high number of staff vacancies.

We believe that the experiences of these four departments may not be unique. For this reason, the Grand Jury recommends that the County direct that all of the departments do a review of their vehicles and provide a justification to the Chief Executive for each of their vehicles driven less than 7,000 miles in 2011-12. In this way, the County can ensure that it owns or leases only the number of vehicles required to meet its current needs.

Auburn Police
Jail Holding



PLACER COUNTY GRAND JURY

Auburn Police Department Jail Holding Facility

Annual Inspection

Auburn Police Department
Jail Holding Facility
Annual Inspection

Summary

The Grand Jury conducted the annual inspection of the Auburn City Police Department jail holding facility, located at 1215 Lincoln Way, on September 13, 2012. The jurors were satisfied with the operations and conditions that were observed.

Background

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

Investigation Methods

On September 13, 2012, jurors conducted an inspection and tour of the Auburn Police Department (APD) with emphasis on the department's holding facility. The inspection was led by the Police Chief.

Facts

The APD jail holding facility is designated as a temporary holding facility.[1]

The APD holding facility is under the control of a police officer primarily for the temporary confinement of those recently arrested. Jurors were escorted by the Police Chief who facilitated a question and answer session. The facility was found to be secure, clean and well maintained. APD has no correctional staff.

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[1] California Code of Regulations 2009 5CC R1006, California Administration Code Title 15 § 1006
A Temporary Holding Facility means a local detention facility used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court.

Prisoners are supervised by on duty police officers and/or dispatchers, who use the assistance of video cameras and monitors located in the dispatch center. If necessary, prisoners are restrained with handcuffs. There are two metal wall brackets and a cushioned seat for the prisoner to be restrained. A private attorney room is available if needed.

There are fire sprinklers located throughout the facility. Prisoners are escorted to bathroom facilities as needed. Prisoners are seldom detained longer than four hours prior to transfer to Placer County's main jail. If a prisoner is detained for more than six hours, staff provides a meal from a local fast food restaurant.

APD actively applies for and receives grant money that is used to meet the needs for special equipment.

The Police Chief has a vacant Captain position. Presently the Police Chief is working the responsibilities of both the Chief's position and the Captain's position.

Findings

F1. The Grand Jury found the APD jail holding facility is adequate and well maintained for the purposes it is used.

F2. APD has a vacant Captain position.

Conclusion

APD's jail holding facility is well maintained and utilized.

Recommendations

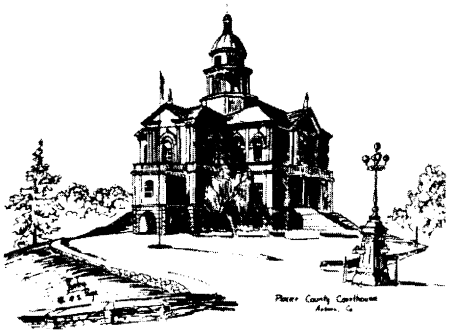
The Grand Jury has no recommendations for the APD holding facility.

Copy Sent To:

John Ruffcorn, Police Chief
Auburn Police Department
1215 Lincoln Way
Auburn, CA 956

City Manager
1225 Lincoln Way
Auburn, CA 95603

Auburn City Council
1225 Lincoln Way
Auburn, CA 95603



PLACER COUNTY GRAND JURY

Bill Santucci Justice Center Court Holding Facility Annual Inspection

Bill Santucci Justice Center
Court holding Facility
Annual Inspection

Summary

The Grand Jury conducted its annual inspection/tour of the Bill Santucci Justice Center court holding facility in Roseville on October 11, 2012. The Placer County Sheriff's Department adequately provides security at this court holding facility and the courtrooms on the site. The prisoners are transported to the Justice Center from the Placer County Main Jail in Auburn on court days. They are held in the holding cells of the court until they are delivered to their court hearing.

Background

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

Investigation Methods

A Placer County Sheriff's Lieutenant led the jurors throughout the court facility as they performed the inspection.

Facts

The Santucci Justice Center Court Facility was constructed approximately five years ago and is the primary court facility for Placer County. The Justice Center is designated as a court holding facility[1], where prisoners can be held up to 12 hours. Inmates are transferred from the Auburn Main County Jail in the morning before court appearances. They are rarely held more than 8 hours before they are released or returned to the Placer County Main Jail pending their final court disposition.

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[1] **Court Holding facility** means a local detention facility constructed within a court building after January 1, 1978, used for a confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.

There are 18 separate cells downstairs to hold inmates prior to their court appearances and 2 cells for each of the courtrooms. The holding cells are modern and well designed for their purpose. The jurors' inspection included a tour of the sally port, the holding cells in the basement and on the courtroom floors, interview rooms and the central control room that is staffed by deputies in the basement holding cell area.

Prisoners are moved to the courtrooms upstairs via elevators controlled by the central control room while escorted by a Deputy Sheriff.

The Sheriff provides court security, inside the courtrooms with a total staff of 18 full-time bailiffs. In addition, part-time deputies who handle the security checkpoint at the entrance to the facility are available if needed for additional court or prisoner security. These deputies are usually retired law enforcement officers who are hired as extra help by the Sheriff's Department.

There were no issues determined as the result of the inspection.

Findings

F1. Bill Santucci Justice Center court holding facility is well maintained and well managed.

Recommendations

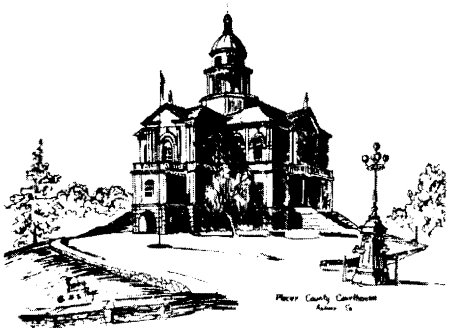
The Grand Jury has no recommendations for the Bill Santucci Justice Center court holding facility. The Grand Jury commends the Sheriff's Department for providing excellent service and security to the California State Superior Court for the County of Placer.

Copies sent to:

Ed Bonner
Placer County Sheriff
2929 Richardson Drive
Auburn, CA 95603

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

Burton Creek
Holding Cell/Jail



PLACER COUNTY GRAND JURY

Burton Creek Sheriff's Substation Holding Cell/Jail Annual Inspection

Burton Creek Sheriff's Substation Holding Cell/Jail Annual Inspection

Summary

The Grand Jury conducted the annual inspection of the Placer County Sheriff's Burton Creek Substation Holding Cell/Jail on October 25, 2012. The Burton Creek Sheriff's Substation Office is located at 2501 North Lake Blvd., Tahoe City. The jurors were satisfied with the operations and conditions that were observed at the holding cell/jail. The Grand Jury's longstanding concern about the overall condition of the building is addressed below.

Background

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

Investigation Methods

On October 25, 2012, jurors conducted an inspection and tour of the Burton Creek Sheriff's Office with emphasis on the department's holding facility. A Placer County Sheriff's Captain and a Sheriff's Sergeant led the inspection.

Facts

The Burton Creek Sheriff's Office Holding Cell/Jail is used as a court holding facility[1]. The jail is located within 11,301 square feet, two story building. The building was constructed circa 1959 as a temporary building to support the 1960 Winter Olympics. The Burton Creek building also houses a courtroom and a District Attorney's office.

[1]. A Court Holding Facility--located in a courthouse-- is used to house inmates for court appearance, not more than 12 hours.

The Sheriff's Department transports 1-3 inmate worker/s back and forth daily from the main jail in Auburn to do routine maintenance of the building and sheriff's patrol vehicles. The jail inmate capacity is eight and there are no programs available for inmates. Prisoners are held only for cases pending against them at this court. Working with an existing contract, the Sheriff's department books prisoners within the Tahoe area at the Nevada County Jail in Truckee, California.

Over the years, improvements to the facility have been made but are inadequate by modern California State codes. Security continues to be a concern, as prisoners and detainees are escorted through common areas that are shared with the staff going between the holding cells and the courtroom.

The cells and kitchen areas are clean. The building passed the latest fire inspection dated June 6, 2012 with no violations noted.

Findings

F1. Grand jurors found the Burton Creek Sheriff' Office Court Holding Cell/ Jail is adequate and well maintained for the purposes it is used.

F2. The facility is not used as a jail. It is used as a court holding facility only.

Recommendations

The Grand Jury Recommends:

R1. Continue the current practice of using the jail facilities as court holding cells.

Request for Responses

Edward Bonner R1 **Due by July 2, 2013**
Sheriff-Coroner-Marshal
Placer County
2929 Richardson Drive
Auburn, CA 95603

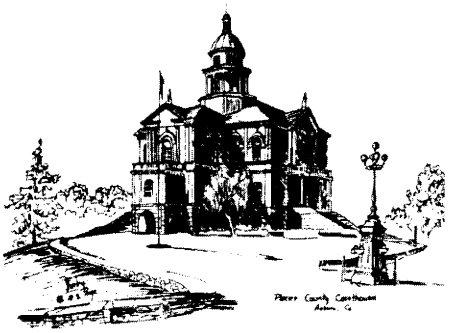
David Boesch, CEO R1
Placer County
175 Fulweiler Avenue
Auburn, CA 95603

Due by August 2, 2013

Copy Sent To

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

Historic Courthouse
Jail Holding



PLACER COUNTY GRAND JURY

Historic Courthouse Jail/Holding Facility

Annual Inspection

Historic Courthouse Jail/Holding Facility

Annual Inspection

Summary

The Grand Jury conducted its annual inspection/tour of the Historic Courthouse holding facility in Auburn on August 9, 2012. The Placer County Sheriff's Department adequately provides security at this jail holding facility and the courtrooms on the site. Prisoners are transported to the Historic Courthouse from the Placer County Main Jail on days they are scheduled for court. The prisoners are taken to their court hearing and returned to the main jail. The Historic Courthouse holding facility is well maintained and well managed.

Background

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

Investigation Methods

A Placer County Sheriff's Sergeant led the jurors throughout the court facility as they inspected the court holding cells.

Facts

The courthouse holding facility[1] is used to hold prisoners not more than 12 hours. Prisoners are brought to the courthouse by law enforcement vehicles from the Auburn main jail for court appearances. The holding area is comprised of three holding cells, which can hold up to two prisoners each. Cells contain functioning toilet facilities and drinking fountains. Each cell has a functioning security camera and overhead sprinklers.

[1] **Court Holding facility** means a local detention facility constructed within a court building after January 1, 1978, used for a confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.

Since last year's inspection by the Grand Jury, the blind spot mentioned in the report has been corrected, and complete observation and security of the holding cells from the control room is now possible. A mirror has also been installed in the corridor.

Prisoners are detained only at this location for the purpose of court appearances and are not held overnight. Prisoners are provided sack lunches and a drink as needed if they are held during meal times. The facility was clean and well maintained. Policy and procedure manuals, employee handbooks and a variety of instruction manuals were available for the security staff at this location.

A first aid kit for minor injuries was stored in the control room. If an emergency should occur with a prisoner, an ambulance would be called and the prisoner would be escorted to a hospital by an officer and a medic.

Findings

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

Recommendations

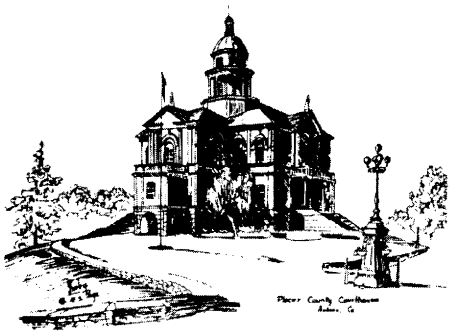
The Grand Jury has no recommendations for the Historic Courthouse holding facility. The Grand Jury commends the Sheriff's Department for providing excellent service and security to the California State Superior Court for the County of Placer.

Copies sent to:

Ed Bonner
Placer County Sheriff
2929 Richardson Drive
Auburn, CA 95603

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

Placer County
Main Jail



PLACER COUNTY GRAND JURY

Placer County Main Jail
Auburn, California
Annual Inspection

Placer County Main Jail
Auburn, California
Annual Inspection

Summary

The Grand Jury conducted the annual inspection of the Placer County Main Jail (PCMJ) located at 2929 Richardson Drive Auburn, California. The Placer County Sheriff's Department operates the county jail. This jail includes the male and female minimum-security barracks that functions as a work furlough facility. Both the main jail and the minimum-security barracks were clean, free of graffiti and staffed by uniformed Sheriff Officers.

Recently passed prison realignment legislation, AB 109, has caused challenges that have required the PCMJ to take measures to prevent overcrowding. There has been a 34% increase in the population to an already crowded facility because of this recent law. AB 109 allows non-violent, non-serious, and non-sex offenders to serve their sentence in county jails instead of state prisons. Under AB 109:

- No inmates currently in state prison are transferred to county jails.
- It requires most parole violators to serve their violations in local custody.
- It requires non-serious/non-violent/non-sex offenders to serve their sentences under local jurisdiction.

The State Department of Finance has projected an increase of 251 inmate average daily population for Placer County as a result of this legislation.

The new South Placer Adult Correctional Facility (SPACF) in Roseville may alleviate this problem after it opens.

The PCMJ is staffed by uniformed Sheriff's Deputies and Correctional Officers.

Background

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

Investigation Methods

On August 28, 2012, the Grand Jury inspected PCMJ and on November 7, 2012, inspected the minimum-security barracks. All areas of PCMJ were inspected, including the sally port, the booking office, medical office, kitchen, jail pods (housing/living units), computer room, classroom, laundry room and minimum-security male/female dormitories. Jail personnel, managers and administrators were interviewed as well as one female inmate and one male inmate.

Facts

The PCMJ, including the minimum-security jail, is a Type II, III and IV facility[1].

The PCMJ has a rated capacity of 486 beds. The minimum-security facility has a rated capacity of 160 additional beds. The top rated capacity of both facilities is 646 beds. Under Federal Court Order, the PCMJ *must* release at 100% of rated capacity and *may* release at 90% capacity. As an operational practice, the PCMJ tries to operate at the 90% capacity level.. With 10% of the jail beds vacant, it allows the inmates to be moved as issues or conditions arise. This target allows the jail management to try to keep the operational capacity of the jail at approximately 581inmates. In the calendar year of 2010, the average daily population (ADP) was 524 inmates. Since the implementation of AB109 ("realignment") the ADP is at 600 inmates. Historically the population has peaked at 636 inmates.

Sixty percent of the rated bed space at PCMJ is dormitory style bunk beds. Forty percent is celled beds. Celled beds are much more flexible and secure than dormitory beds. Prior to AB 109, the facility struggled with a lack of cell beds. There is an increased struggle to provide cell beds. Higher-level inmates, serving longer sentences, who would have been sent to state prison prior to AB 109 are now serving their time in

[1] Type II facility means a local detention facility used for the detention of persons pending arraignment, during trial, and upon sentence of commitment. Type III facility holds convicted and sentenced inmates. Type IV facility is a work furlough facility.

PCMJ. Thus far, the longest sentence ordered to be served at PCMJ pursuant to AB-109 has been 76 months. These inmates are more sophisticated and staying for longer periods. Prior to AB109, prisoners normally did not stay more that 12 months in the county jail. Because of the longer sentences that AB 109 inmates are serving, 35% of maximum-security bed space is being used by these inmates.

The new South Placer Adult Correctional Facility (SPACF) in Roseville, California has 390 beds, 270 of which are in cells. SPACF is built but not occupied. With the growing ADP, the early release of inmates and the rising sophistication level of inmates, it is imperative that SPACF be opened, occupied and staffed to avoid overcrowding at PCMJ.

The physical condition of the PCMJ is very good. The kitchen in the main jail is staffed and supervised by civilians who work for the county probation department. Inmate also work in the kitchen and can earn a certificate in food handling. This certificate can be used in the community to help obtain employment once released from jail. Storage space for bulk food is still a problem, but that condition will be relieved when food is prepared at SPACF and transported to PCMJ to be reheated and served to the PCMJ inmates.

The Grand Jury examined a sampling of inmate grievances and noted they were thoroughly investigated and resolved in-house administratively. There was one suicide in the jail. There were 15 attempted suicides in the jail this year; three were female inmates.

The minimum-security jail has been converted from barracks buildings at DeWitt Center (a former Army base and State Hospital). There is one barracks for male inmates and one barracks for female inmates. The barracks are old and crowded but operational. They are set up with bunk beds in dormitory style housing. A minimal male and female correctional staff supervises the rated capacity of 160 beds at the male and female dormitories.

The minimum-security operations at the barracks are monitored in a control room that is antiquated and in need of new (and additional) cameras and equipment to watch all areas of the housing and recreation areas of the minimum security. The existing cameras have many blind spots. The inmates know where the blind spots are and can conceal their activity accordingly. Many times, there are only two correctional officers working each dormitory (male & female). There is a safety concern when one officer must go on the floor of the dormitory to intervene in a fight or other problem.

The Grand Jury learned that correctional staff does not have an adequate number of taser weapons to issue to on-duty officers. Tasers are non-lethal weapons used by law enforcement to subdue unruly, belligerent, or potentially dangerous inmates. The staff could use more of these weapons as a tool to be able to better supervise the inmates and prevent injuries to staff and inmates in the case of an altercation.

The PCMJ maintains a medical facility in-house. Medical personnel are employed by a third party who has provided medical services at the jail for many years. The PCMJ has several inmate programs, such as anger management, religious services, mental health services, vocational classes, and work programs.

There is a multi-level revue grievance process for inmates that are aggrieved by some act or condition in the jail.

The Grand Jury interviewed one male inmate and one female inmate. The inmates were aware of the jail grievance process, their ability to request medical and other services. The inmates stated that the jail staff was professional. Both inmates stated they wished the PCMJ had more programs and more jobs for minimum-security prisoners.

Findings

F1. The physical condition of the main jail is very good.
F2. The minimum-security barracks are functional, but old.
F3. The PCMJ is well managed despite crowded conditions.
F4. The PCMJ do not have enough Taser weapons to issue to all on-duty jail staff.
F5 SPACF is not open at time of this writing.

Conclusion

The PCMJ is well managed and well maintained despite crowding challenges.

Recommendations

The Grand Jury recommends:

R1. To purchase enough Tasers to enable these weapons to be issued to each on-duty jail personnel.

R2. The staffing and opening of the SPACF should be expedited to alleviate potential problems due directly to crowded conditions of the PCMJ.

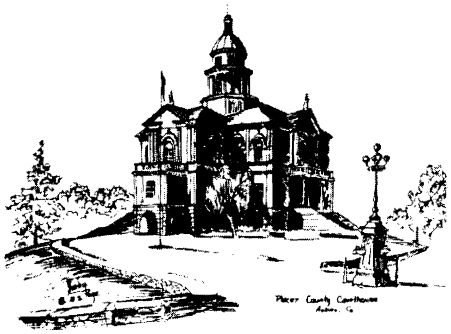
Request for Responses

Edward Bonner # R1, R2 **Due by July 2, 2013**
Sheriff-Coroner-Marshal
Placer County
2929 Richardson Drive
Auburn, CA 95603

David Boesch, CEO, # R1, R2 **Due by August 2, 2013**
Placer County
175 Fulweiler Avenue
Auburn, CA 95603

Placer County Board of Supervisors # R1, R2 **Due by July 2, 2013**
175 Fulweiler Avenue
Auburn, CA 95603

Rocklin City
Jail Holding



PLACER COUNTY GRAND JURY

Rocklin City Jail
Rocklin, California
Annual Inspection

Rocklin City Jail
Annual Inspection

Summary

On September 27, 2012, the Grand Jury conducted its annual inspection of the jail located at the Rocklin Police Department at 4080 Rocklin Road. The Grand Jury found the jail to be modern, clean and well maintained.

Background

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

Investigative Methods

A Rocklin Police Sergeant led the jurors throughout the police building as they inspected the departmental jail.

Facts

The Rocklin Police Department (RPD) and jail is approximately 7 years old. The City of Rocklin planners believe the population may double in years to come. The police department building was constructed with that growth in mind. The RPD maintains a jail classified as a temporary holding facility[1], which means prisoners can be held up to twenty-four hours.

The jail has six holding cells. There were no inmates present during the inspection. All cells were equipped with a toilet and a sink that was in good order. Inmates are normally sent to the County Jail in Auburn for booking and it is rare that anyone is held

[1] A temporary holding facility means a local detention facility constructed after January 1, 1978 used for the confinement of persons for 24 hours or less pending release, transfer to another facility of appearance in court.

in a cell for more than six hours. Juvenile arrestees and adult arrestees are housed in separate cells. They are also transported separately if they need to be moved to the county jail or the juvenile detention center. The RPD has a sally port that is large enough for two police vehicles. This sally port provides an extra layer of security when arrestees are brought into the facility. The jail maintains video cameras in the jail areas as a security enhancement if any officer or prisoner needs help. The video cameras are monitored by departmental dispatchers.

There was no graffiti in the jail and the facility appeared well maintained. Because of the short duration for keeping detainees in a cell, there is no need for a kitchen. If needed, inmates are given snacks from a vending machine or a meal provided from a fast food restaurant nearby.

Findings

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

Recommendations

The Grand Jury has no recommendations for the Rocklin Police Department jail. The Grand Jury would like to commend the RPD for its superb management and condition of their jail.

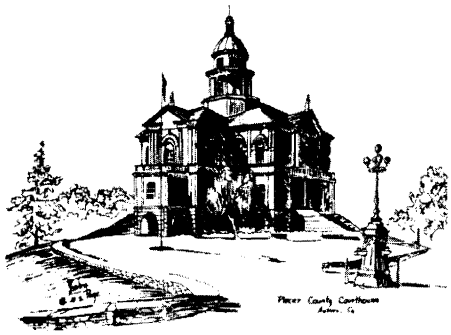
Request for Responses

None required

Copy Sent To

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

Rocklin City Council
3970 Rocklin Road
Rocklin, CA 95677



PLACER COUNTY GRAND JURY

Roseville Police Department Jail Holding Facility Annual Inspection

Roseville Police Department
Jail Holding Facility

Annual Inspection

Summary

The Grand Jury conducted the annual inspection of the Roseville City Police Department jail holding facility, 1051 Junction Boulevard, Roseville, on September 12, 2012. The jurors were satisfied with the operations and conditions of the jail. The Grand Jury was also impressed with the department's method of generating revenue through the Sentenced Prisoner Program.

Background

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

Investigation Methods

Members of the Grand Jury (GJ) conducted the annual inspection of the Roseville Police Department (PD) jail, on September 12, 2012 with emphasis on the department's holding facility. The inspection and tour were provided by the Roseville Police Corrections Supervisor.

Facts

In Placer County, Roseville is the only city where the PD operates a Type I Facility[1], which can hold a prisoner for a maximum of 96 hours.

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[1] Type I facility is a local detention facility used for the detention of person for not more than 96 hours. Such a facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such placement in a facility is made on a voluntary basis on the part of the inmate. As used in this section. an inmate worker is defined as a person assigned to perform designated task outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five day scheduled work week.

The jail can house up to 48 inmates. It is staffed by one supervisor and seven correctional officers. There are also two officers–in-training, one of which will be part-time staff at the Roseville jail. The peak 24-hour population in 10 years at this jail was approximately 38 people.

The jail facility is clean and well maintained. There was no graffiti on any of the cell walls or floors. All plumbing worked in the cells. Due to a reduced budget and minimal bookings, the jail currently does not accept inmates from 7 am to 11 am daily. Arrests made during that period are taken directly to the County Jail in Auburn for booking and holding.

The jail usually does not house juveniles on site. When a juvenile is arrested, he/she is held in a segregated area away from any other prisoners for pick up by their parents or adult guardians. If the parents are not available, the juvenile is taken to the juvenile detention facility in Auburn. Juveniles are not transported in the same van or patrol car with adult prisoners. Adult prisoners are transported by van or patrol car at the discretion of the arresting officer.

The jail provides 10 two person holding cells, 4 muti-person sobering cells that could hold up to 14 people, and 4 multi-person holding cells that could accommodate 14 people. The jail has never held more than 38 prisoners at any one time. There are adequate security cameras in the arrest and booking area and cameras are monitored from the dispatch room and jail control room. There are fire extinguishers outside the holding area that are inspected monthly (last inspected August, 2012). The Fire Marshall inspects the jail every two years (last inspected March, 2011). The Corrections Standards Authority [CSA] conducted their biennial inspection of the jail on July 21, 2011. The health inspection shows no compliance issues. This jail has limited services with only first aid capabilities including a defibrillator. Microwave meals are served at 6am and 6pm to prisoners in their cells.

The jail continues to provide a unique program at the discretion of the case judge. This program is called the Sentenced Prisoner Program (SPP). It is for low-level offenders, typically non-violent prisoners. It provides some flexibility for detainees and staff as well as an added revenue source for the City. With approval from the court, prisoners are allowed to serve their sentence in their non-working hours, allowing prisoners to retain their employment. To participate in this program the prisoner must pay $60.00 a day, which generates approximately $42,000 a year in added revenue for the City. The prisoners must bring their own bedding. No cell phones are allowed (landline phones are available with permission from staff). The prisoner's sentences are usually for less

than 30 days. Any disciplinary problems with an inmate in the SPP could result in that inmate's SPP program being terminated and the need to serve the remainder of their sentence in the County Jail. The SPP is not limited to Roseville residents.

The Roseville City Jail also uses a revenue generating program allowing third party vendors to post bail bond advertisements in the holding facility. In partnership with Safer America, billboards are placed in each cell advertising local bail bond companies. This program generates approximately $30,000 a year in revenue to the City.

The Roseville City Council has made a policy decision to close the Roseville Jail with the opening of the South Placer Adult Corrections Facility, (SPACF) in Roseville. The date for opening SPACF is not yet known.

The jail supervisor stated both the current city police chief and city manager indicated they would reevaluate the status of the Roseville City Jail when the operational date of the SPACF is known. The city jail might continue to operate even after the new county jail is open if they can continue to provide services that would benefit the City of Roseville.

Findings

F1. The Roseville City Jail is well organized and maintained.

F2. The Sentenced Prisoner Program currently brings more than $42,000 revenue to the city.

F3. The posting of bail bond advertisements in the jail currently brings approximately $30,000 revenue to the city.

Recommendations

The Grand Jury recommends:

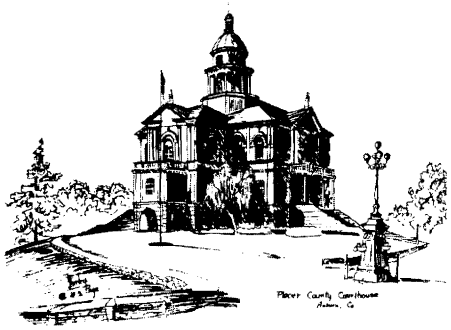
R1. The Sentenced Prisoner Program and the bail bond advertisement programs seem to have a benefit for inmates and it generates revenue. The cost benefit option of these programs and keeping the jail open should be explored.

Request for Responses

Daniel Hahn, Chief of Police R1 **Due by August 2, 2013**
Roseville Police Department
1051 Junction Blvd.
Roseville, CA 95678

Roseville City Council R1 **Due by August 2, 2013**
311 Vernon St.
Roseville, CA 95678

Placer County
Juvenile Detention



PLACER COUNTY GRAND JURY

Annual Inspection

Placer County Juvenile Detention Facility

Annual Inspection of the Placer County Juvenile Detention Facility

Summary

The 2012-2013 Grand Jury inspected the Juvenile Detention Facility (JDF) on September 5, 2012. JDF is located at 11260 B Avenue, Auburn. The facility was clean and had been recently painted. Medical services are provided by California Forensic Medical Group (CFMG) which includes a full-time nurse, and the facility has access via a secured line to psychiatric services as needed. There are two credentialed teachers and two instructional aides assigned during instructional time. Special Education Services are provided by the Placer County Office of Education (PCOE) on an as needed basis. Meals and snacks are provided by the nearby Placer County Main Jail. The JDF has a large gymnasium for daily physical activities. The JDF is in the process of modifying their policy and procedures to comply with the federal Prison Rape Elimination Act (PREA) currently being implemented throughout the nation.

Background

The Grand Jury is responsible for inspecting all jails in Placer County which includes the JDF. The JDF is defined as a county facility designed for the reception and temporary care of minors detained in accordance with California Code of Regulations, Title 15, Section 5; Welfare and Institutions Code Section 210 and Juvenile Court Law. The Grand Jury is charged with investigating and reporting on the welfare, safety and security of the minors detained and employees working in the JDF.

Investigation Methods

Members of the Grand Jury met with Superintendent prior to our inspection who gave us an overview of the JDF. He then led us on an inspection of the entire facility and provided time for question and answers. In addition, the inspection team interviewed two (2) detainees and the JDF nurse.

Facts

- The JFD grounds were well maintained
- A video in the main entrance explains expectations to parents
- Maximum detainee capacity is seventy-eight (78)
- At time of inspection there were nineteen (19) detainees
- Detainee classification is General or Maximum
- Detainees are oriented to rules and procedures upon admission
- Rules and grievance procedures are posted in areas accessible to the detainees
- Two (2) staff members are on supervision at all times
- The JDF is staffed at a 1:10 ratio (1:8 at the time of inspection)

- Staff is encouraged to develop positive rapport with detainees
- Educational instruction goes from 8:00AM-1:45PM (M-F)
- Student classrooms are colorful and well lit
- Substance abuse education and anger management counseling is available
- Physical, dental and mental health services are available
- Meals and snacks are provided by the Placer County Main Jail
- Detainees have unlimited mailing privileges
- Detainees were well groomed with appropriate clothing
- There is daily physical exercise available
- A daily shower is required of all detainees
- Religious services are available
- Detainees are allowed two (2) hours of visitation each week
- Some personal items are allowed in detainee rooms (Bible/cards)
- Ample bedding is provided
- During the past year there had been no suicides, escapes or deaths reported
- Security cameras are located throughout the JDF except the nurse's station and maximum security
- The JDF is in the process of modifying their policy and procedures to comply with the federal Prison Rape Elimination Act (PREA) currently being implemented throughout the nation

Findings

F1 The Grand Jury found the JDF to be clean and well maintained. The JDF was in the final stages of painting. While most of the facility was clean, there was some gang related graffiti in the holding rooms. A subsequent visit to the facility on January 9, 2013, verified that the holding cells have now been re-painted and are free of all graffiti. Frequent graffiti checks are now being conducted to keep the facility free of graffiti.

F2 The staff appears to be proud of the work they do and the rapport they develop with the detainees.

F3 The staff was in the process of developing and implementing a comprehensive program to comply with the Prisoner Rape Elimination Act (PREA). This federal legislation will require all prison and detention facilities to comply with new federal standards. This facility appears to be taking positive steps to obtain full compliance.

F4 Security throughout the facility is aided through the use of video monitoring cameras. Security could be improved by additional cameras in the nurse's station and in the maximum security area.

Recommendations

The Grand Jury recommends:

R1. Once the policy and procedure manual for PREA compliance is completed a copy should be forwarded to the Grand Jury (has been received).

R2. Additional security cameras should be installed in the nurse's station and in the Maximum Security area.

Request for Responses

Marshall Hopper R1, R2 **Due by August 2, 2013**
Placer County Probation Department
DeWitt Cente2929 Richardson Drive
Auburn, CA 95603

Placer County Board of Supervisors R2 **Due by August 2, 2013**
175 Fulweiler Avenue
Auburn, CA 95603

James Durfee, Director R2 **Due by August 2 , 2013**
Department of Facility Services
11476 C Avenue
Auburn, CA 95603

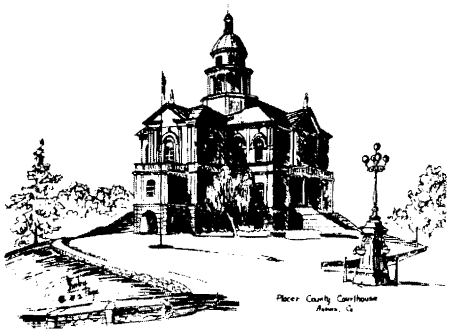
Copy Sent To

Jeffery Cann, Superintendent
Placer County Juvenile Detention Center
11260 B Avenue
DeWitt Center
Auburn, CA 95603

Sam Stodolski – Chair
Juvenile Justice/Delinquency Prevention Commission
PO Box 1684
Loomis, CA 95650

Gayle Garbolino-Mojica
County Superintendent of Schools
Placer County Office of Education
360 Nevada Street
Auburn, CA 95603

New Tahoe
Justice Center



PLACER COUNTY GRAND JURY

New Tahoe Justice Center

Options for Moving this Project Forward

New Tahoe Justice Center

Options for Moving this Project Forward

Summary

For almost two decades the Placer County Grand Juries have recommended that the existing Placer County's Sheriff Department substation and court facility at Burton Creek be replaced due to a multitude of facility shortcomings documented over the years. For almost two decades those recommendations have not been implemented. The 2012-2013 Placer County Grand Jury decided to more thoroughly investigate the reasons for the lack of action and address that lack of action in a separate report.

After a considerable amount of fact finding and discussions with the responsible parties, the 2012-2013 Grand Jury has concluded that failure to replace this facility with a newer and more functional facility is not the result of a lack of will on either the County or the Administrative Office of the Courts (AOC). The lack of action is due to a multitude of significant factors including the administrative complexity of building a replacement facility in the Tahoe basin; legislative changes that have altered the administration of the Courts; a shortage of funds at both the state and county level to undertake this project; and failure to give this project adequate priority and funding to enable it to advance to planning, funding, and actual completion.

This Grand Jury feels the recommendation of prior grand juries is still valid. With adequate priority given to this project by the County; and their resolve to work with the Courts to overcome the administrative, fiscal, and environmental issues that have bogged down this project, the time is right to at least move this project on to the drawing board. The 2012-2013 Grand Jury hopes it will be the last grand jury to have to make this recommendation and that the County can finally move forward on a plan to replace this facility. There is sufficient funding to begin the planning phase of a multi-year, phased project. The recommendations this year are suggestions on how to proceed with the project.

Investigation Methods

The 2012-2013 Grand Jury reviewed seventeen years of previous grand jury reports with regard to their findings on Burton Creek to obtain an understanding of what was observed, the findings, recommendations, and responses to them.

We also reviewed legislative changes in the past ten years that impacted the administration of trial courts and trial court facilities.

We reviewed planning documents of the AOC, including a feasibility study report for a new court facility in the Tahoe basin, news releases about the project, and met with the Supervising Facilities Planner from the AOC.

We again inspected the Burton Creek facility and toured the Tahoe basin on investigative visits conducted on October 25, 2012 and January 17, 2013.

We spoke with personnel assigned to the Burton Creek facility, officials of the various agencies associated with the Burton Creek facility, the County Sheriff, and with the County Supervisor in whose jurisdiction the Burton Creek facility resides, and the County Treasurer to explore funding options for the project.

With the County Supervisor for the area, we toured the Tahoe basin looking at sites and reviewing options being explored for a replacement facility.

Finally, we reviewed options that might enable this replacement project to finally move forward in some form.

Definitions

For the purpose of reference in this report:

Courts shall mean the California Judicial Council; their administrative arm, the AOC; and administration of the judicial system.

County Services shall mean services delivered by the county or their contractors, especially those services linked to the justice system such as Probation, District Attorney, and Public Defender.

Sheriff Services shall mean local law enforcement activities and service in support of the court such as holding and transporting of in-custody prisoners and maintaining courtroom security.

Background

The grand jury's involvement in this facility arose out of the grand jury's charge under California Penal Code Section 919 (b) to inquire into the condition and management of the public prisons within the county. While the jail facility at Burton Creek is classified as Type 1 and is authorized to hold inmates up to 96 hours, for several years this facility has only been used as a temporary holding facility for inmates awaiting their court appearance. Overnight detention of prisoners is handled in Truckee through contract with Nevada County or in the Placer County Main Jail in Auburn. Therefore, while the grand jury

continues to feel the facility, as a whole, is deficient in many ways, the holding facility meets the needs for which it is currently being used.

Some of the past grand jury recommendations have focused on specific safety issues with the facility, overcrowding at the facility and the fact that the facility did not meet current seismic, American with Disabilities Act (ADA), or fire-safety standards. The County has attempted to address these issues by discontinuing the housing of prisoners overnight. They have also made modifications to the building where feasible and moved many County functions out of the building thus alleviating the overcrowding. Some of the functions moved out of the building include:

- The Sheriff's dispatch unit was moved out in May, 2010 and is now centralized in Auburn.
- Some Sheriff Patrol units have been moved to satellite stations in North Star and Squaw Valley.
- The Probation department has moved out and is now in Tahoe Vista.
- The Courts have leased facilities in Kings Beach for jury selection and jury deliberation.
- Court records and evidence have been moved to secured storage units in the facility parking lot.

In discussions with County staff associated with County risk management, while there is concern about the seismic and ADA issues, the age of the building in part "grandfathers" the building into compliance without the County having to do extensive mitigation. Also, most public access is limited to the first floor which has been made more accessible though improvements such as wheel chair ramps.

However, it was also noted in interviews with county code enforcement personnel that any significant modification to the building would trigger a requirement to upgrade the facility to current building code standards. None of the modifications made to the Burton Creek facility have triggered a move toward full compliance. The Grand Jury concurs with the County and the Court that any attempt to make major modifications to bring the facility up to current standards would not be a cost-effective solution to the inadequacies of the existing facility.

In reviewing past grand jury reports, it is evident that trying to replace this facility has been a desired County project for years but each plan to do so has been challenged by one group or other.

- In the early 1990's there was a plan to move the existing Department of Public Works (DPW) to a new facility further up the hill and build a new Court and County office facility on the old DPW site. That effort was halted when a lawsuit was filed by the State Attorney General on behalf of citizens concerned about the DPW relocation and the noise that might result from DPW equipment going up and down the hill.

- Another plan to combine forces with Nevada County and build a joint facility in the Martis Valley was explored for a number of years, challenged, and then dropped.
- The Court's plan to build their own court facility (discussed in more detail later) also had the effect of delaying progress while the County put plans on hold waiting to see what the Court was doing.
- While the above aborted plans were intended to help solve the problem, they accounted for the many years of delay in the replacement of the facility

Additionally, in reviewing the background of this facility, we have found an evolving situation made more complex by changes in state and federal law. Among these changes are legislation that has effected the administration of the courts and court facilities. Also, zoning, environmental, and regional planning issues unique to building in the Tahoe basin have changed and made the building of a replacement facility much more complex.

When past Placer County Grand Juries began their review of the Burton Creek facility, the whole facility was owned and managed by Placer County. However, as a result of the Trial Court Funding Act of 1997 and the Trial Court Facilities Act of 2002, ownership of the court portion of the facility was transferred to the State (California Judicial Council and administered by the AOC) in June of 2007.

While the AOC delegated back to the County the day-to-day maintenance of the facility, they now have equity in the facility. In accordance with a "Transfer Agreement" negotiated between the County and the State:

- If the Court initiates a move from the building the County is required to pay the State for their equity in the facility;
- If the County initiates a move requiring the Court to move from the building, the County is required to pay for the Court's moving expenses.

The State Judicial Council, in their statewide review of court facilities, identified the Placer County Tahoe Area Court as one of their highest priorities for replacement. In October 2008, the Judicial Council approved the Placer County Tahoe Area Courthouse Replacement Project and designated funding for the project under SB 1407 revenues (court user fees designated for new court construction and capital improvements). In 2010 a feasibility study was completed which resulted in a recommendation for new construction in the Tahoe basin with the proposed structure to be a single courtroom facility not co-located with the Sheriff or other County services. Statewide, AOC plans for new court facilities have resulted in separation of Court facilities from County facilities

The Judicial Council's approval of a separate courtroom project in the Tahoe basin had the following effects:

- The Court's plans for the Placer County Tahoe Area Court facility did not include collocation with the Sheriff Substation or other County Services.
- AOC's multi-year Tahoe Courthouse Project proceeded through the establishment of a citizens' project advisory committee, determination of preliminary facility design,

footprint and site requirements. A suitable site near Burton Creek was identified but the project was halted before the purchase was completed.

In October of 2012, the Judicial Council put their Tahoe Area Courthouse Project on indefinite hold due to the Legislature's redirecting nearly $1.5 billion in court users fees, including the funds allocated for the Tahoe Project, to other uses. In discussions with a representative of the AOC, the proposal for a new Court facility for the Tahoe basin is still a priority but is still on indefinite hold due to lack of court construction funds. (See addendum--Letter of Support from Presiding Placer County Judge, Alan V. Pineschi , dated August 22, 2012.)

Facts

The Burton Creek facility is a two-story, wood framed building built on a ten acre parcel on the North Shore of Lake Tahoe near Tahoe City. The facility was built to serve as a jail and to support security needs for the 1960 Winter Olympics held at Squaw Valley. The facility currently houses a single courtroom, a jail/holding facility and District Attorney Staff downstairs, and a Sheriff's substation upstairs.

- There are fire suppression sprinklers only in areas identified as critical risk in this facility, there is a narrow interior stair way from the lower floor to the upper floor, limited escape routes from the upper floor in the event of fire and no elevator access to the upper floor for individuals with disabilities.
- Rest rooms in the facility are not ADA compliant.
- The Courts occupy approximately 2,100 square feet of the building of which the courtroom is 525 square feet.
- There is inadequate space to enable efficient security screening of the public entering the building.
- There is inadequate space to provide isolation of in-custody prisoners from the public or court staff, especially as they are escorted into the courtroom.
- There is no jury box to provide separation between jurors and the public or legal staff.
- There is no waiting area for the public, no space for attorneys to meet with clients, no space for legal "self-help" services or child custody counseling.
- There is no space for jury selection or jury deliberation.
- There is inadequate space for court record and sheriff evidence storage so overflow is placed in secured storage containers in the parking lot. Winter snowfall can make retrieval difficult.

The Courts, in their feasibility study to explore options for replacement of the Court facility, considered the option of re-building or major modifications to the current facility. They found that land use and zoning in the Tahoe basin is controlled by the Tahoe Regional Planning Agency (TRPA). A primary TRPA regulation deals with allowable site coverage to minimize the pollution of Lake Tahoe. Site coverage values range from 1% to 30%, i.e. the

percent of the parcel that can be covered by buildings or parking structures. Because Burton Creek sits adjacent to a creek it is also in a "stream environmental zone". The Burton Creek parcel is considered Class 1 meaning that no more than 1% of the parcel can be covered by buildings or parking structures. Given the 10 acre parcel on which Burton Creek was constructed, being able to only develop 1% of 10 acres would enable developmet of .1 acres or 4,356 square feet including parking. Total coverage of the current site is already exceeded with the existing development. It appears that any facility built on the Burton Creek site exceeding 4,356 square feet would require a TRPA waiver to be sought.

- The Burton Creek site is not suitable for a replacement facility for either a single site court room or a co-located justice center unless the TRPA is agreeable to waving restrictions.
- If the AOC purchases a site, they are prevented by state law from purchasing more land than is required for their own needs. This precludes collocation of Court and County facilities if the State buys the land and initiates the new construction project.
- If the County purchases land, there is no such restriction and the size of property purchased can accommodate a co-located facility.
- Property values in the Tahoe region are most likely at a low point and currently favorable for purchase of a site for a replacement facility.

In discussion with County officials, it is obvious that they are still looking for options to replace the Burton Creek facility. Most of the officials we have spoken with feel the ideal plan would be for the Sheriff's Department to move with the Courts to a new, multi-use Government Center in the Tahoe basin. In discussing this option with the Supervising Facilities Planner for the AOC, they indicated that the AOC would welcome the opportunity to move with the County to a co-located site. This option, while not an easy solution, seems to be the favored option to pursue.

To be objective the Grand Jury attempted to weigh the various options available.

<u>County/Court Options</u>

1. The first option would be for the Courts to move forward with their own separate replacement facility leaving the current County services in the Burton Creek facility.
    a. This option represents the scenario that existed prior to the AOC Tahoe Area Courthouse Project being put on hold.
    b. If the Judicial Council were to lift their indefinite hold on the Tahoe Courthouse Project and the AOC completed the construction of a replacement courthouse in the Tahoe basin, then the Court's facility issues would be solved.
    c. The proposed courthouse was designed to meet the Court's space and security needs.

   d. The proposed courthouse was not designed to promote collocation or coordination with County Services such as Probation, District Attorney, or a link with law enforcement.
   e. The Court's moving from the Burton Creek facility would free up some space. However, it is doubtful whether the space freed up by the Court's moving would significantly mitigate the problems with the facility.
   f. The County would still need a more appropriate facility that is ADA, seismic, and fire-safety compliant with adequate space and parking to provide services in a safe and secure environment.
   g. In order to provide a more appropriate facility, we looked at rebuilding on the current site or making improvements at the current site. However, the same environmental issues that prevented the Courts from building on the Burton Creek site would also prevent the County from using this site for a replacement facility.

2. A second option would be to acquire a replacement facility only for the Sheriff's substation and associated County Services leaving the Court in the existing Burton Creek facility.
   a. For the Courts, this would free up space that might enable them to make some improvements to the facility to better meet their needs.
   b. Without the Sheriff's sub-station, they could possibly install security measures, re-route in-custody prisoner transit around the courtroom, provide space for jury deliberation and jury selection, and have space for record storage.
   c. It is not likely that this option would meet many of the Court's needs since the space freed up is mostly on the second floor of the building which is poorly accessible and still contains the fire and seismic threats that are difficult if not impossible to mitigate.
   d. If the County selected a replacement facility well, it would be possible to provide a broader range of County Service in a safer and more secure environment.
   e. The physical separation of County and Court Services fails to promote the coordination of services.
   f. The physical separation of County and Court services makes service to the public less convenient since they have to go to multiple locations to obtain the service needed.

3. The third option is to move the Sheriff's substation, associated County Services, and the Court into a new multi-use Government or Justice Center.
   a. In discussions with the stakeholders, i.e. the Sheriff, the AOC, the affected County Supervisor and other County officials; this option appears to hold the best prospects for resolving the facility issues for both the Courts and the County.
   b. The Sheriff feels that a collocation with the Court enhances law enforcement/judicial relationships, facilitates the holding and transporting of in-custody prisoners for court appearances, and assists in maintaining court security.

c. The County Supervisor for the area feels a co-located Justice Center, where residents and visitors to the area could access Court and County services in a secure and accessible facility, would best meet the needs of her district.
d. The facilities supervisor for the AOC also would support a co-located option. A co-located option may be the Court's best option for resolving their facility issues if new court construction funds remain severely limited.
e. If the Courts are unable to identify funds to either lease or partner with the County at this time, space can be set aside in a new County Facility to accommodate the collocation with the Courts at a later date,
f. Establishing, or at least moving toward a co-located Justice or Government Center, provides the best opportunity to solve the facility issues of both the Courts and the County.
g. A co-located solution offers the best opportunity for the coordination of services between the Courts and the County.
h. A co-located solution provides a facility with the best ease of access to the public.
i. A co-located solution is not one that the State or County can pursue independently. Rather this approach requires joint planning and possible phasing depending on the availability of funds.

4. The final option is to do nothing leaving the Sheriff and the Courts in an obsolete, non-compliant facility that lacks adequate space, security, and functionality to provide adequate services.
    a. Maintaining the "status quo" of doing nothing and of leaving the Courts and the current County services in a building acknowledged to be inadequate for over 17 years is unacceptable.
    b. The condition of this facility does not reflect well on this valuable, scenic, county area and international tourist destination.
    c. Providing services in a facility acknowledged to be a fire risk, seismically unsafe, not fully ADA compliant, and lacking adequate security, puts the County, the State, and the public at risk.
    d. The Grand Jury has found this alternative unacceptable now and for the last 17 years.
    e. The staff that work in this facility and the public that access services here deserve better.

Moving Forward

There remains a multitude of issues to making a co-located solution happen.

1. First, and probably most important to the success of this project, is obtaining sufficient priority for this project to elevate it on the County's Facilities Financing Master Plan.
    a. The 2012-2013 Grand Jury strongly recommends that this project be given high priority.

b. The Grand Jury is releasing this report early, ahead of our annual report, in the hopes that we can influence budget discussions for the upcoming year. We are encouraged that Burton Creek was mentioned as a priority by the Director of Facility Services in the Board's budget priorities workshop held on February 26, 2013.
c. In the Responses to last year's Grand Jury recommendation about replacing the Burton Creek Facility, the responders professed a continuing commitment to replacing the facility.
d. Facility Services, in the discussion of the 2012-2013 Capital Projects budget, mentions the Tahoe Justice Center "in an array of on-going projects". Yet when the Grand Jury interviewed the Capital Improvement Manager of Facility Services, it was determined that no-one had been, nor was to be, assigned to work on the project because they were awaiting action by the Courts and further direction(from senior management). Based on statements made at the current Board's budget priorities workshop by the Director of Facilities Services, this may have changed.

2. Second, funds, or financing opportunities, will have to be identified.
   a. For the fiscal year 2012-2013 budget the County, in its Capital Improvement Projects List, includes project 704769, Burton Creek Justice Center, showing about $2.7 million recommended expenditure.
   b. Any funds previously diverted from this project will need to be restored to the project fund.
   c. Additional funding or financing opportunities will need to be explored. The County Treasurer should be consulted in the exploration of these options.

3. Tahoe Area Regional Planning Agency's limitation on development, environmental and zoning issues, and numerous other issues will have to be addressed.
   a. We feel these obstacles can be overcome to make this longstanding recommendation a reality so that future grand juries will not have to keep making the same recommendation.
   b. Nothing will happen until a Project Manager in the Capital Improvement Projects department is assigned with direction to begin planning. If this has not already happened, we encourage Facility Services to make this designation.

Findings

F1. The Jail facility at Burton Creek is only being used as a temporary holding facility for inmates while awaiting their day in court and is adequate for the purpose it is being used.

F2. While the County has not been able to replace the facility, it has taken steps to reduce the overcrowding and has attempted to address the ADA, seismic, and fire-safety issues associated with the facility.
F3. The failure of the County and the Courts to replace the facility is not the result of lack of desire or good faith efforts to do so. The planning of either a co-located facility or separate replacement facilities in the Tahoe basin is complicated by many factors. Yet there still remains a need for a replacement Sheriff Substation and Court facilities in the Tahoe basin.
F4. Placer County has budgeted $2.7 million in the current fiscal year for a New Tahoe Justice Center capital project. That means there should be sufficient funds to begin planning and determine the facility needs and requirements of all affected agencies. Additional funds will need to be identified to make this project happen. Also, any funds previously diverted from this project will need to be restored to the project fund.
F5. If a replacement facility is to include co-located Court, Sheriff Substation, and County offices, the County will have to take the lead and purchase a suitable site.

Conclusions

A replacement facility is needed and a co-located facility appears to be the best option. However, that does not mean everything needs to be built at the same time or located in one building. A multi-building campus type arrangement built in phases is also an option. Replacement will involve a multi-year process to get through the planning, design and construction phases. There are sufficient funds currently available to begin the planning phase. The timing is right to prepare a plan and determine a suitable site so that, if need be, a site can be purchased while property values remain relatively low.

The Tahoe Sheriff Substation can be designed and built separately from the AOC facility. The Sheriff Patrol units are not required to be housed in a Court facility. The Sheriff does provide court security. One or more bailiffs can provide court security. The Court can remain in occupancy at the existing Burton Creek building until funding is released by the state for a new Court facility or moved to a new co-located facility under a lease agreement.

Recommendations

The Grand Jury recommends:

R1. Because it will be a multi-year process to construct a replacement for the current facility, the Sheriff should continue the current practice of utilizing the existing Burton Creek facility only as a court holding facility. Continue the practice of transporting arrestees to either the Nevada or Placer County jails for booking and detention.

R2. The County commit to the construction of a replacement Sheriff Substation facility by giving this project sufficient priority on the Facilities Financing Master Plan. Facility

Services take the lead and begin immediate planning for a replacement facility. Planning is contingent on whether or not the AOC can commit to a co-located facility and on what basis—as a partner or a tenant.

R3. If the AOC is able to partner in a co-located site, then it must be determined if that can be accomplished at the Burton Creek site. If not, then the County must purchase a suitable site while the property costs are relatively low.

R4. If the AOC is unable to commit at this time, the County should proceed with the design and construction of a replacement Sheriff's Substation in a building separate from the Court facility.

R5. The County should pre-plan for co-located buildings adjacent to the Sheriff's Substation and Court buildings for County Administration Offices and a Tahoe Jail facility which can be justified and constructed at a future date.

Request for Responses:

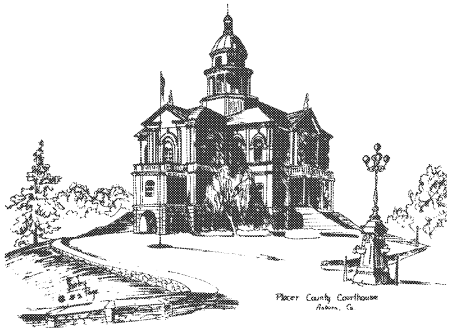
Board of Supervisors Placer County 175 Fulweiler Avenue Auburn, CA 95603	**R1 – R5**	**Due by July 8, 2013**
Edward Bonner, Sheriff-Coroner-Marshal Placer County 29129 Richardson Drive Auburn, CA 95603	**R1 – R5**	**Due by June 10, 2013**
David Boesch, CEO Placer County 175 Fulweiler Avenue Auburn, CA 95603	**R1 – R5**	**Due by July 8, 2013**
Jim Durfee Director, Facility Services 11476 C Avenue Auburn, CA 95603	**R1—R5**	**Due by July 8, 2013**

Copy to
Administrative Office of the Courts
2860 Gateway Oaks Drive, Suite 400
Sacramento, CA 95833-3509

Addendum: Letter of Support from Presiding Placer County Judge, Alan V. Pineschi , dated August 22, 2012

http://www.courts.ca.gov/documents/CFWG-09-05-12-Placer.pdf

Newcastle Fire
Measure F



PLACER COUNTY GRAND JURY

NEWCASTLE FIRE PROTECTION DISTRICT

MEASURE F

Inconsistency and Confusion

NEWCASTLE FIRE PROTECTION DISTRICT

MEASURE F

Inconsistency and Confusion

Summary

The Grand Jury received many complaints about the Newcastle Fire District (NFPD) covering a variety of issues. This report focuses only on complaints received regarding year-to-year variations in tax charges related to Measure F.

A Special Tax was passed in 1997 by voters who live within the boundaries of the NFPD. This tax measure (Measure F) was intended to replace assessments the District previously was collecting and which continue to supplement revenues the NFPD collects from its share of Prop 13 property taxes.

Measure F was placed on the ballot because the previous existing $40 parcel tax was about to expire and there were changes in the law (Prop 218) requiring voter approval to impose new property taxes, as opposed to approval by governing boards. The amount of the Measure F special tax was based upon formulas (see **Appendix C**), and varies depending upon size and use of the property assessed.

Some property owners noticed that their tax levy varied from year-to-year. The Grand Jury reviewed tax levies over the last seven years. After review of the tax rolls and the ballot measure, the Grand Jury found that Measure F is confusing and lacks certain details. Therefore, there were inconsistencies in application of tax levy calculations.

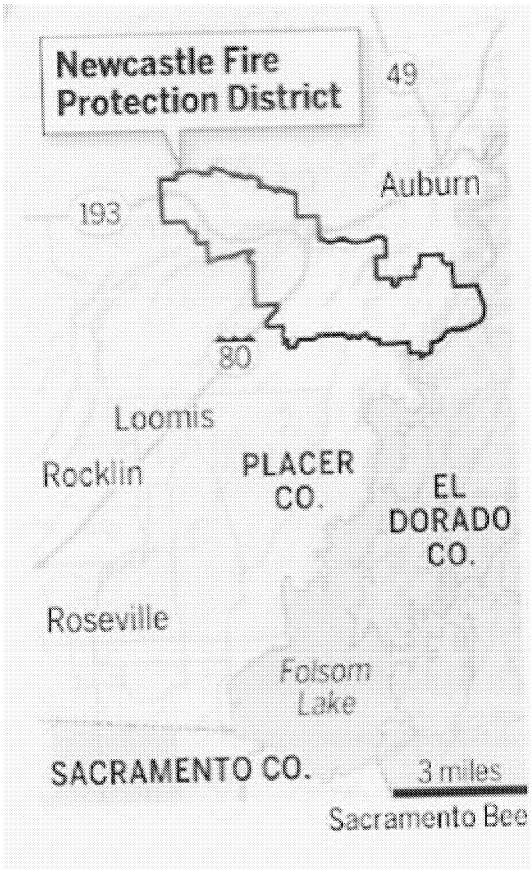
The Grand Jury found that on a year–by-year basis, representatives for the District who prepare the Special Tax roll have changed periodically. It also found that there is no written policy clarifying certain subjects contained in Measure F which might be considered ambiguous or are not addressed at all. The Grand Jury has concluded that this lack of written guidelines or standard procedures contributed to an inconsistent application of Measure F.

The purpose of this report is to recommend actions which the new NFPD Board may wish to consider in administration of all of its Special Taxes in order to eliminate inconsistencies.

Glossary

The Glossary terms are defined in **Appendix A**.

Background



The Grand Jury received complaints regarding yearly, or sometimes sudden, fluctuations in tax charges associated with Measure F. These complaints also addressed confusion about how to appeal those assessments, and to whom. The Grand Jury decided to investigate those complaints upon review of the language of the Measure and the actual tax charged (referred to as "Direct Charges" on the property tax bill) on a random sampling of properties. This random sampling ultimately included approximately 10% of the parcels within the NFPD. The review included Special Tax charges on vacant, commercial and residential properties from 2006/07 through 2012/13.

As background, the NFPD is an unincorporated area of Placer County that is considered rural. The NFPD, originally formed in 1868, covers approximately 33 square miles of somewhat hilly and rocky terrain and consists of commercial, residential and wild land properties.

Since its formation, the scope and duties of NFPD have increased, going from a strictly volunteer firefighting force, to a fire district which (per the 3/28/2013 NFPD website) has a work force consisting of eight paid staff members and six volunteers. It was in 1986 that

Newcastle hired its first paid firefighter. The duties of the fire fighters have expanded to include emergency first responder responsibilities.

In 1997, because of passage of a State constitutional amendment (Prop 218) and because an existing assessment was about to expire, Measure F was passed. Its stated purpose was to "primarily pay salaries and benefits of the firefighters" and to provide adequate personnel to provide for a two person firefighter response.

The actual Measure F taxes to be assessed varied according to use and size of the property. A summary of the application of Measure F is presented in **Appendix C**. This summary also identifies areas which the Grand Jury found that may need clarification by NFPD Board official action to develop a guideline or standard procedure.

Billing for Measure F tax is included in the normal property tax bill issued by the Placer County Tax Collector. However, it is the NFPD who calculates this Special Tax for each affected parcel. They would do this by first determining size (4.7 acres or larger) and use (i.e. unimproved, value of improvement, single residential, duplex, business, mobile home park, etc.) of each parcel within the District. These determinations would be based upon information provided by the County Tax Assessor's Office.

After size and use is determined, Measure F authorizes the assessment to be adjusted for inflation. The amount of the adjustment would be tied to the applicable Consumer Price Index (CPI). There were years in which the CPI adjustment was not applied, thereby possibly reducing the potential revenue NFPD may have been entitled to, but at the same time giving property owners some minimal tax relief.

Annually, the NFPD representative responsible for determining the Special Tax, would prepare a spreadsheet delineating on a parcel-by-parcel basis the amount to be assessed. The NFPD Board would pass a resolution to send that spreadsheet to the County Auditor's Office, who would then document that information and forward it to the County Tax Collector for collection. The Auditor's Office indicates that neither its office, nor the Tax Collector's office, can make a change on any given parcel's Special Tax unless it receives direction by the individual authorized by the NFPD Board to do so, who would be the person who submitted the original tax roll.

As it relates to this process, the Grand Jury noted that on at least one occasion, specifically in 2012, the Board resolution approving the Special Taxes was dated months before the spreadsheet specifying the Special Tax amounts were finalized.

As stated earlier, although billing occurs through the Tax Collector's Office, the NFPD determines what the tax amount is. Throughout the years this has been done by numerous individuals or consultants. Sometimes, this has resulted in different interpretations of how to apply Measure F.

For instance, businesses were originally charged (i.e. without any CPI adjustment) $54.44. However, in the scenario where there is a single commercial building containing several businesses, in one year the assessment may have been based upon the number of businesses within that building, and in another year it may have been assessed based upon the fact that it is one commercial building (i.e. with no adjustment for the number of businesses which occupy that building). For example, if one building contains ten businesses the tax may be $544.40 or $54.44 depending on whether it was taxed as ten businesses or one.

Investigation Methods

Investigative methods are described in **Appendix B**.

Facts

- Numerous inconsistencies in Measure F tax levies and examples of subjectivity are presented in **Appendix C**.

- There are certain areas of Measure F which need clarification. These would include:

  a) Maximum tax rates - Section IX, (3) of Measure F states "*MAXIMUM FEE: The maximum fee to be paid by any single parcel shall not exceed $100.*" This definition is contradicted in Section X of the ballot measure where it states the rates for the multiple family unit category shall be the Improved Parcel Base Rate for each dwelling and for the business unit category shall be the Improved Parcel Base Rate for each business unit on that parcel (subject to a CPI adjustment). Since Section X also established the original Improved Parcel Base Rate at $54.44 per parcel, in

1997 even two units on an Improved Parcel would have exceeded the $100 maximum tax rate.

b) Businesses on residential properties – The language of Measure F does not address what to do if a parcel contains a residential unit and a separate business unit.

c) Application of Improved Parcel Acreage Rate on Parcels over 4.7 acres –Contrary to Improved Parcels and Mobile Home Park Rates, which specifically authorizes charging the Improved Parcel Acreage rate (originally $3.30 per acre over 4.7 acres), the Measure is silent as to whether to apply the Improved Parcel Acreage Rate to multifamily and businesses.

d) Business units - In Section X, Measure F states that a parcel shall be charged for each business unit on that parcel.

e) Exemptions –Section XIII "Requests for Exemptions" gives the procedure for requesting and approving exemptions. However, Measure F does not specify what criteria the Board will use to determine what exemptions are allowable.

f) Use of Assessor's Records- Section XI of Measure F states "The records of the Placer County Assessor as of March 1 of each year shall determine for the next fiscal year whether a residential, commercial, industrial, recreational, institutional, or other structure exists for the purposes of this special tax."

- Of the persons interviewed by the Grand Jury who were representatives of the past or present Board, no one could produce a written policy or standard procedure on the interpretation of Measure F.
- The document called "NFPD Policies and Standards Manual" provided to the Grand Jury does not address how to calculate tax levies.
- When the Board passed Resolution 2012-04-12D to submit the Measure F tax roll to the Auditor the tax roll had not been finalized. The Resolution was passed on April 19, 2012. The tax levy was submitted to the Auditor on July 23, 2012 by the consultant who erroneously applied the $100 maximum limit. On August 21, 2012 a corrected tax roll was submitted to the Auditor which increased the taxes on 157 parcels (8% of total parcels), including the mobile home park, multi-family units and multi-business parcels. This added $20,447.04 to the total Measure F tax levy.

- The fact that a consulting company submitted an erroneous tax levy to the Auditor points out that no one in the NFPD had the responsibility for double-checking the tax roll for accuracy before submittal.

Findings

The Grand Jury finds:

F1 Measure F was intended to (among several items) provide firefighter benefits. However, this did not occur until the March 2012 passage of Measure B.

F2 The language of Measure F is unclear in some situations and there is a need for clarification by the NFPD. Areas of Measure F requiring clarification include:

Maximum tax rates

There is confusion as to whether to apply a $100 maximum tax (plus CPI adjustments) to all parcels. For example, in 2012 for the first time a consultant was used to calculate tax rolls. Their initial tax roll submittal to the County Auditor erroneously applied the $100 maximum limit to all parcels.

a.) Businesses on residential properties

There are parcels on which there are both businesses and residences which are only charged the single unit parcel rate. There is confusion as to whether if a residential property also contains a separate business (i.e. welding shop, boarding stable, etc) it should be assessed as both residential and business.

b.) Application of Improved Parcel Acreage Rate on parcels over 4.7 acres

The NFPD was inconsistent throughout the years in charging the Improved Parcel Acreage Rate for Business unit parcels and for multiple-family unit parcels. In reviewing the past levies, the Grand Jury found the District in some cases charged extra for acreage over the average of 4.7 acres for multiple-family unit parcels.

c.) Business units

In the Business category there has been a significant change in tax levies since 2006/2007. In 2006/2007 some parcels which had multiple businesses were charged for each business. The Grand Jury noted major drops in tax levies for those same parcels in subsequent years and that currently the parcels are only being charged for each building that contain businesses, not for each business when there are two or more businesses in a building.

d.) Exemptions

Although Section XIII addresses how to request an exemption, criteria (if any) to be used in exempting properties from Measure F taxes are not addressed. However, there have been several exemptions which have been granted. At least one homeowner's association's common area consisting of several acres has been classified as exempt even though it is entitled to fire protection. Other properties

have been exempted because they are considered "undevelopable" or too small. In addition, there are examples of businesses on "exempt" parcels that have not been assessed a Measure F tax levy and other examples of businesses on "exempt" parcels that are being assessed the Measure F tax.

e.) Use of Assessor's Records

Updated Assessor records are not available by March 1st. If these records are used for determining the improvement values of structures for the purposes of establishing whether a parcel is unimproved or improved the records may be as much as a year out of date.

F3 There are no written guidelines or Policies and Procedures on how to apply Measure F. Personnel charged with calculating assessments have changed throughout the years. Accordingly, interpretation of Measure F has been inconsistent.

F4 Different parcel owners, when challenging their assessments, found difficulty in getting answers as to why their particular assessments have changed from year to year, and how to appeal their charges. A few citizens complained about being "bounced around" from NFPD to the Assessor, Auditor and to the Tax Collector. In the property tax bill from the Tax Collector, next to the Direct Charge line item, there is a phone number provided to call with regards to questions about that Direct Charge. In smaller districts such as NFPD, it is very easy for the person most knowledgeable in answering those types of questions not to be available. Also, if there is no written guideline, that person may not give a well thought out or consistent response.

F5 The 2012 Board approved a Resolution for the 2012-2013 tax levy for Measure F before the levy was ready for submittal. The tax roll was later corrected prior to the tax bill being sent out.

F6 The NFPD does not have checks and balances to assure accuracy of its tax levies.

Conclusion

The Newcastle Measure F, passed in 1997 by the voters of the NFPD, is not clearly written. Based on our review of the ballot language and a sampling of special taxes, the Grand Jury encountered contradictions, uncertainties and issues that Measure F does not address. As a result, we found a number of inconsistencies in taxes levied and differences in interpretation of the Measure. There is a degree of subjectivity in the interpretation of the Measure.

Recommendations

The Grand Jury recommends:

R1 NFPD Board adopt written guidelines on NFPD's implementation of all special taxes per NFPD Policy 00011, "Adoption/Amendment of Policies". Include provisions for checks and balances for accuracy and validity in the guidelines

R2 NFPD include these guidelines in a written Policy and Procedures manual, which would be available upon request by the public.

R3 NFPD adopt a written appeals process for all of its special tax assessments using its written guidelines as a basis to respond to citizen inquiries regarding their special tax bills.

R4 NFPD verify that the annual Special Tax roll to be turned over to the Auditor (and then the Tax Collector) is complete as of the date of the NFPD Board's resolution authorizing the transmittal.

Request for Responses

NFPD Board of Directors / # R1, R2, R3, R4
P.O. Box 262
Newcastle, CA 95658

Due by September 10, 2013

Copy to:

Auditor-Controller Andrew Sisk
2970 Richardson Drive,
Auburn, CA 95603

APPENDIX A: GLOSSARY

Brown Act - refers to state law (located at Gov Code Section 54950 et seq.) which governs meetings and actions of governing boards (such as the NFPD Board). This law is intended to promote public participation in actions of its legislative bodies and to curb misuse of the democratic process by secret legislation or actions. There are exceptions to "open meeting" requirements, but they are very limited.

Cal OSHA – refers to the State agency responsible for enforcing rules associated with occupational safety issues.

CPI – means an adjustment to annual tax rates to reflect inflation. With regards to NFPD it is the Consumer Price Index prepared by the U.S. Department of Labor for the State of California, updated annually.

Development Fees – are (generally) one-time fees collected from owners/builders as a result of new construction activity. The use of these fees is generally restricted to pay for new construction and development of fire protection facilities and for the purchase of firefighting apparatus.

Ending Fund Balance – refers to near-term inflow and outflow of expendable revenues, as well as balances of spendable revenues available at the end of each fiscal year (FY). The Ending Fund Balances referred to in this report were disclosed by auditors (identified in Appendix B) in their review of **NFPD's** Financial Statements.

ESU or "Emergency Service User" Fees – refers to fees that may be allowed to be collected by a fire department for responding to emergencies of persons not residing within the department boundaries, and which occur along major transient corridors such as Interstate -80. ESU fees are intended to be collected from persons whose actions along transient corridors such as Interstate-80 result in the need for emergency response, or from their insurance companies.

Improved Parcel –means, for the purpose of Measure F taxes, property which has improvements assessed at a value of $2,343 or more based upon the 1996/1997 tax roll. This threshold value is automatically adjusted 2% annually, so today's threshold dollar

value of improvements has been compounded annually by 2%. The Measure F Report raises the issue of uncertainty as to what constitutes an "improvement". For instance, does installation of a well on an otherwise undeveloped property convert that property to an "improved parcel".

Improved Parcel Acreage Rate – for the purposes of Measure F refers to acreage over 4.7 acres which is part of an Improved Parcel.

LAFCo – refers to the Placer County **L**ocal **A**gency **F**ormation **Co**mmission which is a political subdivision of the State, and whose duties include approving jurisdictional boundaries and service responsibilities of cities and special districts. Special districts would include special fire districts such as the Newcastle Fire Protection District.

Measure B – refers to the ballot measure to impose special taxes in the NFPD (in addition to those imposed by Measure F), which go on indefinitely, and which was approved in a special election in March 2012. A primary purpose of the special tax was to raise revenue to replace Station 41.

Measure F –refers to the ballot measure passed in 1997 and is further defined in the Measure F Report.

Measure K – refers to the ballot measure placed before the voters in November 2012, six months after the passage of Measure B. The purpose of this ballot measure was to maintain the previously approved Measure B special tax (without a CPI escalator) for 3 years only, and then reduce that Measure B special tax after that time.

NFPD – refers to the Newcastle Fire Protection District located in the geographic area as identified in the Measure F Report.

NFPD Board or "Board" – refers to the governing body of the Newcastle Fire Protection District, consisting of 5 volunteers who are elected officials. The membership of NFPD Board was completely revamped as of January 2013 as a result of the November 2012 election and subsequent resignations.

NFPD Financial Statements or "Financial Statements" – refers to audits of financial statements of NFPD for each fiscal year (FY) beginning on July 1 and ending on June 30 of

the subsequent year. From FY ending 2007 to 2012, these financial statements were prepared by either Tokutomi & Caruthers or the Placer County Auditor/Controller.

Prop 13 – refers to the State constitutional amendment passed in 1978 pertaining to property tax calculations and limits on annual increases. Prop 13 property taxes are charged at a rate of approximately 1% of the County assessed value of a property. Prop 13 taxes may adjust slightly from year to year if real estate market conditions fluctuate.

Prop 218 – refers to the State constitutional amendment passed in 1996 requiring 2/3 voter approval to impose, extend, or increase any special tax. "Impose" generally means adding a tax which did not previously exist. "Extend" means a decision to extend the stated effective period for an existing tax. "Increase" would not include implementation of a previously approved tax, so long as the rate is not increased beyond the level previously approved (i.e. if there are previously approved built-in increases to adjust for CPI (inflation) , these are not considered "increases."

Special Taxes – may also be referred to as parcel taxes. These taxes became more prevalent after the passage of Prop 13 as localities developed ways to make up for a reduction in property tax revenue as a result of Prop 13 limiting tax rates to a little over 1% of a property's assessed value. As opposed to Prop 13 taxes being based upon a particular property's value, Special Taxes are assessed on different factors such as size or use of a particular property, and are not based upon the assessed value of that property. Special taxes on property are generally imposed as a result of 2/3 voter approval pursuant to Prop 218.

Station 41 – is the fire station located at 9211 Cypress Street in Newcastle. Employees and volunteers assigned to this station provide emergency medical and fire protection services primarily within the boundaries of the NFPD. This station also responds to emergencies outside of the NFPD, as needed and able, sometimes with reimbursements pursuant to certain agreements with other fire jurisdictions, including Cal-Fire and other Placer County first responder and fire agencies.

Unimproved Parcel Acreage Rate – For Measure F refers to properties which do not have improvements in value over the threshold amount specified in the "Improved Parcel" definition.

APPENDIX B: INVESTIGATION METHODS

The Grand Jury interviewed:

- Citizen complainants
- Former and Current Board members and employees of the NFPD
- Placer County Assessors Office staff
- Placer County Auditor/Controller's Office staff
- Placer County Tax Collector's Office staff
- Placer County Clerk-Recorder-Registrar of Voters/Elections Office staff
- Placer County Community Development Resource Agency staff

The Grand Jury also attended various NFPD Board meetings from August 2012 to March 2013.

The Grand Jury reviewed numerous documents including the following documents:

- NFPD Financial Statements dating back to FY ending 2007
  - (Tokutomi & Caruthers FY 2007-2011
  - Placer County Auditor/Controller FY 2012
- NFPD Final Budget Expense forms
- NFPD Policies and Procedures
- Various agreements related to new fire station and Measure B consulting services and "regulatory support and communication services"
- Lease agreements for trailers effective November 2012
- Assessor's website regarding a random sampling of properties within the NFPD
- Random sampling of property tax bills
- 2004 LAFCo Report prepared by Matrix Consulting Group

- Various publications regarding property taxes, including the Legislative Analyst's Office on- line reports
- Available NFPD Board agendas and minutes from January 2010 to March 2013
- Measure F, Measure B, and Measure K resolutions and ballots
- Campaign literature and filings of Friends of NFPD along with websites
- Power Point presentations to NFPD Board by consultants
- Feasibility studies and correspondences regarding land donation
- Various news articles dating from August 2012 from Auburn Journal and Sacramento Bee
- County Counsel Opinion dated September 6, 2012 regarding percentage of votes required to pass Measure K
- Correspondence between the Placer County Community Development Resource Agency (Code Enforcement) and NFPD dating from February 2011 concerning the physical condition of Station 41
- Other Grand Jury reports (including but not limited to the Pioneer Fire District in El Dorado County) regarding the use of taxpayer funds to promote a new tax

APPENDIX C: MEASURE F INCONSISTENCIES

This appendix provides a number of examples of inconsistencies and subjectivity in the application of Measure F tax levies.

Note: All rates shown below reflect the 1997 dollar amounts stated in the ballot measure and do not reflex annual CPI adjustment.

1. UNIMPROVED PARCEL ACREAGE RATE

    - Original base amount: $2.94 per acre
    - Maximum tax levy: $100
    - Applies to vacant land

    EXAMPLE: 5 acre vacant land would be assessed $14.70 (i.e. $2.94 X 5)

    Per past practice, a 4.1 acre parcel would be assessed the same rate as a 5 acre parcel because the practice was to round up to the next whole acre.

    When to round up is not addressed in the Measure. This situation needs to be addressed.

    EXAMPLE: More confusion - A domestic water well would have an improvement value over the threshold, and Measure F does not address this. Since Measure F was passed, the State Board of Equalization now requires that the Placer County Assessor adds the cost of water well installation to “improvements” for the purposes of Prop 13 assessment. Examples were found of parcels charged as improved parcel, and then reversed to unimproved after a couple of years. Assessor’s records do not always show the nature of the improvement, (i.e. house, barn, well?)

    This confusion needs to be clarified.

2. IMPROVED PARCEL BASE RATE:

    - Original base amount: $54.44

- Add Improved Parcel Acreage Rate for parcels over 4.7 acres
- Maximum tax levy: $100
- Applies to parcels which have an improvement (structure, well?).
- The dollar threshold for Improved Parcel is an improvement (structure?) valued at $2343 or more in 1997. This base threshold value is adjusted annually by 2%.
- If the parcel is over 4.7 acres, add $3.30 for each acre. This $3.30 rate is called "Improved Parcel Acreage Rate".

EXAMPLE: Home on 3 acres: In 1997 Measure F assessment would be $54.44.

3. IMPROVED PARCEL ACREAGE RATE:

- Original base amount: $54.44
- Original base amount: $3.30 per acre over 4.7 acres of improved land.
- Applies to Improved Parcels over 4.7 acres.

EXAMPLE: Home on 7 acres: In 1997, the Measure F assessment was $64.34 (i.e. $54.44 +3.30 + 3.30 + 3.30)

Note: As applied by the District the acreage between 4.7 and 5 counts as a full acre.

EXAMPLE: Home on 18 or more acres: In 1997, Measure F assessment would be $100 (because of maximum $100 per parcel limit imposed on Improved Parcels.)

4. MOBILE HOME PARKS RATE:

- Original base amount of $54.44
- Original base amount: $3.30 per acre over 4.7 acres up to a maximum of $100

- Plus $2.00 per each trailer space on the parcel.
- The $100 maximum does not apply to the added $2.00 per trailer space.

EXAMPLE: One parcel of 41 acres with 200 trailer spaces would be assessed $500 (Max $100 plus $2 x 200)

5. MULTI_FAMILY BASE RATE:

- The tax rate for multiple family units shall be: The Improved Parcel Base Rate for each dwelling unit on that parcel. ($54.44 times number of dwelling units.)

EXAMPLE: Duplex on parcel less than 4.7 acres. The 1997 rate would be $54.44 X 2 or $108.88.

Note: Measure F does not say anything about applying the Improved Parcel Acreage Rate for parcels over 4.7 acres or about the $100 max per parcel for this category. Until 2012-13, parcels over 4.7 acres were charged the Improved Parcel Acreage Rate for acreage over 4.7. This inconsistency needs to be addressed in the guideline.

6. BUSINESS RATE:

- "The tax rate for businesses shall be: the Improved Parcel Base Rate for each business unit on that parcel." ($54.44 times number of business units)

EXAMPLE: "Strip mall" containing a real estate office, law firm and massage spa. The 1997 tax levy would be $54.44 X 3 or $163.32.

Note 1: Measure F does not say anything about applying the Improved Parcel Acreage Rate for parcels over 4.7 acres or about the $100 max per parcel for this category.

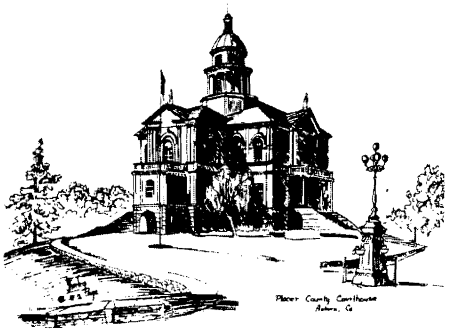
Note 2: Recent practice has been to interpret "business unit" as "building". Some buildings have multiple businesses and the 2011 and 2012 tax levies

were inconsistent in the use of the assessor's code data for determining the number of businesses. This subjectivity needs to be addressed in the guideline.

7. EXEMPTIONS

- Section XIII "Requests for Exemptions" gives the procedure for requesting and approving exemptions. However, Measure F does not specify what criteria the Board will use to determine what exemptions are allowable.
- The County does not add tax levies for properties classified as exempt by the State to a tax bill. The practice has been to exempt such properties from NFPD tax levies.
- Special Districts can, however, directly bill the owners of such exempt properties.
- Some businesses on exempt properties have been taxed by the NFPD on the Unsecured Roll. Measure F does not address this situation and the practice has not been consistent in its application.
- Criteria for how to deal with exemptions can be addressed in the guidelines.

Newcastle Fire
Fire Station & Finances



PLACER COUNTY GRAND JURY

NEWCASTLE FIRE PROTECTION DISTRICT

FIRE STATION AND FINANCES

NEWCASTLE FIRE PROTECTION DISTRICT

Fire Station and Finances

Summary

The Grand Jury received numerous complaints regarding the Newcastle Fire Protection District (NFPD). Some of these complaints pertained to the repair or replacement of the existing fire station (Station 41) serving the NFPD. The purpose of the Grand Jury's review was to investigate the validity of these numerous complaints, make the results of the investigation available to the public, and offer recommendations which may potentially assist NFPD in avoiding future similar issues.

Station 41, which is over 80 years old and was originally a dance hall, has been a major source of controversy for the community. In 2005 the building sustained structural damage as a result of an accident. The repair accomplished at the time was only temporary. Years went by in which nothing permanent was done. This inaction led to further deterioration of an already very old building.

In 2011, after Cal OSHA forwarded a formal complaint to Placer County officials regarding the safety of the building, the NFPD Board of Directors stepped up its exploration of finding a new fire station site. Construction of a new station was estimated to cost anywhere from $1,000,000 to $4,000,000. Because the NFPD was facing financial problems, the previous NFPD Board determined that a new special tax (Measure B) was needed to fund these costs. Some members of the public believed that repair of the existing building (rather than construction of a new fire station at a new site) would be much cheaper, potentially making the proposed Measure B tax unnecessary in their view.

Ultimately Measure B was passed in March 2012. The Measure B ballot narrative erroneously stated that the station was "condemned". At least one of the persons interviewed stated that until the word "condemned" was used there was little support to replace the existing building. After it was discovered the station had not been condemned, a group of parcel owners succeeded in getting their own ballot measure (Measure K) before the voters in the regular November general election.

After its review, the Grand Jury concluded that the NFPD did have very serious financial challenges in which some action needed to be taken. Additionally, the Grand Jury found

that members of the NFPD Board authorized numerous expenditures for temporary relocation of the firefighters which were unnecessary. In particular, there are lease agreements which are possibly void contracts because there was no formal authorization by the NFPD Board to enter into these agreements.

Glossary

Definitions are contained in **Appendix A.**

Background

The NFPD has serious financial problems. It relies primarily on three sources of income: 1) Prop 13 taxes, 2) Development Fees, and 3) voter-approved Special Taxes:

1) Prop 13 taxes: According to a March 2004 LAFCo report and a 2012 Sacramento Bee article, the NFPD receives only .034% share of the allocation of Placer County Prop 13 property taxes (which amounted to about $180,000 in 2012). This is one of the lowest Prop 13 tax allocations within the State, and is the second lowest of fire districts for Placer County. As this allocation relates to all of Placer County special districts, there are four out of six cemetery special districts (which presumably do not have the same labor requirements of a fire district) which receive a higher allocation of Prop 13 taxes than the NFPD.

2) Development Fees: These fees vary from year to year and have declined in recent years due to reduction in new construction activity. In the 2004 LAFCo Report, which was based on 2003 data, it was stated that Development Fees accounted for about 10% of NFPD's annual revenue.

3) Special taxes: Until passage of Measure B in 2012, annual revenue amounting to about $140,000 in 2012 was collected pursuant to a special tax authorized by the voters in 1997 (Measure F).

Review of the NFPD's annual Financial Statements show a decline in Ending Fund Balances dropping from $536,400 in FY 2006/07 to $306,000 in FY 2011/12. Part of the

decline can be attributed to increased operating costs. The most dramatic decline of $140,400 occurred within the last two years.

In addition to a continuous decline in the NFPD Ending Fund Balances, the NFPD has been operating out of a deteriorating fire station. The physical problems at Station 41 date back to (at least) 2005. Years have gone by without any permanent solution, both financially and physically. In 2011, the County found it necessary to restrict the use of Station 41 because there had not been any permanent repair to the structural deficiencies identified in 2005. As a result, firefighters were relegated to sleeping in a shared trailer, and access by the public for things such as acquiring fire permits was limited.

The NFPD Board eventually put together a plan, with the help of private consultants, to acquire a new fire station location. The estimated costs of land acquisition/site preparation and construction of a new fire station were as high as $4,000,000. Financing this new construction was expected to occur as a result of a March 2012 special election to impose a new special tax (Measure B). This special election was scheduled three months before the regularly scheduled June primary election. Although the officials of NFPD have been aware of physical problems with Station 41 since 2005, it only aggressively took official action to deal with the problem in 2011, and by way of a costly special election.

During this period there was an offer to donate property to NFPD for the new fire station. This offer was rejected, and constituents of the NFPD are unclear as to why that decision was made. The Grand Jury received a copy of the NFPD Board rejection letter, dated September 29, 2011 which states, "...it was determined by Cal Trans that the site, although technically "developable" would require many months and significant amounts of money to get through their permit process."

After the March 2012 election, property owners expressed their protest of the Measure B tax through news reports, letters to the editor, websites, participation at NFPD Board meetings, and complaints to the Grand Jury. Their concerns related to language in the Measure B ballot classifying Station 41 as being "condemned" (even though it was not); the increased special tax to fund the new station (which would seemingly go on forever); and the judgments and processes by the previous NFPD boards in delaying a final resolution to the fire station issue.

In addition, there were complaints related to the estimated costs of a new fire station, distrust of the previous NFPD Board's rejection of donated land for the new station, and

costs incurred for various consultants, studies, site preparation, temporary housing, etc. which allegedly produced non-tangible results, and/or were done outside of Brown Act/open meeting requirements.

Investigation Methods

Investigation methods are described in **Appendix B**.

Facts

1) In November 2005 a Placer County permit was issued to NFPD to provide a temporary fix to structural damage to Station 41 caused by a fire truck bumping a header (structural beam) during an emergency call.

2) Six years later (in 2011) a formal complaint regarding the safety of the building was filed with the County by a representative of Cal OSHA.

3) The County has no records that complete remediation was done. In addition, there were no further permits issued between 2005 and 2011 to finalize the 2005 repair work on the temporary bracing at Station 41.

4) On April 25, 2011 the County notified NFPD that it had failed to "complete the permanent shore and re-support structural work" pursuant to the 2005 permit, and that use of Station 41 for overnight occupancy by firefighters and use by the public would be restricted.

5) In June 2011, a Final Notice of Violation was issued to NFPD, requiring a professional engineer's analysis of the building and a recommended plan for a permanent fix, along with a proposed timeline for these plans. At this time, firefighters' sleeping accommodations were relocated to a trailer.

6) In November 2011 the Board approved a special tax ballot measure (Measure B) which was approved by 2/3 of the voters participating during a special mail-in election in March 2012. The ballot measure stated that the building was "condemned". County Code enforcement officials have verified that the building was not condemned.

7) More than a year following the June 2011 Final Notice of Violation (and prior to the November 2012 Measure K election which would have rolled back the Measure B taxes after three years), NFPD was again notified on September 5, 2012 of new complaints to the County. These complaints included allegations of continued access by the public despite the April 2011 restrictions. This letter also noted that the County had not yet received the necessary study or analysis of the situation by a structural engineer, as required by previous correspondences in 2011 and on April 20, 2012.

8) In September and October 2012, NFPD paid for two structural engineers to evaluate Station 41, but according to an October 31, 2012 Auburn Journal article, a County official indicated that neither report from the structural engineers addressed the requirements of the building division.

9) On October 30, 2012 a "yellow tag" or Restricted Use Notice was issued, allowing only "brief access" to the building.

10) The new NFPD Board of Directors (installed in December 2012 and January 2013) had to subsequently employ a third engineer at an additional cost of approximately $3,600 to address issues identified by the County code enforcement officials.

11) Negotiations between private citizens and member(s) of the Board occurred during this time regarding a potential donation of property for a new fire station site. These offers were rejected.

12) The NFPD has a completely new Board of Directors that resulted from the November 2012 election and subsequent resignations by remaining Board members. The new Board immediately employed an engineer to analyze the structural problems at Station 41 and secured County Code Enforcement approval of a $300 "fix" which would allow members of the public access and firefighters' overnight occupancy in Station 41. This "fix" however is only temporary, and a permanent solution is required. Additional immediate "permanent repairs" have been estimated to cost approximately $50,000.

13) Each of NFPD's Financial Statements dating back to 2007 (as far back as the Grand Jury reviewed) refer to the need to correct the structural problems at Station 41, and also report the continual decline in the financial condition of the NFPD.

14) In the last year the NFPD entered into various agreements primarily regarding feasibility studies, temporary housing, utility, site preparation, and new fire station plans. These agreements dealt with the relocation of its operations and a move toward a permanent solution of problems associated with Station 41. The stated costs of these agreements exceed $39,159. (Note: this dollar amount does not include trailer leases referred to later in this report).

15) In addition to contract costs associated with consultants to analyze and put together the Measure B special tax for voter approval ($36,000-$50,000), NFPD expended $20,810 for a special election to be held three months before the regularly scheduled June primary election.

16) Before the new NFPD Board was installed, the previous chairperson on October 30, 2012 signed two 3 year leases for two trailers for occupancy by NFPD, effective November 6, 2012, the same day as the general election in which three of the five members of the Board were voted out. It is unclear as to whether these trailers were intended for administrative purposes or for temporary occupancy by the firefighters or for both. However, the leases indicate that the trailers shall not be used for residential purposes. In addition to utilities set up and site preparation, the long term (i.e. 3 year) financial commitment for these leases amounts to $24,985, plus an unspecified amount of a minimum of $2,665 for removal of the trailers at the end of the lease terms (for a total of at least $27,650). There is no Board resolution or motion by the Board that the Grand Jury could find in which authorized this transaction, nor do Board minutes reflect this as being discussed.

17) The NFPD's Financial Statements show the Ending Fund Balances decreasing to $306,000 in FY ending 2012.

18) The 2004 LAFCo Report indicates that approximately 20% of emergency responses by Station 41 are related to incidents on Highway I-80. Witnesses to the Grand Jury agreed with this approximation. The 2010 Financial Statement references an ordinance allowing for fire districts to charge an "emergency service user" fee (ESU Fee) to recover its costs for responding to incidents which occur on the highways. These fees are intended to apply only to persons not residing within the particular fire district.

19) Although the 2010 Financial Statement indicates intent to charge the ESU Fee, subsequent Financial Statements do not indicate that this is happening.

20) NFPD's allocation of property taxes is approximately .034%. According to LAFCo, this is the 2nd lowest allocation of property tax for special fire districts within the County.

Findings

F1 NFPD's previous Boards did not address the problems and financial resources in a timely manner necessary to permanently fix physical problems of Station 41 dating back to 2005. This resulted in housing displacement of firefighters, unnecessary costs for "emergency relocation" of Station 41's operations and additional costs for a special election for Measure B.

F2 NFPD employed consultants to evaluate Station 41 but the consultant reports did not adequately address issues identified by the County.

F3 Previous NFPD Board members entered into various agreements potentially obligating payments in the amount of at least $66,000 for temporary relocation related to Station 41. Had the Board properly identified a scope of work for its consultants in addressing County code enforcement concerns (see F2), the Board could have avoided some, if not all, of these costs.

F4 A week before the November 2012 general election in which three of five members were up for re-election, a Board member entered into long- term trailer lease obligations (effective the day of the election) in the amount of at least $27,650. These trailers had to be retrofitted at an additional cost because they were not equipped with bathrooms. NFPD paid $9,057 to modify trailers which they did not need, as a $300 "temporary fix" for Station 41 (done early this year) now allows NFPD operations and fire fighters to occupy Station 41. (Note: All of these amounts are included in the dollar amount reflected in F3).

F5 There is no record that these transactions referred to in F4 were placed on the Agenda of a public meeting or formally approved by Board resolution.

F6 The Measure B ballot, along with campaign material, inaccurately portrayed Station 41 as "condemned". The cost of the special election (not including consultant fees) was $20,810. This amount was approximately $16,000 more than if the Measure had been put before the electorate in a regularly scheduled election.

F7 The finances of the NFPD have been steadily deteriorating and are such that, without Measure B or other type of revenue, future financial viability is uncertain. If NFPD is to remain as an unconsolidated and independent fire district, it must rely on additional revenue, whether that be by way of Measure B special taxes or otherwise.

F8 NFPD's allocation of Prop 13 taxes is among the lowest of fire districts within the County thereby exacerbating its financial condition. There is a perception that other fire districts in the surrounding area (which receive a higher percentage of Prop 13 tax allocation) are not interested in consolidation with NFPD because its share of Prop 13 taxes is so low.

F9 The percentage allocation of Prop 13 property taxes to special districts is generally limited to the percentage the geographical area collected prior to 1978, when the NFPD was all voluntary. Although there is great debate occurring at the State level on the fairness of Prop 13 allocation of collected tax dollars, there currently is very little latitude for the Auditor-Controller to change this percentage allocation. Some other County Boards of Supervisors have found other (non-Prop 13) sources of revenue to supplement special fire districts which are on the lower end of the Prop 13 property tax allocation.

F10 The Financial Statements do not report that NFPD is collecting Emergency Service User (ESU) Fees. The Grand Jury was unable to determine if there is a process in place for doing so. If approximately 20% of current emergency responses by NFPD are related to transient traffic on I-80, and if the ordinance authorizing collection of ESU Fees is valid, the NFPD may be able to supplement its revenue by aggressively pursuing this issue.

F11 The reason for rejection of the property donation for a new fire site was not adequately articulated to members of the public.

F 12 The 2004 LAFCo Report provided a very useful analysis in the review of facts and issues facing special fire districts in Placer County within the 2004 time frame. The LAFCo review has not been updated since that report.

Conclusion

The NFPD has experienced a rapidly declining financial condition, which is based in part on increased operating costs, lower development fees (because of real estate development downturn) and lower Prop 13 taxes (because of declining real estate values). Also, much of the financial deterioration can be attributed to costs associated with the delay in dealing with Station 41's physical problems. This inaction, whether intentional or by misunderstanding, resulted in imprudent and reactive decision-making by the NFPD. Ultimately, NFPD did need to take action to increase its revenues, but did so in a way that alienated some of its constituents. There is a completely new Board which has to address some hard decisions going forward, particularly as it relates to a long-term solution to its fire station. It appears they are off to a good start.

Recommendations

The Grand Jury recommends:

R1 NFPD complete immediate "permanent repairs" to Station 41 and continue to explore the prospects of a new fire station, including any possible land donations.

R2 NFPD Board adopt a five year financial plan identifying financial resources required to maintain Fire Station 41 in the short-term, along with a task timeline and projected dollar amounts needed to address a new fire station.

R3 NFPD implement the recommendations in the 2012 Financial Statement by the County Office of Auditor-Controller as it relates to updating its capital assets records as well as formulating a plan for replacement of aging fire fighting equipment.

R4 NFPD should seek legal advice as to whether the lease agreements for the trailers are void based upon long term obligations not being agendized, voted upon and approved by way of a Board resolution at a public Board meeting.

R5 NFPD should verify whether it can, or should, collect Emergency Service User Fees to offset expenses it incurs in responding to transient emergency incidents along Highway I-80. ESU fees are intended to be collected from persons whose actions along transient corridors such as Interstate-80 result in the need for emergency response, or from their insurance companies.

R6 NFPD seek advice as to whether there is a legal or practical basis to explore with the Auditor-Controller, County Board of Supervisors or any other necessary entity as to the possibility of supplementing its low allocation of Prop 13 taxes so that it is on par with other fire districts.

R7 NFPD contact other fire districts to explore other sources of revenue.

R8 NFPD work with the Board of Supervisors to update a review by LAFCo which would include a review for potential beneficial consolidation of fire districts within Placer County.

Request for Responses

NFPD Board of Directors / # R1-R8 **Due by September 10, 2013**
P.O. Box 262
Newcastle, CA, 95658

Placer County Board of Supervisors / # R8 **Due by September 10, 2013**
175 Fulweiler Ave.
Auburn, CA 95630

Copy Sent To:

Auditor-Controller
Attn: Andrew Sisk
2970 Richardson Drive
Auburn, CA 95603

LAFCo
Attn: Kristina Berry
145 Fulweiler Ave.
Suite 110
Auburn, CA 95603

Community Development Resource Agency
Attn: Tim Wegner, CBO
3091 County Center Dr.
Auburn, CA 95603

APPENDIX A: GLOSSARY

Brown Act - refers to state law (located at Gov Code Section 54950 et seq.) which governs meetings and actions of governing boards (such as the NFPD Board). This law is intended to promote public participation in actions of its legislative bodies and to curb misuse of the democratic process by secret legislation or actions. There are exceptions to "open meeting" requirements, but they are very limited.

Cal OSHA – refers to the State agency responsible for enforcing rules associated with occupational safety issues.

CPI – means an adjustment to annual tax rates to reflect inflation. With regards to NFPD it is the Consumer Price Index prepared by the U.S. Department of Labor for the State of California, updated annually.

Development Fees – are (generally) one-time fees collected from owners/builders as a result of new construction activity. The use of these fees is generally restricted to pay for new construction and development of fire protection facilities and for the purchase of firefighting apparatus.

Ending Fund Balance – refers to near-term inflow and outflow of expendable revenues, as well as balances of spendable revenues available at the end of each fiscal year (FY). The Ending Fund Balances referred to in this report were disclosed by auditors (identified in Appendix B) in their review of NFPD's Financial Statements.

ESU or "Emergency Service User" Fees – refers to fees that may be allowed to be collected by a fire department for responding to emergencies of persons not residing within the department boundaries, and which occur along major transient corridors such as Interstate -80. ESU fees are intended to be collected from persons whose actions along the transient corridors such as Interstate-80 result in the need for emergency response, or from their insurance companies.

Improved Parcel - for the purposes of Measure F taxes means property which has improvements assessed at a value of $2,343 or more based upon the 1996/1997 tax roll. This threshold value is automatically adjusted 2% annually, so today's threshold dollar value of improvements has been compounded annually by 2%. The Measure F Report raises the issue of uncertainty as to what constitutes an "improvement". For instance,

does installation of a well on an otherwise undeveloped property convert that property to an "improved parcel".

Improved Parcel Acreage Rate – for the purposes of Measure F refers to acreage over 4.7 acres which is part of an Improved Parcel.

LAFCo – refers to the Placer County **L**ocal **A**gency **F**ormation **Co**mmission which is a political subdivision of the State, and whose duties include approving jurisdictional boundaries and service responsibilities of cities and special districts. Special districts would include special fire districts such as the Newcastle Fire Protection District.

Measure B – refers to the ballot measure to impose special taxes in the NFPD (in addition to those imposed by Measure F), which go on indefinitely, and which was approved in a special election in March 2012. A primary purpose of the special tax was to raise revenue to replace Station 41.

Measure F –refers to the ballot measure passed in 1997 and is further defined in the Measure F Report.

Measure K – refers to the ballot measure placed before the voters in November 2012, six months after the passage of Measure B. The purpose of this ballot was to maintain the previously approved Measure B special tax (without a CPI escalator) for 3 years only, and then reduce that Measure B special tax after that time.

NFPD – refers to the Newcastle Fire Protection District located in the geographic area as identified in the Measure F report.

NFPD Board or "Board" – refers to the governing body of the Newcastle Fire Protection District, consisting of 5 volunteers who are elected officials. The membership of NFPD Board was completely revamped as of January 2013 as a result of the November 2012 election and subsequent resignations.

NFPD Financial Statements or "Financial Statements" – refers to audits of financial statements of NFPD for each fiscal year (FY) beginning on July 1 and ending on June 30 of the subsequent year. From FY ending 2007 to 2012 audits were prepared by either Tokutomi & Caruthers or the Placer County Auditor/Controller.

Prop 13 – refers to the State constitutional amendment passed in 1978 pertaining to property tax calculations and limits on annual increases. Prop 13 property taxes are

charged at a rate of approximately 1% of the County assessed value of a property. Prop 13 taxes may adjust slightly from year to year if real estate market conditions fluctuate.

Prop 218 – refers to the State constitutional amendment passed in 1996 requiring 2/3 voter approval to impose, extend, or increase any special tax. "Impose" generally means adding a tax which did not previously exist. "Extend" means a decision to extend the stated effective period for an existing tax. "Increase" would not include implementation of a previously approved tax, so long as the rate is not increased beyond the level previously approved (i.e. if there are previously approved built-in increases to adjust for CPI.)

Special Taxes – may also be referred to as parcel taxes. These taxes became more prevalent after the passage of Prop 13 as localities developed ways to make up for a reduction in property tax revenue as a result of Prop 13 limiting tax rates to a little over 1% of a property's assessed value. As opposed to Prop 13 taxes being based upon a particular property's value, Special Taxes are assessed on different factors such as size or use of a particular property, and are not based upon the assessed value of that property. Special taxes, not related to education, are generally imposed as a result of 2/3 voter approval pursuant to Prop 218.

Station 41 – is the fire station located at 9211 Cypress Street in Newcastle, whose employees and volunteers provide emergency medical and fire protection services primarily within the boundaries of the NFPD. This station also responds outside of the NFPD, as needed and able, sometimes with reimbursements pursuant to certain agreements with other fire jurisdictions, including Cal-Fire and other Placer County first responder and fire agencies.

Unimproved Parcel Acreage Rate – For Measure F refers to properties which do not have improvements in value over the threshold amount specified in the "Improved Parcel" definition.

APPENDIX B: INVESTIGATION METHODS

The Grand Jury interviewed:

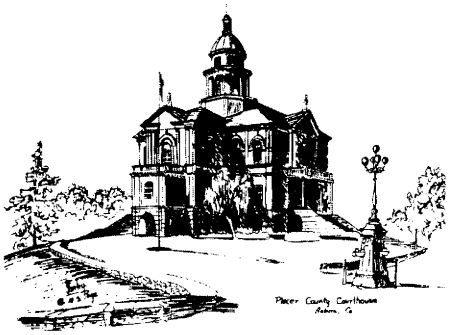
- Citizen complainants
- Former and Current Board members and employees of the NFPD
- Placer County Assessors Office
- Placer County Auditor/Controller's Office
- Placer County Tax Collector's Office
- Placer County Clerk-Recorder-Registrar of Voters/Elections Office
- Placer County Community Development Resource Agency

The Grand Jury also attended various NFPD Board meetings from August 2012 to March 2013

The Grand Jury reviewed the following documents:

- NFPD Financial Statements dating back to FY ending 2007
    - (Tokutomi & Caruthers FY 2007-2011
    - Placer County Auditor/Controller FY 2012
- NFPD Final Budget Expense forms
- Various agreements related to new fire station and Measure B consulting services and "regulatory support and communication services"
- Lease agreements for trailers effective November 2012
- Assessor's website regarding a random sampling of properties within the NFPD
- Sampling of property tax bills
- 2004 LAFCo Report prepared by Matrix Consulting Group
- Various publications regarding property taxes, including the Legislative Analyst's Office on- line reports
- Available NFPD Board agendas and minutes from January 2011 to March 2013
- Campaign literature and filings of Friends of NFPD along with websites
- Power Point presentations to NFPD Board by consultants
- Feasibility studies and correspondences regarding land donation

- Various news articles dating from August 2012 from the Auburn Journal and the Sacramento Bee
- County Counsel Opinion dated September 6, 2012 regarding percentage of votes required to pass Measure K
- Correspondence between the Placer County Community Development Resource Agency (Code Enforcement) and NFPD dating from February 2011 concerning the physical condition of Station 41
- Other Grand Jury reports (including but not limited to the Pioneer Fire District in El Dorado County) regarding the use of taxpayer funds to promote a new tax
- Ballot Measure and supporting documentation for Measure B, Measure F, and Measure K



PLACER COUNTY GRAND JURY

ALL AMERICAN SPEEDWAY

"Issues of Non Compliance With County Agreement"

All American Speedway "Issues of Non Compliance With County Agreement"

Summary

The All American Speedway in Roseville, California is operated by the Placer County Fair Association. The Fair Association is a non-profit organization under contract with Placer County to operate both the Fairgrounds and the All American Speedway. The 2012-2013 Grand Jury found that the Placer County Fair Association is non-compliant and non-responsive to the Community Development Resource Agency requests for after-the-fact permits. The Grand Jury found that the Placer County Fair Association operates as an autonomous entity. The Grand Jury found no indication that the Board of Supervisors asserts any direct influence over the Placer County Fair Association.

Definitions

Community Development Resource Agency (CDRA) – Placer County department with responsibilities that include permits and code enforcement.

After-the-fact (ATF) building permits - Refers to 12 modifications made to the All American Speedway that CDRA has identified that must be either permitted or removed.

Environmental Impact Report (EIR) – A study to identify the environmental impact related to the development of the All American Speedway.

Memorandum – This is a document prepared and presented by the County of Placer Department of Facility Services to the Placer County Board of Supervisors (BOS) on July 10, 2012. This document provided an annual All American Speedway update.

Placer County Fair Association – This is a non-profit organization responsible for the maintenance and operation of the Placer County Fair Grounds which includes the All American Speedway.

BOS – Placer County Board of Supervisors

CEO – Placer County Executive Officer

Background

Responses to the 2011-2012 Grand Jury Report titled "The Fair and the Unfair" by Holly Heinzen, Interim CEO, on June 15, 2012, and Jim Holmes of the BOS, on June 19, 2012 identified commitments that would be taken or have been initiated relative to the items of the above Grand Jury Report with which they agreed.

The 2012-2013 Grand Jury investigated the status of these commitments made by the BOS and the interim CEO relative to building permits, code enforcement and EIR compliance for the All American Speedway. The 2012-2013 Placer County Grand Jury received new complaints and information regarding the non-compliance with CDRA requests by the Fair Association, which operates the All American Speedway.

This report addresses each of the commitments made by the BOS and interim CEO in response to the 2011-2012 Grand Jury Report. These specific commitments are:

- "The responsibility for administration and oversight of this agreement is assigned to the Facility Services Director and Assistant Director."

- "Facility Services will be working on the proposed new operating agreement while the EIR process is underway with the goal of presenting both documents to the Board of Supervisors upon completion of the EIR. The County has required the Association to obtain after-the-fact permits for grading and building activities associated with the modifications to the Speedway that occurred in 2006-07."

Investigation Methods

The Grand Jury reviewed current written complaints citing the operation of the All American Speedway.

The Grand Jury interviewed personnel from Placer County Department of Facility Services, CDRA, and the Fair Association.

The Grand Jury reviewed the responses to the 2011-2012 Grand Jury Report entitled "The Fair and Unfair" and responses from the Board of Supervisors, Facility Services and interim CEO.

The Grand Jury reviewed documents and copies of emails obtained from the City of Roseville, Placer County Facility Services and CDRA related to the Speedway.

The Grand Jury reviewed the Summary Action minutes of the Placer County BOS.

The Grand Jury interviewed the President of the Placer County Fair Board of Directors.

The Grand Jury toured the All American Speedway with CDRA to observe the items required for after-the-fact permits.

Facts

- The Placer County Fairgrounds property comprises approximately 61 acres of land and improvements including the All American Speedway.

- The property is situated near the intersection of Washington and Junction Boulevards within the incorporated lands of the City of Roseville.

- The 61 acres are owned by Placer County.

- The Fairgrounds and Speedway are in close proximity to many neighborhoods.

- Facility Services presented a Memorandum to the Board of Supervisors that contained an All American Speedway update on July 10, 2012. The Summary Action minutes reflect that by unanimous approval the Board of Supervisors authorized the following:

    - "Authorized the continuation of the existing Agreement with the Placer County Fair Association through December 31, 2013 subject to the condition outlined in this Memorandum." The referenced condition is that the Board of Supervisors continues the agreement between Placer County and the Placer County Fair Association, Contract 11520, through December 31, 2013, subject to the Fair Association securing on or before 12:00 noon, December

28, 2012 after-the-fact permits required for improvements constructed in 2006-2007.

- "Delegated authority to the Community Development Resources Agency Director to execute a contract with Raney Planning & Management Inc. for preparation of Phase II of the Speedway Operating Agreement EIR in an amount not to exceed $84,480."

- "Provided direction to Facility Services regarding the preparation of and assessment and feasibility study for the Fairgrounds."

- The Assistant Director of Facility Services is overseeing the Environmental Impact Report and negotiating an Operating Contract with the Fair Association.

- CDRA has met with the Fair Association regarding the All American Speedway and identified the required after-the-fact permits that must be initiated.

- CDRA has a code enforcement process that starts with a written complaint and verification of a violation through resolution. If the violation is not corrected CDRA is authorized to issue citations and pursue court action.

- The County has initiated a Request for Proposal for an assessment and feasibility study of the Placer County Fairgrounds property. The objective of this assessment is to evaluate the long-term economic viability for the Fair and Fairgrounds so the property may serve as a flexible community resource, foster economic growth and operate in a self-sustaining manner.

Findings

F1 The EIR is progressing. The first phase is completed with the identification of the baseline conditions. Facility Services is currently assessing the baseline conditions and evaluating the benefits of the proposed changes. The baseline report is expected to be published by mid-summer 2013.

F2 The EIR costs will be borne by the citizens of Placer County.

F3 On March 12, 2012, CDRA and the Fair Association participated in an on-site meeting at the All American Speedway to discuss after-the-fact permits for the speedway ensuring public safety. CDRA identified 12 modifications made to the All American Speedway that must be either permitted or removed.

F4 On April 30, 2012, a letter from CDRA was sent to the Fair Association specifically outlining the after-the-fact permits required by CDRA. The Fair Association was totally non-responsive.

F5 October 4, 2012, CDRA sent a FINAL NOTICE regarding after-the-fact permits for the All American Speedway. Thirty (30) weeks elapsed between the initial letter and the final notice. The Fair Association was non-responsive. The Fair Association stated that they had no funds in the budget to comply with the CDRA requirements.

F6 The Fair Association failed to meet the contract condition established by the Board of Supervisors which was to secure after-the-fact permits for the 2006-2007 construction by 12:00 noon, December 28, 2012. The Fair Association did not respond to CDRA or attempt to negotiate. As of 12:01 pm, December 28, 2012 the Fair Association does not have a valid contract with Placer County, yet they continue to operate the fairgrounds and speedway.

F7 As of February 25, 2013, per CDRA, they had not received any indication that the Fair Association intends to comply or respond. Twelve (12) weeks elapsed between the Final Notice and action by CDRA.

F8 The Fair Association informed the Grand Jury that the after-the-fact permits were not completed due to insufficient funds.

F9 The Fair Association informed the Grand Jury that their first attempt to comply with the after-the-fact permits failed because the contractor, working pro-bono, abandoned the project.

F10 The Fair Association informed the Grand Jury that they have not completed a financial audit since 2009 due to insufficient funds.

F11 The Fair Association informed the Grand Jury that the income generated by the All American Speedway was required to fund the Placer County Fair.

F12 No evidence was found to indicate that the Fair Association presented an operating budget to the BOS for 2010, 2011, and 2012. On April 9, 2013, a 2013 budget was presented to the Board of Supervisors.

F13 A new Operating Agreement between Placer County and the Fair Association is not expected until year 2014.

F14 The County is indirectly funding the All American Speedway by authorizing funds for the EIR. The EIR is required as a result of unauthorized changes to the All American Speedway by the Fair Association in 2006-2007.

F15 Since there is no record of an audit of the Fair Association for the past 4 years it was not possible for the Grand Jury to assess the Fair Association's financial position. It is also not possible to determine whether Fair Association funds are available to complete County required mandates.

Conclusion

On July 10, 2012, the Placer County Board of Supervisors extended the Fair Association's contract through December 31, 2013, subject to the condition that the Fair Association acquire after-the-fact building permits for improvements constructed in 2006-2007. The Fair Association did not comply, the Board of Supervisors took no action, and yet the Fair Association continues to manage and operate the Fairgrounds and All American Speedway. Also on this date, the Board of Supervisors approved allocation of funds not to exceed $84,400 of taxpayer money for Phase II of the EIR. This was necessitated by decisions made by the Fair Association in 2006-2007.

The Fair Association maintains that they have insufficient funds to comply with the conditions imposed. This investigation did not identify any independent audits of the Fair Association financials that would support this position.

In response to a comment from the floor, at the April 9, 2013 Placer County Board of Supervisors meeting, Supervisor Jack Duran stated "No Winners Here – Just Degrees of Loss". This Grand Jury agrees that this is an accurate assessment of the situation, but it does not justify lack of action by the Board of Supervisors.

Recommendations

R1 The Grand Jury recommends that the Board of Supervisors oversight of the Fair Association be increased to ensure the Fair Association's responsiveness with County Departments, specifically Facility Services and CDRA.

R2 The Grand Jury recommends that the Board of Supervisors require and closely review the Fair Association financial audits.

R3 The Grand Jury appreciates that CDRA's code enforcement procedure is to constructively work with violators and it is our recommendation that the procedure be enhanced with a maximum timeline for each step of the process.

R4 The Grand Jury recommends that CDRA move forward with their code enforcement process, in a timely manner, to assure that the after-the-fact permits are acquired by the Fair Association.

R5 The Grand Jury recommends that the Board of Supervisors become directly involved in the examination of the qualifications and credentials of the contractor selected to operate and manage the fairgrounds.

R6 The Grand Jury recommends that the 2013-14 Grand Jury continue to monitor the status of the commitments made by the Board of Supervisors relative to the Fairgrounds and the All American Speedway.

R7 The Grand Jury recommends that the Board of Supervisors explore alternative economic opportunities for the Fairgrounds property.

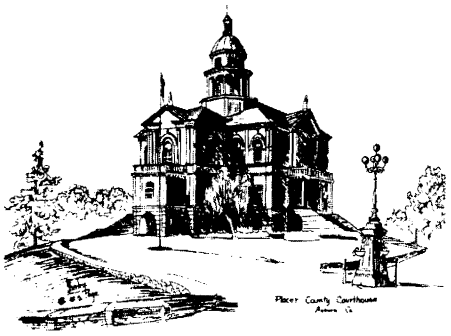
Request for Responses

Placer County Board of Supervisors 1275 Fulweiler Avenue Auburn, CA 95603	**R1, R2, R5, R7**	**Due by September 10**
Michael Johnson, Director Community Development Resource Agency 3091 County Center Drive, Suite 280 Auburn, CA 95603	**R3, R4**	**Due by September 10**

Copy Sent To:

Jim Durfee, Director
Department of Facility Services
11476 C Avenue
Auburn, CA 95603

Veterans
Memorial Halls



PLACER COUNTY GRAND JURY

Placer County

Veterans Memorial Halls

Placer County

Veterans Memorial Halls

Summary

The 2012-2013 Placer County Grand Jury investigated a confidential citizen complaint alleging that the Placer County Board of Supervisors and the Placer County Facility Services Department are not in compliance with Chapter 2 of the Placer County Code. The allegation is that each Veterans Memorial Hall Board of Trustees is not allowed to manage their respective veteran's hall. Specific concerns were raised relative to scheduling and the maintenance of hall calendars, rental agreements, changes in scheduling of maintenance and janitorial services, and a perception of misinformation provided by Facility Services. This Grand Jury found that although some of these concerns were legitimate and understandable, the overall intent of Chapter 2.82 of the Placer County Code was not compromised and that the changes implemented by Facility Services provided better value, services, and more continuity for the Veterans Halls.

Background

Placer County owns and maintains six veterans Memorial Halls for the benefit of veteran organizations. Each Memorial Hall has a Board of Trustees. The Board of Trustees is composed of a representative from each of the veteran organizations using the hall and the County Supervisor for the district in which the hall is sited.

The allocation and management of County budgets has changed significantly over the last few years. These County agencies are working to consolidate resources and operate more efficiently with less money.

Services provided by Facility Services, relative to the veteran memorial halls are:

- **Management of Hall Calendars**

Facility Services staff manage the event calendars for each hall. They have a procedure established where each Veterans Hall Board of Trustees identifies the regularly scheduled meetings of the veteran's organizations and these requests are given top priority. Next, the Hall Board of Trustees can request the scheduling of events that do not occur on a regular basis which are given the next highest priority. The remaining times are available to non-veteran groups. Conflicts of non reoccurring events are resolved by giving priority to veteran events over private events.

- **Maintenance and Janitorial Services**

  Some of the individual halls indicated that they had a dedicated janitor allocated to their hall and now are required to use the services provided by the county on a reduced schedule. The Grand Jury believes this change was necessitated by the County's consolidation of services due to the economic downturn. The veterans feel that the service is of a lesser quality and individual halls have less control under this arrangement.

Investigation Methods

The Grand Jury investigation consisted of a review of documented procedures, public information, and interviews.

- The Grand Jury reviewed Section 2.82 of the Placer County Code relative to Veterans Memorial Hall Governing Boards.

- The Grand Jury interviewed a member of the Placer County Veterans Council.

- The Grand Jury interviewed staff from the Placer County Facility Services.

- The Grand Jury toured the Roseville and Auburn Memorial Halls and interviewed a representative from each hall.

- The Grand Jury reviewed the Placer County online information relative to Veterans Memorial Halls.

Facts

Section 2.82 of the Placer County Code states that each Veterans Memorial Hall established and maintained by the Placer County Board of Supervisors shall be governed by a Board of Trustees known as the "Board of Trustees of the Veterans Memorial Hall. The Board of Trustees composition shall represent each of the veteran organizations using the Memorial Hall."

- Section 2.82 of the Placer County Code defines the duties and powers of the boards, subject to final approval by the Board of Supervisors as follows :

    1. Management of the Hall

    2. Fee schedule for rental of the Hall

    3. Policies and procedures for rental of the Hall

    4. Periodic inspection of routine maintenance and janitorial services.

- The Placer County website presents the Veteran's Memorial Hall Rules and Regulations established by the Memorial Hall Board. The top page cites the rules and regulations that apply to all of the county memorial halls. Then there is a separate page describing the available facilities at each hall and the costs to rent. It notes that the Hall Governing Board shall approve each rental agreement.

- All costs of maintenance of the hall facilities are paid by the County.

- Due to budget constraints, Facility Services, by necessity, implemented a deferred maintenance program. Although from the County perspective this is a more efficient use of resources, the Hall Board of Trustees feels that they have reduced services and less control.

Findings

F1 Budgets are allocated by the Board of Supervisors based on the County's cost to provide the services. These budgets account for the overhead. When the Hall Board of Trustees is presented with the Hall's operating cost versus revenue reports by the County they see costs that are fully burdened with the overhead costs. These costs may seem to be excessive relative to the cost of the dedicated resource that previously performed the task as a part of their duties. No monies are taken from the Hall Groups.

F2 The Grand Jury determined that the handling of the Hall calendars is centralized in Facility Services and is efficient and adequate. The calendars are online and available to the Hall Board of Trustees and were observed posted in the Halls we visited. Hall Boards identify non-recurring meetings on an annual basis. During monthly Hall Board of Trustee meetings the Board of Trustees can make requests for sponsored non-recurring events, and negotiate reduced rental rates up to 50% as defined in 2.82.120 of the Placer County Code. Non-veteran sponsored events are requested though Facility Services. Conflicts are always resolved giving the veteran event priority.

F3 The scheduling conflict mentioned in the complaint was, perhaps, a one-time issue. In our interviews no one perceived it as an on-going problem.

F4 The Grand Jury did not identify any misinformation by Facility Services. The issue here is lack of open communication at the monthly Board of Trustees meetings at the Halls. None of the people interviewed could identify a specific example of misinformation on the part of Facility Services.

F5 The Grand Jury found that Facility Services is performing at a very good level and is compliant with the intent of Section 2.82 of the Placer County Code.

F6 As a result of the deferred maintenance program, the quality and frequency of maintenance and janitorial service to the halls has been less than the dedicated services previously provided.

F7 The heating and cooling system of the Auburn Memorial Hall was noted to be far from adequate during our interviews.

Recommendations

R1 The Grand Jury recommends that Facility Services take the initiative to inform the Hall Board of Trustees of the operational procedures that are now in place.

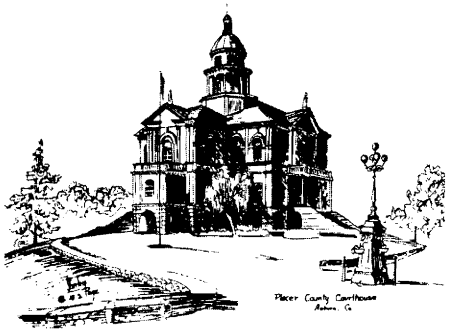
R2 The Grand Jury recommends the heating and cooling system of the Auburn Memorial Hall be evaluated to determine its adequacy for the facility.

Request for Responses

Placer County Board of Supervisors R1, R2 **Due by August 20, 2013**
175 Fulweiler Avenue
Auburn, CA 95603

Jim Durfee, Director R1,R2 **Due by July 20,2013**
Department of Facility Services
11476 C Avenue
Auburn, CA 95603

PC Wine Ordinance
Enforcement Review



PLACER COUNTY GRAND JURY

Placer County Winery Ordinance Enforcement Review

Placer County Winery Ordinance Enforcement Review

Summary

The Placer County Winery Ordinance (Placer County Code 17.56.330 Wineries) was enacted in 2008. Citizens have raised concerns regarding the enforcement of the provisions of this ordinance. The Grand Jury found many factors that have led to confusion, misinterpretation, and have left the ordinance unenforceable. The factors are:

1. Vague and confusing definitions of terms such as "Promotional Events", "Temporary Outdoor Events", and "Tasting Rooms".
2. The Grand Jury identified two categories of Placer County Wineries. First, are Pre-Ordinance wineries that existed prior to the adoption of Placer County Code 17.56.330 on wineries. These wineries are allowed to operate under their existing Multiple Use Permits (MUP) until such time they want to add additional uses which must conform to the Winery Ordinance. Second are the Post-Ordinance wineries which must conform to this code. The vagueness which concerns the Grand Jury is the terminology of paragraph D of the ordinance, which states:

   "Development and Operational Standards. The following development and operational standards shall apply to all wineries. These standards will be applied with flexibility to encourage wine grape growing, consistent with the agricultural use of the property. For wineries on commercially and industrially-zoned parcels, commercial standards will apply. Wineries established prior to the adoption date of this ordinance will be afforded maximum flexibility in establishing reasonable standards when adding new uses."

How does CDRA quantify, for enforcement purposes, the phrases "applied with flexibility" and "will be afforded maximum flexibility"?

3. Noise and traffic standards are not addressed directly in the Wineries Ordinance. The ordinance refers to other standards in the Placer County Code therefore these are not violations of the Wineries Ordinance.

The Grand Jury found indicators that Placer County wants to establish and nourish a winery industry in Placer County. This report identifies our findings and makes recommendations to support this objective.

Background

The 2012-13 Grand Jury received a complaint from a Placer County citizen alleging that provisions of the Placer County Winery Ordinance were not being enforced. Specifically, the complaint concerned both outdoor and special events that either exceeded the number of events allowed on an annual basis or were not permitted by specific statute.

Investigation Methods

Interviews were conducted with:

- A citizen that authored the complaint.
- County officials in the Code Enforcement Division of the Placer County Community Development Resource Agency (CDRA).

Documents reviewed include:

- Placer County Code 17.56.330 Wineries
- Placer County Code 17.58.120 Minor Use Permits
- The CDRA Code Enforcement Services Procedure Manual (2012)
- County Winery Ordinances for El Dorado County, San Joaquin County, San Luis Obispo County and Santa Barbara County.

Facts:

- The investigation of code violation complaints filed by Placer County citizens are handled by the Community Development Resource Agency (CDRA). The complaints must be in written format and presented to the CDRA receptionist. This office is open Monday through Friday 8:00am to 4:00pm.

- The Code Enforcement Services Procedure Manual details the process for complaint investigation.

- All Code Enforcement actions are reviewed by the Supervisor of the Code Enforcement team as well as the Chief Building Official.

- The Code Enforcement Division tracks all open complaints until closure on the County's land use system computer program.

- The Wineries Ordinance paragraph D states that wineries established prior to the adoption of the wineries ordinance will be afforded maximum flexibility in establishing reasonable standards when adding new uses. Among these uses are retail sales and tasting rooms.

- The Wineries Ordinance paragraph E addresses the "Continuing Applicability of Minor Use Permits" states that the conditions of the minor use permit shall continue to apply in full force and effect. Any proposed new or additional use shall be subject to compliance with the provisions of this zoning ordinance in accordance with 17.01.030 of the Placer County Code.

- County CDRA staff is in the process of updating their recommendations to the Planning Commission to rewrite the existing Wineries Ordinance to better reflect the requirements for wineries.

Findings

F1 The existing winery ordinance contains vague definitions which make enforcement difficult.

F2 The current position of the County is to promote the establishment of a wine related industry in Placer County.

F3 CDRA's Code Enforcement has no mandated timelines for follow through of Code Enforcement complaints. The goal is to work with the violator to gain voluntary compliance

F4. One winery has been approved to operate as a "Community Center".

F5: Most winery events occur on the weekends or evenings.

F6: Many complaints refer to excessive noise and traffic. These conditions exist only at the time of the event. After the fact investigations by CDRA do not reflect the conditions at the time of the complaint.

F7 Written complaints after the fact for non-permanent violations such as noise, traffic, and special events have no residual evidence other than accusations.

Recommendations

The Grand Jury recommends

R1 The County rewrites the Wineries Ordinance eliminating the vague terminology and conflicting standards. It is recommended that the new ordinance be applicable to all wineries in Placer County and eliminate the distinction between pre and post ordinance wineries. This allows for consistent application of the ordinance and eases enforcement.

R2 The Planning Commission and the CDRA staff review ordinances of other counties that have an established wine related industry in their efforts to update ordinances. This may identify best practices.

R3 A process be established by CDRA code enforcement in partnership with the Placer County Sheriff to receive and investigate complaints as they occur.

Request for Responses

Michael Johnson R1, R2, R3 **Due by August 20, 2013**
Agency Director
Community Development Resource Agency
3091 County Center Drive, Suite 280
Auburn, CA 95603

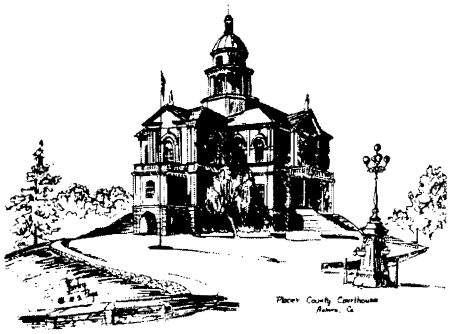
Board of Supervisors R1, R2, R3 **Due by August 20, 2013**
County of Placer
175 Fulweiler Ave.
Auburn, CA 95603

Copies sent to:

Planning Commission
County of Placer
3091 County Center Drive
Auburn, CA 95603

Edward Bonner Sheriff
County of Placer
2929 Richardson Blvd
Auburn, CA 95603

Assessment of Emergency Dispatch



PLACER COUNTY GRAND JURY

Assessment of Emergency Dispatch In Placer County

ASSESSMENT OF EMERGENCY DISPATCH IN PLACER COUNTY

Summary

The Grand Jury investigated the coordination between the emergency (911) dispatch centers in Placer County. "Emergency 911" applies to fire, medical and law enforcement needs. There have been changes over the years, primarily technology driven, that have greatly improved the ability to coordinate between dispatch centers. Technology advances are improving efficiency while the cost of keeping pace with technological advances makes it less cost-effective to maintain separate dispatch centers.

Placer County has enough dispatch centers so that as the costs of upgrading become burdensome, consolidation becomes more viable. A candidate for consolidation is the dispatch center for the City of Lincoln.

Background

The western slope of Placer County presents a unique challenge to fire response. Our county has old growth National forest lands, metropolitan population areas and rural homesteads built in the wooded topography which is desirable for many residents of our county. When fires occur it is imperative that fast, responsive action is achieved so a large wildfire is less likely to scar our beautiful environment.

The Forty-Niner Fire of 2009 raised questions regarding the role of emergency dispatch in the effectiveness of the fire departments responses and whether the coordination between dispatch facilities could be improved.

There are seven different dispatch centers operating in Placer County. Fire departments and law enforcement agencies depend on dispatch centers for communication. The following lists show which agencies are dependent on which dispatch center:

FIRE DISTRICT (Fire and Emergency Medical)	DISPATCH CENTER
Alpine Meadows Fire Department	CALFire, Grass Valley (GV)
Alta Fire Department	CALFire, GV
Auburn Fire Department	CALFire, GV
Colfax Fire Department	CALFire, GV
Donner Summit Fire Protection District (Bi-county)	CALFire, GV
Iowa Hill Fire Brigade	CALFire, GV
Foresthill Fire Protection District	County, Auburn
Lincoln Fire Department	Lincoln/Rocklin
Loomis Fire Protection District	County, Auburn
Newcastle Fire Protection District	County, Auburn
North Star Fire District	CALFire, GV
North Tahoe Fire Protection District	CALFire, GV
Penryn Fire Protection District	County, Auburn
Placer Foothills Consolidated Fire Protection District	CALFire, GV
Placer Hills Fire Protection District	County, Auburn
Rocklin Fire Department	Rocklin
Roseville Fire Department	Roseville
South Placer Fire Protection District	County, Auburn
Squaw Valley Fire District	CALFire, GV

LAW ENFORCEMENT	DISPATCH CENTER
Auburn Police Department	Auburn PD
Lincoln Police Department	Lincoln/Rocklin PD

Rocklin Police Department	Rocklin PD
Roseville Police Department	Roseville PD
Placer County Sheriff (all other areas)	County, Auburn

When 911 emergency calls are received, the calls are routed to a dispatch center known as a Public Safety Answering Point (PSAP).

The PSAPs responsible for answering calls originating in Placer County are:

Placer County Sheriff in Auburn	(Law and Fire)
Grass Valley Emergency Command Center	(Fire only) [CALFire]
Lincoln Police Department	(Law and Fire)
Rocklin Police Department	(Law and Fire)
Roseville Police Department	(Law and Fire)
Auburn Police Department	(Law only)
California Highway Patrol	(CHP) (Law only)

The dispatch personnel at these facilities are trained to respond to emergencies and coordinate the responders, whether they are for fire, emergency medical, or law enforcement purposes. If the PSAP that receives the call does not have jurisdiction, the call is transferred to the appropriate PSAP.

Investigation Methods

The 2012-2013 Grand Jury reviewed the previous Grand Jury reports to gain an understanding of problems that had been identified.

Members of the Grand Jury toured facilities and interviewed dispatch managers for Placer County and the cities of Roseville and Rocklin Police Departments.

The Grand Jury focused its investigation on Placer County Dispatch centers. These Dispatch centers must also interface with the California Highway Patrol, U.S. Forest Service and dispatch centers in adjacent counties.

Facts

- Fire dispatch in Placer County is a function of the 911 dispatch centers operated by Placer County and the cities of Auburn, Roseville, Rocklin, and Lincoln. CALFire also dispatches fire assets from their facility in Grass Valley with fire stations and fire response units covering the breadth of the county.

- Dispatchers are cross-trained to handle all aspects of dispatch duties.

- The facilities toured were the County facility in Auburn and the 911 centers in the City of Rocklin and the City of Roseville. The facilities are modern and well equipped with state-of-the-art communication capability and computerized tracking of fire fighting and other assets.

- The fire departments of the cities and the fire districts within the County have a well coordinated "mutual aid" agreement. This agreement assigns backup responsibilities when fire assets are deployed.

- All fire resources in Placer County have the capability to use a common radio channel.

- Fire districts that do not have their own dispatch center, contract for this service.

- Until May of 2010 the Sheriff's substation at North Tahoe Burton Creek maintained a dispatch center. Since May 2010 the Burton Creek dispatch has been relocated to the Sheriff's dispatch center in Auburn. The Tahoe Substation had experienced problems with staffing qualified dispatch personnel. Auburn dispatchers are trained with tours and information about the Tahoe area they cover. At least one person trained for the Tahoe area is on staff at all times.

- Previous Grand Jury reports mentioned that the CHP dispatch center received 911 calls near freeways, which often caused delays in routing to the proper dispatch center. The delays caused by improper routing of the initial 911 calls have been resolved by limiting calls answered by the CHP to those originating within 50 yards or so of a freeway. In addition, upgraded and new computer technology, both hardware and software has mitigated previous problems. All dispatch centers can now cross-communicate by computer, even though they may have different software systems. The dispatcher receiving the call simply enters the information on their computer and can share the information with the proper dispatch center

simultaneously and when calls are switched the receiving dispatcher does not have to re-enter information.

- Technology advances have improved communications between various law enforcement agencies, fire protection and emergency medical responders. The county agencies have taken advantage of Federal funding that was made available to facilitate improved communications between dispatch centers after September 11, 2001. As a result, most of the concerns raised by previous Grand Juries have been addressed.

- Computers show the location calls are made from both land-line and cell phones, with GPS technology. Maps on computers can show travel characteristics of the roads and access routes.

- The County has significantly invested in upgrading from analog to digital radio equipment. The project is expected to be completed by late 2014 and should add service to remote areas of the county not previously covered.

- Providing each dispatch center with all required computer hardware and software, as well as staffing for twenty-four hour a day, seven day a week involves a significant expense.

Findings

F1. There have been recommendations of consolidating 911 centers. The Grand Jury recognizes some efficiency may be realized but the bulk of 911 calls are not fire related. Residents believe it is important for 911 dispatch personnel to have expert knowledge of the local community within their area of responsibility. When considering consolidation, the lack of local knowledge can be mitigated by training and technology.

F2. There are sufficient redundant capabilities in the emergency dispatch centers. Redundant capability is advantageous if one or more centers were affected as the result of computer failure, major electrical breakdown or a catastrophic event.

F3 The City of Lincoln 911 dispatch center is not always able to staff the facility full time. When they need to close, the City of Rocklin 911 dispatch center assumes the responsibility for the City of Lincoln. They share the same 911 operating system.

F4 Upgrading of technology is a continuous process and involves significant IT support.

F5 Dispatchers work in a high stress environment. Maintaining sufficient qualified staff can be difficult for small, cash-strapped dispatch centers.

F6 Consolidation of dispatch does not involve a change in boundaries of cities or fire districts; therefore there is no need for the approval of the Placer Local Agency Formation Commission (LAFCo).

Conclusion

Advances in technology have resolved most of the dispatch problems noted by previous Grand Juries. Consolidation remains an option due to the expense of maintaining a dispatch center. Individual fire districts can not afford and do not have their own dispatch centers and there are no indications that there is dissatisfaction with the current arrangement. The County Sheriff dispatch center and CALFire dispatch center in Grass Valley would certainly need to be maintained. The cities of Rocklin and Roseville dispatch centers function well, provide excellent service and as long as the cities have no problem funding the needs, the Grand Jury is satisfied with the status quo. There are concerns about the ability of the City of Lincoln to provide full time dispatch service.

Recommendations

R1. The Grand Jury recommends the City of Lincoln consider closing its dispatch center and contracting for service with the City of Rocklin Dispatch center. City of Rocklin Dispatch personnel already perform this service when City of Lincoln is unable to staff its center. The systems are compatible.

R2 The Grand Jury recommends that future upgrades to the county dispatch centers consider a common operational platform at a minimum and further consolidation if the cost of dispatch operation continues to escalate.

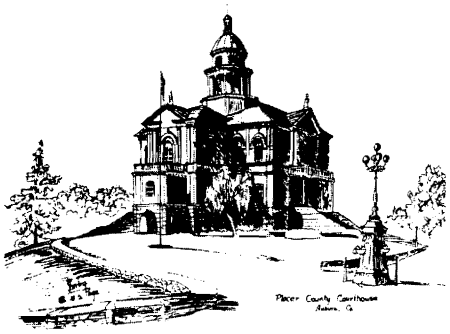
Request for Responses

Lincoln City Council 600 Sixth Street Lincoln, CA 95648	# R1, R2,	**Due by August 20, 2013**
Edward Bonner Sheriff County of Placer 2929 Richardson Blvd. Auburn, CA 95603	# R1, R2,	**Due by July 20, 2013**
City Manager City of Rocklin 3970 Rocklin Road Rocklin, CA 95677	# R1, R2,	**Due by August 20, 2013**
Ray Kerridge, City Manager City of Roseville 311 Vernon Street Roseville, CA 95678	# R2	**Due by August 20,2013**

Copies Sent To

Rocklin City Council
3970 Rocklin Road
Rocklin, CA 95677

Roseville City Council
311 Vernon Street
Roseville, CA 95678



PLACER COUNTY GRAND JURY

Sierra Joint Community College

Emergency Operations Plan

Sierra Joint College Safety Plan

Summary

In light of the recent protests, shootings, and other disturbances on college campuses, the Placer County Grand Jury investigated the existing Emergency Operations Plan (EOP) for Sierra College. The Grand Jury contacted the College Safety Department and the Rocklin Police Department. The Rocklin Police Department provides police services for the Rocklin campus. The college is presently amending their EOP, which includes the Tahoe Truckee campus, Roseville Campus and the Nevada County Campus.

Background

Sierra College was founded in 1936 and has focused on quality instruction and meeting the needs of the communities that it serves.

With approximately 125 degree and certificate programs, Sierra College is ranked first in Northern California (Sacramento north) for transfers to 4 year Universities, offers career/technical training, and classes for upgrading job skills. Sierra graduates can be found in businesses and industries throughout the region.

Sierra College is also recognized nationally for excellence in their athletic programs.

The Sierra Community College District covers over 3,200 square miles, an area larger than the state of Delaware. It serves the Northern California foothill counties of Placer, Nevada as well as parts of El Dorado and Sacramento.

Investigation Methods

The Grand Jury contacted the President of Sierra College, and interviewed the College Safety Manager and the Rocklin Police Chief. The Grand Jury was given copies of the current safety policies and reference materials.

Facts:

- Sierra College, with the assistance of the Rocklin Police Department, take their responsibility of campus security seriously and have taken positive steps to maintain a safe and secure campus.

- Sierra College, with the help of the Rocklin Police Department, implemented and completed an updated EOP.

- The EOP is well thought out and takes into consideration a number of contingency plans for different emergency situations.

- Sierra College has developed "Emergency Quick Reference Guides" which are posted in all the classrooms. These "Guides" are being updated as posters.

- Sierra College is training all personnel to be prepared and knowledgeable in emergency situations.

- The EOP sets forth various levels of responsibility, and provides for the absence of key staff by training backup personnel.

Findings

F1. Sierra College, with the assistance of the Rocklin Police Department, has a comprehensive EOP.

F2. Sierra College and the Rocklin Police Department are training their personnel in case of emergency situations on the Sierra Community College campuses.

Conclusion

Sierra College and the Rocklin Police Department should be commended for taking the initiative in providing for the safety of the college, staff and students.

Recommendations

None

Copies Sent To

William H. Duncan, IV
Superintendent and President
Sierra Community College
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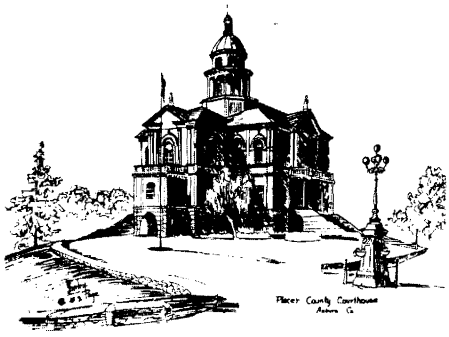
Rocklin, CA 95677

John Hamblen
Manager College Security
Sierra Community College
5000 Rocklin Rd.
Rocklin, CA 95677

Ron Lawrence
Chief of Police
City of Rocklin
3970 Rocklin Rd.
Rocklin, CA 95677



PLACER COUNTY GRAND JURY

The City of Lincoln: Four Parks Were Planned For Lincoln Crossing That Have Not Been Built

The City of Lincoln: Four Parks Were Planned For Lincoln Crossing That Have Not Been Built

Summary

In 2003, the Lincoln City Council approved the creation of a Community Facilities District for the Lincoln Crossing residential development. At the same time, the City Council also voted to incur debt, that is, sell bonds, to pay for capital improvements and services in Lincoln Crossing and other neighborhoods of the city. To make payments on the bonds, the City Council voted to levy a special tax, called a Mello-Roos, on Lincoln Crossing residents. Later in 2003 and in 2004, the City issued the bonds that produced $84.5 million in monies that were spent on infrastructure improvements in Lincoln Crossing and elsewhere in the City.

At the time that Lincoln Crossing housing units were marketed, the City planned nine parks and a trail for the Lincoln Crossing development. However, the City has been unable to complete all of the parks originally planned. In 2011 and 2012, residents of the Lincoln Crossing community voiced their concerns about the disposition of the bond proceeds because four of the parks that were originally planned for Lincoln Crossing had not been built. This report addresses those concerns.

The City attributes its inability to have completed all of the parks on the fact that when it built the Lincoln Crossing parks in 2007, 2008 and 2009, the City experienced a significant escalation in the City's cost for constructing parks over its 2003 cost estimates. In May 2010, the City reported that from 2007 through 2009 it had spent $5.8 million of the fees collected from the Lincoln Crossing developer for five new parks and a trail in Lincoln Crossing. And, as allowed by the Mello-Roos law, the other $3.6 million of fees collected from Lincoln Crossing developers were spent on parks elsewhere in the City, the purchase of a community center from the Western Placer Unified School District and other City-wide projects.

In the future, to ensure that parks in new residential developments are built as the development progresses, the City is revising its approach. Members of the Grand Jury were told that the City will require that the developer fund and build parks (rather than the City) as they progress on their development. Once a specified number of permits have been approved for residences, the developer is required to complete the neighborhood park, and until the park is completed, the City will not approve additional building permits.

Background

In March 2003, under the provisions of California's Mello-Roos law, the Lincoln City Council approved the creation of a Community Facilities District (CFD) for the Lincoln Crossing residential development. At the same time, the City Council voted to sell bonds to pay for capital improvements and services to the Lincoln Crossing neighborhood and throughout the city. The improvements included streets, storm sewers, and improvements to the City's sewage treatment plant. To make payments on the bonds, the City Council voted to levy a special tax, called a Mello-Roos tax, on Lincoln Crossing residents.

Two months later, in May 2003, the City Council held a public hearing on the creation of the Lincoln Crossing Community Facilities District. At the hearing, the City Council heard testimony concerning the creation of the district, the plans for specific public facilities, the authorization to levy a special tax and the authorization to issue bonds. Later in 2003 and in 2004, the City issued the bonds that produced $84.5 million in monies that were spent on infrastructure improvements in Lincoln Crossing and elsewhere in the City. Also, a portion of this $84.5 million went to pay the fees that the developer paid into several City funds that the City spends for public facilities and services that may benefit all Lincoln residents. The developer and the home-builders also paid some of their fees with their private funds and by constructing improvements to the development for offsetting credits.

The Official Statements (see Text Box below) for the 2003 and 2004 bond sales spelled out how the bond proceeds were to be spent. And, while not a specific line item, the City informed us that over $9 million of the bond proceeds had been allocated for new City parks and trails.

State Law requires sellers to provide disclosure to home-buyers of properties which are subject to the Mello-Roos Tax setting forth how the taxes are to be spent. These disclosures spell out the various infrastructure improvements that would be constructed using the bond proceeds, including sewers, storm drains, water facilities, utilities, street and bridge-improvements, and landscaping. Finally, the disclosure informed the buyers that the special tax was subject to a maximum 2% increase each year.

> The Official Statement is a document that is legally required for bonds. The Official Statements are the City documents that spell out for potential bond investors the pertinent terms of the bond, such as the interest rate, the payment schedule and the source of funds to pay back the bonds.

To support the Lincoln Crossing development, the City supervised the construction of necessary public facilities, including streets, bridges and highway interchange facilities, storm sewers, wastewater treatment facilities and water supply, storage and transmission

facilities. **Table One** below itemizes the types of improvements that the developer constructed in Lincoln Crossing and that the City paid for directly out of the bond proceeds.

TABLE ONE
Bond Proceeds Spent Specifically in Lincoln Crossing

Development Improvements	Amount Spent
Water Storage and Transmission	$2,619,219
Wastewater Treatment	$19,463,593
Roads, Bridges, and Highway Interchange	$12,354,596
Storm Sewers	$6,436,367
Total	**$40,873,775**

The remaining $43.6 million in bond proceeds were used by the developer to pay their developer impact fees, and were ultimately deposited by the City into its Public Facility Element (PFE) Funds. As a condition of issuing a building permit, the City charges developers a Public Facility Element fee also known as developer impact fee to pay for public facilities and services that may benefit all Lincoln residents. The City used these PFE fees to pay for infrastructure projects and public facilities and services in Lincoln Crossing and elsewhere in the City. For example, the City constructed several water projects including new wells, and a pipeline along the eastern border of the City with these funds.

Table Two below depicts the City's spending of the PFE funds.

TABLE TWO
Bond Allocations for Projects Throughout the City and Lincoln Crossing

PFE Allocations	Amounts Spent
Other Building Permit Fees	$ 6,456,433
Water Storage and Transmission	2,273,973
Wastewater Treatment	8,893,197
Roads, Bridges, and Highway Interchange	5,096,264
Storm Sewers	2,147,178
Police And Fire Services	2,380,014
Library Services and City Administration	3,079,022
Parks *	9,448,913
Solid Waste	1,957,556
Water Storage Tank**	1,875,000
Total	**$43,607,551**

** The development impact fees from the Lincoln crossing developer produced $9.4 million for parks. The City deposits the developer impact fees it collects from all developers into a citywide account for the parks program called the PFE-parks fund. The $9.4 million collected from the developer of Lincoln Crossing was not all spent on Lincoln Crossing parks, but was spent to acquire facilities outside of Lincoln Crossing, such as a community center and to construct and improve parks in other parts of the City.*

** This $1,875,000 has not been spent yet, but will help pay for a new water storage tank that is to be a part of the City-wide water system.

Investigation Methods

The Grand Jury interviewed one Lincoln Crossing resident who had expressed concerns about the uncompleted parks in Lincoln Crossing.

The Grand Jury interviewed two officials from the City of Lincoln, who are familiar with the issues surrounding the parks in Lincoln Crossing.

The Grand Jury reviewed numerous documents provided by the City of Lincoln officials pertaining to the creation of the Lincoln Crossing Community Facilities District, the issuance of bonds for the development of the capital improvements in Lincoln Crossing, the improvements that were constructed in Lincoln Crossing, and the cost of constructing parks in the City of Lincoln.

The Grand Jury reviewed the February 2012 report of the Fiscal Sustainability Committee entitled "The Path Forward".

The Grand Jury reviewed California's Mello-Roos law governing the creation of Community Facilities Districts, the sale of bonds, and the disposition of bond proceeds.

Facts

- The City raised $84.5 million by selling bonds that were to be paid back from a Mello-Roos tax collected from Lincoln Crossing residents.

- This $84.5 million in bond proceeds funded infrastructure improvements in Lincoln Crossing and throughout the City. Improvements included upgrades to the sewage treatment plant, water projects, new parks and streets and bridge improvements.

- The bond proceeds were also spent elsewhere in the City, such as for police and fire services, library services and city administration, and the development of parks all of which is allowed under the Mello-Roos law.

- At the time that Lincoln Crossing housing units were first being marketed, the City planned nine parks and a trail for the Lincoln Crossing development. In fact, the developer erected signs at each of the park sites announcing that the site was going to be a future city park.

- In May 2010, the City reported that from 2007 through 2009, it had spent $5.8 million of the Lincoln Crossing permit fees for parks in Lincoln Crossing. As allowed by the Mello-Roos law, the other $3.6 million of fees collected from Lincoln Crossing developers were spent on parks elsewhere in the City, as well as improvements to the swimming pool at McBean Park and the purchase of a community center from the Western Placer Unified School District.

- The City was unable to complete four of the nine parks originally planned for Lincoln Crossing. City officials have attributed this outcome to the fact that in 2007, 2008 and 2009, when the City constructed the Lincoln Crossing parks, City officials had to confront the significant escalation in the City's cost over its 2003 cost estimates. The City found that funds were insufficient to build all nine parks.

- Although it is not yet clear where the funds will come from, the City has stated its commitment to completing the four remaining parks in Lincoln Crossing. One of the parks will be a small park on a third of an acre. The Lincoln Crossing Homeowners Association has agreed to develop this park once the City completes the process of deeding the land for the park over to the homeowners association.

- The City states that it will build the three remaining parks. Although the pace of development in Lincoln has slowed considerably, developers in and outside of Lincoln Crossing are still paying permit fees for new construction, and some of these funds could be targeted to complete the remaining parks in Lincoln Crossing, as well as the other planned but yet to be completed parks in other parts of the City. It is up to the City Council to determine how City funds are to be allocated for City parks and where new parks will be built.

- In April 2006, the City Council authorized a loan of $1.4 million out of the PFE Parks Account into the PFE Fire Account, which likely impacted the City's ability to complete its construction of parks City-wide, including parks in Lincoln Crossing.

- In 2011, the City acknowledged that relying on the collection of future developer fees to repay the inter-fund loan discussed above and other inter-fund loans, assuming that development would continue at a fast pace, was a faulty assumption.

Findings

F1. In 2007 through 2009 the actual costs for the construction of parks in Lincoln Crossing escalated to three times the 2003 cost estimates. However, the City was unable to raise more revenue by increasing the developer impact fees because these fees had already been paid at rates that had been established in 2003.

F2. The April 2006 loan out of the PFE parks account was made in accordance with the guidelines, set forth in the City's PFE program, and helped pay part of the cost of constructing Lincoln's Fire Station #1. However, a concern expressed by the Citizen's Fiscal Sustainability Committee in their February 2012 report entitled "The Path Forward," is that the City document authorizing this loan does not identify a source of funds from which this loan is to be repaid.

F3. In the future, such lending between City funds will be governed by a new policy adopted by the City Council on February 26, 2013. This new policy requires that the terms of such inter-fund loans be disclosed in advance, including the source of funds from which the loan is to be repaid.

F4. The City of Lincoln has acted to improve the way it develops city parks in the future, by revising its approach. Although the new approach will not impact the four yet to be built parks in Lincoln Crossing, the City plans to follow the new approach in other developments in the City.

F5. In the future, the City will require that the developer fund and builds parks as they make progress on their development. So when a specified number of permits have been approved for residences in a new development, the developer is required to complete the neighborhood park, and until the park is completed, the City will not approve additional building permits.

Recommendations

The Grand Jury recommends:

R1. The City not allow the lending of monies between the City's various funds, unless the City has ensured that the loan adheres to the recently adopted policy governing such loans, including the identification of a revenue source from which the borrowed funds will be repaid.

R2. The City prepare a written plan regarding the build-out of the remaining parks and communicate that with the citizens of Lincoln Crossing.

Request for Responses

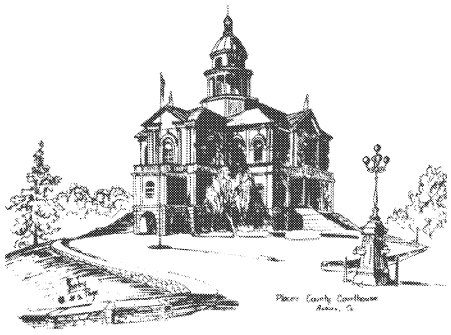
Jim Estep, City Manager # R1, R2, **August 26, 2013**
City of Lincoln
600 Sixth Street
Lincoln, CA 95648

Copy Sent To:

Lincoln City Council
600 Sixth Street
Lincoln, CA 95648

Steve Ambrose, Financial Analyst
City of Lincoln
600 Sixth Street
Lincoln, CA 95648

PC Light Duty
Vehicle Fleet Mgnt.



PLACER COUNTY GRAND JURY

Placer County's Management of its Fleet Of Light Duty Vehicles

Placer County's Management of Its Fleet of Light Duty Vehicles

Summary

The focus of this report is the County's management of its fleet of light duty vehicles; that is, those sedans, sport utility vehicles, and pickup trucks that are driven by employees while on County business. The Grand Jury reviewed the County's practices for purchasing, leasing, maintaining, fueling and the replacement of vehicles and found that the County does a commendable job of managing their fleet. However, the Grand Jury found that one aspect of the County's management of its fleet requires further attention. That is, a number of County vehicles were driven a limited number of miles in 2011-12, which suggests that departments may have more vehicles than they need. In 2011-12, 172 of the County department's light duty vehicles were driven fewer than 7,000 miles. Since the close of fiscal year 2011-12, the County has sold ten of these 172 vehicles. According to the County's policies, vehicles driven less than 7,000 miles in a year are not meeting the minimum number of miles for having a vehicle assigned to a department full time.

To get a closer look at how departments are using the vehicles assigned to them, the Grand Jury requested that four departments review each of their vehicles driven fewer than 7,000 miles. For some of the vehicles, the department convinced us that special circumstances led to their limited use. For example, some vehicles were driven frequently, but only for short trips. Another example would be that the County drove vehicles primarily during the snow season to transport crews to work sites around the County. For other vehicles, however, we were not convinced that the departments needed all of the vehicles that had been assigned to them. In two of the departments, vehicles were underused simply because of the high number of staff vacancies.

We believe that the experiences of these four departments may not be unique. For this reason, the Grand Jury recommends that the County direct that all of the departments do a review of their vehicles and provide a justification to the Chief Executive for each of their vehicles driven less than 7,000 miles in 2011-12. In this way, the County can ensure that it owns or leases only the number of vehicles required to meet its current needs.

Background

The County owns over 1,200 vehicles including light duty vehicles, such as sedans, sport utility vehicles, passenger vans and pickup trucks and heavy vehicles, such as snow blowers and sewer vacuum trucks. This report focuses on the County's management of its fleet of light duty vehicles. These are vehicles that County employees drive to meet the transportation needs associated with their job responsibilities. Some vehicles are assigned to individual County staff, while others are shared by County employees. The County fleet operations, which is a part of the Department of Public Works, maintains a pool of vehicles that County departments can check out on a daily, weekly or monthly basis. In addition to the owned vehicles, three of the departments lease vehicles. Vehicles are fueled at the County operated fueling station located in Auburn or at the vendor located station in the City of Rocklin. If driving to a County operated station or the vendor station is not practical, drivers can refuel at non-County stations using their County-issued fuel credit cards.

The County has put in place a vehicle policy manual that sets forth guidelines on the purchase, lease, disposal, maintenance and operation of its owned and leased vehicles. The policy establishes that the Public Works Department-Fleet Services Division in concert with the Procurement Department is responsible for the purchase, lease and disposal of vehicles. The Fleet Division handles the maintenance and repair of vehicles. Department heads are responsible for ensuring that their employees use the vehicles in accordance with County policy. As part of the vehicle policy, the County has set forth a mileage standard of 7,000 miles per year as the minimum in evaluating the need for a vehicle assigned to a department.

Investigation Methods

The Grand Jury interviewed officials with the Department of Public Works, the Department of Facility Services, the Sheriff's Office, the Auditor-Controller's Office, the Department of Health and Human Services and the Chief Executive's Office about the management of the County's fleet.

The Grand Jury reviewed the Placer County Vehicle Policy.

The Grand Jury reviewed numerous documents pertaining to the purchase, maintenance, fueling, and replacement of vehicles.

The Grand Jury reviewed a Fleet Division report on the number of miles driven in the County's light duty vehicles in fiscal year 2011-12.

Facts

- Every year, using competitive purchasing methods, the County buys new light duty vehicles to replace vehicles with high number of miles driven or many years of use.
- After the purchasing department confirms the market value of the high mileage vehicle, the County sells the vehicle through one of several auction houses in the region.
- Three County departments lease vehicles through a competitively-awarded lease agreement.
- The Fleet Division, which is part of the Department of Public Works, maintains the County's vehicles and has in place a process for notifying departments when a vehicle is to be brought in for preventive maintenance.
- The County purchases the fuel in bulk for its fleet of vehicles through a purchasing agreement awarded competitively with local distributors.
- The County has in place a vehicle policy manual with guidelines on the purchase, lease, disposal, maintenance and operation of County vehicles.
- The policy manual also covers the employees' use of personal vehicles for County business.
- The Fleet Division participated in an audit in 2010 by the Auditor Controller and has cooperated in making improvements that the Auditor Controller suggested in their audit report.

Findings

F1 One aspect of the County's management of its fleet requires further attention. The County may own or lease more light duty vehicles than is necessary to meet its employee' on-the-job transportation needs.

F2 As Table One shows, the County owns or leases 172 vehicles that in fiscal year 2011-12 were driven fewer than 7,000 miles, 72 of these vehicles were driven less than 4,000 miles.

Table One
Light Duty Vehicles Driven Fewer Than 7,000 Miles

County Department	Number of vehicles
Health and Human Services	52
Sheriff	17
Public Works	35
Facilities	5
Community Development	13
Assessor	10
County Executive	8
All Other Departments	32
Total	**172**

F3 Nearly all County departments have vehicles that were driven limited miles representing various types of vehicles from sedans to pickups to sport utility vehicles.

F4 The county standard related to department vehicle use states that vehicles being driven less than 7,000 miles per year may not be needed. Although, the County Executive Officer can make exceptions to this guideline if special circumstances warrant.

F5 Due to the hiring freeze that has been in effect for the past five years, the County has experienced a reduction in its number of employees. For this reason, it is not surprising that the County has driven some of its vehicles a limited number of miles. There are simply fewer employees available to drive County vehicles. As an example, Table Two shows for one County department, the Department of Health and Human Services (HHS), the reduction in total miles driven during the past five years.

Table Two
Miles Driven By HHS Employees 2007 through 2011

	2007	2008	2009	2010	2011
Total miles driven	1.1million	1.1 million	930,000	836,000	850,000

F6 One department, the HHS, had 52 of its 111 vehicles driven fewer than 7,000 miles in 2011-12.

F7 At HHS, we reviewed in greater depth those vehicles that were driven less than 4,000 miles. Table Three below lists these 23 vehicles with the department's explanations as to why these vehicles were driven so few miles.

F8 As shown in Table Three, staff vacancies in HHS and restrictions imposed on the use of some vehicles because they were purchased with federal funds, accounted for why ten vehicles, were underutilized.

Table Three

HHS Vehicles Driven Fewer Than 4,000 Miles

Explanation Provided By HHS for Low Mileage	# of vehicles
Restricted Purpose Vehicle	5
Short, Frequent Trips	3
Staff Vacancies	5
Departments Acting to Increase the Use of the Vehicle	8
Mechanical Problems	1
Only vehicle for use by 70 staff	1
Total	**23**

F9 Another three of the vehicles did not log many miles, but were used frequently on short trips close to County offices.

F10 For eight vehicles the HHS planned to take steps to increase the use of the vehicles. For example, the department already decided to have two employees begin to share a vehicle rather than each employee having their own vehicle.

Conclusion

In fiscal year 2011-12 County departments had 172 light duty vehicles that were driven fewer than 7,000 miles, suggesting that the County may have more vehicles than it needs to meet the transportation needs of employees. At a cost to the departments of about $9,000 per year for a mid-size vehicle, the County needs to ensure that it does not own or lease more vehicles than it needs. However, the County has not yet put in place a procedure for regularly evaluating the use of the County's light duty vehicles, although the Fleet Division believes this would be worthwhile.

Recommendations

The Grand Jury recommends:

R1. It is important that departments incur only as much expense as necessary to meet their transportation needs. To achieve this, the Grand Jury recommends the County direct departments do an immediate review and provide a justification to the Chief Executive Officer for each of their vehicles that were driven less than 7,000 miles in 2011-12.

R2. The Fleet Division follow through on its plan to have the County annually evaluate the use of its light duty vehicles.

R3 When considering the purchase of a new vehicle to replace an older vehicle, re-deployment of under-utilized vehicles should be considered as an alternative to purchase of new vehicles.

Request for Responses

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