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# **A COMMENDATION**

## **Placer County Resource Conservation District**

### **SUMMARY:**

The functions of the Placer County Resource Conservation District (PCRCDD) include 1) identifying natural resource management and conservation issues, 2) providing education and technical assistance to landowners regarding those issues, 3) enhancing the natural resources of the district, and 4) increasing public awareness of conservation issues. Operating with a small budget of about \$1M and a permanent staff of only two persons, the district leverages its contributions through obtaining additional grant funding and participation in the activities of many other agencies. It serves a valuable role in enhancing the environment in Placer County. The Placer County Grand Jury believes that this district deserves increased recognition, and suggests that it consider seeking means of increasing public awareness of its contributions.

### **BACKGROUND:**

The Placer County Resource Conservation District encompasses 1,500 square miles and includes the entire County except the Tahoe Basin. It is governed by a seven person, volunteer Board of Directors and is headquartered in Auburn. Its staff includes a full-time executive director and one other professional. Salaries and wages account for only 13% of its appropriated budget. However, it supplements its internal labor by purchased professional services, which account for 44% of its appropriated budget. Its activities are additionally funded by federal and state grants and partnerships with other cities and other agencies

### **METHODOLOGY:**

The Grand Jury solicited information packages from approximately 14 special districts. Among those was the Placer County Resource Conservation District. In our review of its response, we noted that it is involved in a broad variety of important resource conservation projects, including areas of general interest to landowners. To evaluate its performance, we attended public board meetings and conducted an interview of key staff members. We then reviewed the budget, meeting agendas, and staff reports.

## **FACTS:**

In our examination of the information provided by PCRCD, we noted the following facts:

1. Its annual budget for fiscal year 2005-2006 is \$1.15M. It has a permanent staff of two, including the Executive Director. A volunteer Board of seven members governs it.
2. The PCRCD also administers over \$1.5M in grant funding, which supports the countywide chipper program, invasive weed removal, and watershed coordination.
3. Local partnerships with the City of Colfax, Placer County, Sacramento Area Flood Control Agency, and Sierra College brought in over \$370,000 in public safety assistance related to reducing excessive fuel load, understanding sediment, and supporting local watershed groups.
4. It is aligned with the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture. This federal agency's primary purpose is to help landowners manage their own land to minimize soil erosion and maximize soil productivity. NRCS provides technical assistance and cost sharing for delivery of programs in Placer County totaling \$1.58M.
5. PCRCD is involved in programs whose total funding is in excess of \$4.6M.
6. Its services are available, upon request, to any Placer County landowner.
7. PCRCD participates in a broad variety of activities including, as examples:
  - a. Watershed planning
  - b. Flood control planning
  - c. Fire safe inspections on private land
  - d. Forestry and fuel management.
  - e. Fisheries and wildlife management
  - f. Sediment dynamics study
  - g. Erosion control
  - h. Placer County agricultural tour
  - i. Storm water pollution prevention planning
  - j. Placer County Chipper Program
  - k. Environmental Quality Incentives Program
  - l. Water efficient irrigation systems
  - m. Providing tree care literature for public education.

**FINDINGS:**

Based on the facts of our investigation, the Grand Jury finds that the Placer County Resource Conservation District makes a contribution that is noteworthy and important, but one which is not broadly recognized by the public. By leveraging its own budget with additional grants and coordination with other agencies, it amplifies its resources and its value to the County. The Grand Jury thus commends this district for a job well done.

**CONCLUSIONS/RECOMMENDATIONS:**

Although we have no recommendations regarding improving the operations of the District, we suggest that the PCRCD might further increase its value by finding means of increasing public awareness to increase utilization by prospective users. This could be done, for example, by means of more frequent press releases noting significant milestones or accomplishments.

**REQUEST FOR RESPONSE (S):**

No response is requested from the PCRCD.

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# **COUNTY AUDIT REPORT**

## **AUDITOR/CONTROLLER OFFICE**

### **SUMMARY:**

The County of Placer is growing at one of the fastest rates of any county in the State of California. The pressure on the services provided by the County is at an all time high and is growing daily. Fortunately, the very growth that demands the new services also provides, with prudent county management and controls, additional funds for these services.

Key to the County's ability to provide services is its financial well being and its understanding of where and how Placer County's assets are situated. This is the function of the county Auditor/Controller along with the Treasurer and Executive Officer.

The Placer County Grand Jury has looked into the Auditor/Controller's office, its accounting procedures, and its ability to provide the crucial financial information necessary for county decision makers and departments to keep pace with this growth. We found that the Auditor/Controller office is performing to a high standard and does provide the County with the timely financial information it needs to make the best possible decisions for the people of Placer County.

### **BACKGROUND:**

The Grand Jury, in conformance with the California Penal Code Section 925, endeavored to investigate the county's financial accounting practices. In carrying out this assignment, we conducted interviews and reviewed documents. The Grand Jury was impressed with the financial controls and accountability exhibited by the Placer County Auditor/Controller, her office and staff.

### **METHODOLOGY:**

1. Interviewed the County Auditor/Controller regarding her operation, requirements and responsibilities.
2. Reviewed the 2005/06 Placer County Budget.
3. Reviewed the county Comprehensive Annual Financial Report for the fiscal year ending June 30, 2005.
4. Interviewed the accounting firm of Bartig, Basler & Ray, who were hired to perform the state mandated independent audit of the county, the county redevelopment agency, the county air pollution district, and several grant programs operated by the county.
5. Reviewed the published reports prepared by the independent auditors subsequent to their audits.

**NARRATIVE:**

The Grand Jury participated in interviews with the County Auditor/Controller, her assistant, and a partner with the CPA firm of Bartig, Basler & Ray on several occasions. The reasons for these interviews were to obtain their opinions regarding certain financial information pertinent to the County's well-being and ability to properly function in performing its many responsibilities for the people of Placer County.

We also reviewed the 2005/06 Placer County Budget and the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2005. Additionally, we inquired into the safety and security of the County's money by reviewing the Audit reports for the fiscal year 2004/05, which were prepared by the independent auditor.

**FINDINGS:**

1. The County continues to lose revenue due to the State's ongoing fiscal crises. In addition to some \$15 million in un-reimbursed state mandates over the last several years, the state property tax shift cost the county some \$3 million in fiscal year (FY) 2004/05.
2. The County's income, despite the State's usurping of county funds, has been increasing due to growing property values, new construction and business activity. The 2005/06 budget reveals projected income, exclusive of transfers in from existing county funds, to be \$410,631,143.00, which is 10% above the previous fiscal year income.
3. Placer County's net assets increased by \$74 million in FY 2004/05.
4. The Placer County Auditor/Controller office was audited by the firm of Bartig, Basler & Ray and was found to be in conformance with accepted accounting standards established by the Government of the United States.
5. The Placer County Auditor/Controller office provides the County with financial information in a timely, clear and manageable fashion.

**CONCLUSIONS:**

The County of Placer's effort to provide services and keep up with its growing population has been facilitated by prudent controls and management of the County's finances. And, the Auditor/Controller's office has been a principle contributor to this control and management. We commend the Placer County Auditor/Controller and her staff.

**REQUEST FOR RESPONSE (S):**

No response is required

# **PLACER COUNTY CITY POLICE DEPARTMENTS**

## **AUBURN POLICE DEPARTMENT ROCKLIN POLICE DEPARTMENT ROSEVILLE POLICE DEPARTMENT LINCOLN POLICE DEPARTMENT**

### **SUMMARY:**

The Grand Jury conducted its annual inspections of the above City Police Departments and was well pleased with the maintenance and staffing of these facilities. In just a short period of time the City of Roseville has found it necessary to expand its facility to keep up with the growth of the City. The same is true of the City of Lincoln, which is planning to move to larger facilities in the coming year to accommodate its rapid growth. Special commendations are offered to the City of Rocklin for the design and technology incorporated in its new City Police facility.

### **BACKGROUND:**

Each year the Grand Jury inquires into the condition and management of public prisons/jails and holding areas within Placer County as required by Penal Code Section 919(b). Accordingly, the 2005-2006 Grand Jury conducted onsite inspections of these facilities and looked into such areas as; training of staff, availability of translators for non-English speaking arrestees, condition of booking areas and availability of phones and information to be made available to persons in custody. When meals are served, inquiries into the type of meals served, condition of the food preparation area and the ability to observe diet restrictions were reviewed. Maintenance, security and cleanliness of holding cell areas as well as inmate housing areas, clothing for prisoners, and the general appearance of the facilities were inspected. Procedures for the health and safety of persons in custody and prisoners were reviewed as were, where applicable, the isolation cells. The overall appearance and maintenance of the facilities were inspected and recorded.

## **METHODOLOGY:**

Grand Jury members first familiarized themselves with the requirements of Penal Code 919(b). Check lists were developed and inspection team members were assigned areas to observe during the facility tours.

- A master “Visit Schedule” was developed and facility management agreed to the schedule visit times and dates.
- During the inspection visits questions were asked to determine how well the facility and management staff are complying with the regulations governing the conduct and processing of arrestees and holding of prisoners.
- Following the visit inspection team members were debriefed and findings recorded.
- A final internal report was prepared and note taken of where deficiencies occurred and corrective action might be needed. In the event this occurs, final Grand Jury recommendations will be sent to facility management.

## **NARRATIVE/FACTS:**

All of the above listed Police Departments are equipped with adequate holding areas for the processing of arrestees and recording of information, a process referred to as booking. The booking areas typically consist of a counter area and secured bench (es), with restraint points for hand cuffing persons while they are in custody. Following the booking process arrestees are generally held for a very short period of time before being transported to the main jail located in the DeWitt Center in the Auburn area. In the case of the Roseville Police Department, prisoners can be held for a maximum of 72 hours in security cells prior to transportation to the main jail. Therefore, typically there is no need for formal food preparation in these facilities, but if there is a need, quick meals are available.

## **FINDINGS:**

The 2005-2006 Grand Jury found that these Police Departments and facilities comply with the applicable penal code sections dealing with the processing and holding of persons in custody. In addition, the Grand Jury commends the responsible facility managers for their cooperation and staff support. We found overall that the Departments are well maintained and well managed and are a credit to the communities they serve.

## **RECOMMENDATIONS:**

Based on the observations of the Grand Jury there are no current comments or recommendations to be made regarding the above listed facilities.

## **REQUEST FOR RESPONSE (S):**

No responses are required.

# **PLACER COUNTY MAIN JAIL**

## **PLACER COUNTY SHERIFF'S DEPARTMENT**

### **SUMMARY:**

Operated by the Placer County Sheriff's Department, the main jail is located in the DeWitt Center near Auburn and is responsible for the intake and housing of prisoners from all law enforcement agencies located in Placer County. The Grand Jury inspected the subject facility and determined that the jail is being operated in a professional manner and is well maintained and staffed by trained Sheriff Department personnel. In 2003 a new 120-bed wing was constructed and is now being fully utilized. Recent efforts of the Sheriff's Department and County Personnel Department have been successful in hiring additional staff, which coupled with overtime, allowed full use of the new wing. During the last year, improvements have been made to increase safety of inmates by adding security screening to the upper tier walkways in the cellblocks. As previously reported facility construction problems have been partially addressed. However, problems caused by poor workmanship remain. These include damaged tile in the shower unit which was caused by water leakage, and loose and flaking stucco plaster on the Unit 4 outer walls.

### **BACKGROUND:**

Each year the Grand Jury inquires into the condition and management of public prisons, jails and holding areas within Placer County as required by Penal Code Section 919(b). Accordingly, the Grand Jury conducted its inspection of the Main Jail and inquired into the training of staff, availability of translators for non-English speaking arrestees, condition of booking areas and availability of phones for inmates. The inspection team examined food preparation/handling areas, inquired into the method of furnishing meals to inmates and determined whether special dietary hot meals are available. Maintenance and security constraints of the main housing areas as well as special security holding cells and the general appearance of the facility were assessed. Availability of and procedures for maintaining the health and safety of inmates were included in the inspection. Other needs such as special clothing and hygiene of inmates were also taken into account.

### **METHODOLOGY:**

Grand Jury members were briefed on the planned visit to the Main Jail and they familiarized themselves with the requirements of Penal Code, Section 919(b). Check lists were developed and inspection team members were assigned areas to observe during the facility walk through inspection.

- The Main Jail manager was contacted and a visit date and time was established.
- During the facility visit, questions were asked of staff to determine how well the facility complies with the regulations governing the conduct and processing of

incoming prisoners, security measures, and the provision of meals, housing and health care for prisoners.

- Following the inspection, team members were debriefed and findings recorded.

## **NARRATIVE:**

The Placer County Main Jail receives, processes and houses inmates for all enforcement agencies located in the County of Placer. The jail is a large fairly new complex that can house over six hundred and fifty inmates. A newly added 120-bed wing was completed in 2003. Management of a large jail complex is a serious task with responsibilities that include processing of incoming inmates (both male and female), monitoring individual high security cells and large group holding dorms, providing of hot meals, as well as health care and clothing to inmates. The facility can house both a general prison population and lower risk prisoners, referred to as inmate workers. Facility security is of the highest order, having many control points with closed circuit television camera coverage of all inmate areas. The jail has suffered from staffing shortages for a number of years due to hiring freezes, recruitment delays and competition for qualified applicants. New jail employees are required to undergo detailed background checks and a combination of eight weeks of on-the-job, as well as off-site training. With the assistance of the County Personnel Department, special efforts are underway to fill all authorized positions. Management anticipates that the newly adopted plan to allow over staffing will compensate for the high turnover rate of staff lost to neighboring law enforcement agencies due to higher pay scales.

## **FINDINGS:**

The Grand Jury finds the Placer County Main Jail, managed and operated by the Placer County Sheriff's Office, meets the requirements of the Penal Code. Processing, handling, housing and feeding of prisoners satisfy the requirements of the government code. Management and staff appear to be well motivated and willing to answer any and all questions asked by the Grand Jury inspection team. They are doing an outstanding job in light of past problems with the shortage of adequate staffing.

We found improvements in the operation and staffing levels of the jail. Special recognition should be given to the Sheriff and his staff, as well as the Personnel Department for initiating successful recruitment activities, which have resulted in the hiring of additional staff to make full use of all available beds.

These are the open construction issues from 2003 that are still under legal review. Our findings are:

- The time has come for the resolution of the remaining open construction deficiencies. If repairs are not initiated soon, additional damage to the building can result which will increase the cost of repairs.
- The Placer Legal Department should initiate the necessary court actions to force completion of the needed repairs.

**RECOMMENDATIONS:**

The Grand Jury recommends that the following actions be taken:

- Close out all open facility construction issues by correcting the water leakage problems in the shower unit.
- Begin removal and re-stuccoing of the outer walls of Unit 4 Building.

Should the County not make the noted repairs, it leaves itself open to vicarious liabilities.

**REQUEST FOR RESPONSE (S):**

Response requested within the required specified time from the following agencies:

- Placer County Executive Officer
- Placer County Sheriff
- Placer County Counsel

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# **ELECTED CITY COUNCIL MEMBERS’ COMPENSATION and BENEFITS**

## **SUMMARY:**

The Placer County Grand Jury’s investigation of a complaint regarding the elected city council members’ voting for health and retirement benefit packages for themselves revealed the following: The State of California Government Code 36516 allows elected city council members to vote for monthly salaries and other benefits for themselves which they feel are justified. In Placer County there are six elected city councils. Four of the councils have voted to accept monthly salaries with no additional benefits package, and two councils have voted to adopt monthly salary and additional benefit packages (health and retirement).

To allow the citizens of Placer County to understand and compare council approved benefits, the “Compensation and Benefits Table” is provided in the “APPENDICES” section of this report. This table is for general information and reference only. Citizens interested in the specifics of monthly compensation and benefits received by their elected members are encouraged to contact the appropriate City/Town managers for details. Monthly compensation should vary based on the population of the City/Town, although there are variations in the suggested compensation for a number of cities in the state (refer to the California Government Code 36515). Benefit packages can include medical insurance (dental, vision, health), health club memberships, cell phones, computers and retirement plans. As noted above, elected council members are not required to adopt compensation or benefit packages. Such actions are strictly voluntary.

## **BACKGROUND:**

The Grand jury received a complaint regarding perceived inappropriate use of public money for benefit packages for elected members of a City council. Questions arose when a local newspaper reported that local elected city council members had voted for what appeared to be excessive compensation in salaries, health benefits and retirement packages for themselves. However the Grand Jury has determined the elected city council members have taken these actions within legal guidelines. California Government Code gives City/Town councils the latitude to adopt such compensation packages. It is up to the individual voters to decide on the appropriateness of these actions. The voting public can be made aware of its City/Town council members’ actions by attending scheduled council meetings and by reviewing meeting minutes and press articles.

A “Compensation and Benefits Table” is included in the appendix section. This Table is not all-inclusive but was prepared to provide readers with basic information on what their elected members have done in the way of adopting compensation and benefit packages. This information is presented for the edification of the citizens of Placer County and it is

recommended that questions and/or further information regarding actual member benefits be directed to your City/Town manager.

**METHODOLOGY:**

The Grand Jury reviewed applicable state statutes related to elected city councils and the rules allowing compensation and benefits for members. The population of the cities determines the suggested monthly salary level, as listed in the California Government Code. The monthly salary is allowed to escalate at a prescribed percentage each year. Each City/Town manager, within Placer County, was visited and asked a series of questions regarding compensation and benefits of its elected council members.

**NARRATIVE:**

Elected city council members have, over the years, adopted resolutions obligating their city or Township to pay monthly compensation. Two cities have adopted resolutions to include health care coverage and retirement plans. Generally cities are part of the State of California Health and Retirement Plans (CALPERS). Cities using CALPERS pay the monthly cost directly to the State for the council members' health and retirement plans. There are some council members who waive the coverage or some parts of health coverage. This can make them eligible to receive a monthly cash amount payment in place of health coverage. To be eligible for retirement benefits, a member must have served a minimum number of terms and reached the minimum age of fifty-five. They must apply for benefits within six months after their last term.

**FINDINGS:**

The Grand Jury found that the City and Towns of Placer County have adopted compensation and benefit packages in accordance with state regulations.

**RECOMMENDATIONS:**

The Grand Jury concluded elected members who have chosen to receive expanded compensation packages took no illegal actions. It is a matter for the voters in each city to determine whether or not self-approved benefits by a city council are appropriate.

**REQUEST FOR RESPONSE (S):**

No responses required.

**APPENDICES:**

Placer County Cities & Towns Elected Council Member's Compensation And Benefits

# PLACER COUNTY CITIES & TOWNS ELECTED COUNCIL MEMBER'S COMPENSATION AND BENEFITS

INFORMATION	AUBURN	COLFAX	LINCOLN	LOOMIS	ROCKLIN	ROSEVILLE
<b>COMPENSATION</b>						
		(8)	(9)			
A: Pay per Month	\$300.00	\$100.00	\$655.00	\$360.00	\$638.00	\$600.00
B: # Meetings	24 per year	24 per year	24 per year	12 per Year	26 per Year	24 per year
C: Bonus Plan	No	No	No	No	No	No
D: Vacation and/or Sick Leave	No	No	No	No	No	No
E: City Size (Population)	13,000	1,822	33,000	6,127	52,000	102,000
<b>BENEFITS</b>						
A: Health Care	Yes	No	Yes	No	No	No
B. Chiropractor	Yes (1)	No	Yes	No	No	No
C. Dental	Yes (2)	No	Yes	No	No	No
D. Vision	Yes (3)	No	Yes	No	No	No
E. Life Insurance	Yes (4)	No	No	No	No	No
F: Ins. Include Family	No	No	No	No	No	No
G: Retirement	Yes (5)	No	Yes (2)	No	No	No
1. Fully Paid	No	No	Yes	No	No	No
2. Contribution	No	No	Yes 1% (7)	No	No	No
H: City Vehicle	Yes (6)	No	No	No	No	No
1. Use Limits	No	No	No	No	No	No
<b>TRAVEL</b>						
A: Re-imbursement	Mileage	Mileage	Mileage	Mileage	Mileage	Mileage
1: Full	Yes	IRS level	w/limits	Actual Cost	\$60 per day	IRS Level
2: Partial	No	IRS level	No	No	Set rate	IRS Level
3: Family Members	No	No	No	No	No	No
<b>FOOTNOTES</b>						
1. 1 member takes						
2. 3 members take						
3. 2 members take						
4. 4 members take						
5. No one takes						
6. Can check out car from City carpool						
7. After 12 years @ 2.7 % at 55 years						
8. Mayor receives \$150.00 /month						
9. Mayor receives an additional \$150.00/month						

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# **FINDINGS FROM INVESTIGATION OF THE BUILDING DEPARTMENT**

## **PLACER COUNTY BUILDING DEPARTMENT**

### **SUMMARY:**

The Placer County Grand Jury conducted a comprehensive investigation into the operations of the Placer County Building Department. This department has the important responsibility of inspecting and approving building construction drawings, issuing building permits and collecting permit fees. During construction, field-staff perform on-site inspections to verify compliance with approved drawings and building codes.

Our investigation disclosed a number of operational problems that management should solve to allow the department to operate at optimum efficiency. During interviews of department personnel we noted morale problems that management has not acknowledged.

Additional staff training is needed to take full advantage of new automation programs developed for the department. We noted variations in the fees collected for building permits. There is a need to implement both internal and external auditing procedures.

### **METHODOLOGY:**

The Grand Jury undertook an investigation of the Building Department to determine whether there was operational compliance with County building code requirements and to evaluate how well the citizens of Placer County are being served.

To begin this investigation, members of the Grand Jury reviewed samples of planning calculation work sheets, and building code requirements. We also conducted extensive management interviews.

A comprehensive list of questions was developed, regarding the following:

- Questionable entries were made on building plan worksheets. Specifically building permit fee calculations exceeded the permit fee percentage normally used.
- There was a lack of consistency in employee responses and understanding of assigned duties. Questions addressed employment history, training, county policies, department policy and job duties.

The Grand Jury conducted interviews with the majority of department staff members including first line supervisors, department managers and the department chief.

## **NARRATIVE:**

The building department requires a mix of skills to accomplish its tasks of plan checking, issuing building permits and on-site follow-up to assure building code compliance. Employees have extensive backgrounds in building/construction fields, some training in civil engineering, and are required to hold a State of California Certificate of Registration as an Inspector. This certificate is issued by the International Conference of Building Officials.

Registration as a licensed architect or professional civil engineer may also be accepted as evidence of technical qualifications.

In 2005 private and commercial building construction in Placer County was very active. The department workload was high and also because of the shortage of staff, management had decided to limit those scheduled for training in the new computer "PLUS" system designed to improve the accuracy of plan check calculations and fee collection accounting.

Communication within the organization had become a problem. Management stated that to its knowledge there was no dissatisfaction and that morale was at a high level. To the contrary, a number of staff members stated, morale was at an all time low. They were concerned that management had issued directives that caused problems. One example given was a directive that plan checkers were to stop reporting non-county code related errors or omissions found on building plans. However management asserted this was not true. Its supervisors gave conflicting testimony regarding reporting structure, assignments and responsibility for employee performance reviews.

Some staff members reported that frequent organizational changes, promotions and inconsistent direction resulted in disharmony. Supervisors gave conflicting testimony regarding structure, assignments and responsibilities for employee performance reviews.

Internal procedures for monitoring work accuracy and quality are unclear. Each plan checker is responsible for his or her own work without oversight. This permits employees and management to disregard the County's policy concerning permit fee charges. These variations in the percentage calculation resulted in permit fee overcharges in some cases, verifying that there is no internal procedure to audit for errors. Therefore, there is no attempt to offer refunds for overcharges or if the reverse is true, to seek additional fees. One example brought forward during the interview with the department manager involved the overcharging on a commercial permit for a small building expansion. His response was that the normal permit fee calculation percentage was too low to cover field inspection costs. Therefore a higher fee was charged. This is not consistent with building department informational handouts or written County policy.

## **FINDINGS:**

The Grand Jury finds:

1. No internal audit procedures exist to assure the consistency and accuracy of building plan inspections and no internal audit procedure exists to verify applicants are subject to the same building permit charges as listed in the Building Department informational handout.
2. Management seems unaware that staff is divided into two factions, and that poor morale exists for some employees. Unless it is controlled, low morale can lead to more pervasive personnel dissatisfaction.

## **RECOMMENDATIONS:**

There is a genuine effort by members of the Department to operate at a high level of proficiency and serve the citizens of Placer County in a quality manner. The Grand Jury recommends:

1. The Building Department should adopt internal procedures and controls providing for the consistent and accurate inspection of building plans, and assuring all building permits are calculated at the rate shown in the Department informational handouts. Should the department management believe that exceptions to the percentage calculation rate are needed, then a formal policy change should be adopted and regulations approved.
2. Management must become aware that staff is divided and poor morale exists for some.
3. Management should adopt a more open communications environment.
4. A “fast-track” schedule should be implemented for training staff on the new automated “PLUS” system, to reduce errors and improving account auditing.
5. A workable Quality Assurance plan should be developed for the auditing of internal activities to assure work accuracy and calculation of building permit fee charges. This plan should include periodic external audits.
6. A follow-up policy should be adopted for the return or collection of moneys when permit errors are found.

## **REQUEST FOR RESPONSE (S):**

Responses are requested from the following:

- |  |                             |
|--|-----------------------------|
| • Building Department Chief              | Recommendations 1 through 6 |
| • Community Development Resources Agency | Recommendations 1, 4 and 6  |
| • County Chief Executive Officer         | Recommendations 1, 4 and 6  |

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## **COMMENDABLE PROGRESS AT PUBLIC GUARDIAN'S OFFICE**

### **SUMMARY:**

The Public Guardian's Office (PGO) provides protective, placement, and estate management services for individuals whom the court has placed under official County public conservatorship or guardianship for reasons of grave mental or physical disability.

Last year's Placer County Grand Jury (2004-2005) identified problems in the PGO related to management issues, staffing shortages, warehouse organization, a filing backlog, and a lack of formalized policies and procedures, including job descriptions. The Grand Jury made 11 recommendations including reorganization, a supervisor's devoting sufficient time to PGO, co-location within a single building of the three programs managed by the PGO supervisor, development of a PGO improvement plan, increased staffing, monitoring of warehouse activities, implementing standardized policies, developing job descriptions, and ongoing training of the PGO supervisor. As a final recommendation, they asked that the 2005-2006 Grand Jury follow up on the PGO's progress, which is the subject of this report.

Our follow-up included site visits, phone interviews and written status reports provided by the PGO. This year, we found it to be fully committed to improvement as evidenced by its development and implementation of a formal Improvement Plan and the addition of a highly committed new Client Services Supervisor who is giving careful attention to the PGO.

The PGO has executed several steps of its official Improvement Plan including hiring office staff, reorganizing warehouse contents, additional training of the PGO supervisor and developing of a Policies and Procedures Manual (with an estimated completion May 31, 2006). A single, though significant, issue remains: understaffing. This problem, though caused by a growing client base versus a diminishing budget, is also aggravated when staff members retire or quit. This problem will never be sufficiently addressed until the PGO and HHS pursue more aggressive staff replacement policies to enable hiring replacement employees before the exited employee's accruals (of vacation, sick leave, etc.) are completely off the books.

We commend the PGO and its new supervisor for its full cooperation with the 2005-2006 Grand Jury and for its active dedication to improvement.

## **BACKGROUND:**

In the recent past, Placer County Grand Juries have issued reports identifying significant areas of concern within the Public Guardian's Office (PGO) with little improvement from year to year. The 2004-2005 Grand Jury PGO Report findings included the following:

1. The management of the PGO had been neglected.
2. Staffing shortages had impaired PGO.
3. PGO lacked a definitive improvement plan.
4. None of the past Grand Jury recommendations were acted upon until the new HHS Director became personally involved.
5. Warehousing tasks had been performed poorly.
6. Filings tasks had been neglected due to staffing shortages.
7. There was a notable lack of standardization of policies, procedures, and workload management.
8. The PGO supervisor spent (nominally) one third of his time with the PGO tasks.
9. The PGO supervisor has responsibility for directing three distinct programs whose offices were located some distance apart.
10. PGO had a history of hiring inexperienced Supervisors who required basic PGO training.

To remedy those findings the Grand Jury recommended:

1. The PGO be reorganized
2. A devoted supervisor spend sufficient time to correct PGO problems
3. The three programs directed by the PGO supervisor be located in the same building
4. The PGO supervisor develop a definitive PGO Improvement Plan
5. The staffing shortage be corrected
6. The warehouse continue to be monitored for improvements
7. The filing tasks be brought up to date
8. Standardization policies be implemented
9. Job descriptions be developed
10. The PGO Supervisor receive continuing training

The 2005-2006 Grand Jury, with knowledge of the above findings and recommendations, continued working with the PGO throughout the year to ensure that it would expend concerted effort to resolve the problems and create a more efficient and effective organization.

## **METHODOLOGY:**

We initially received and evaluated official responses from the PGO in August and Health & Human Services Department in September. Over the next months, we visited the PGO and interviewed a sampling of staff as well as the Client Services Supervisor to determine their sense of progress. In February, we received and reviewed the PGO's "Progress Report", noting its schedule to develop a Policies and Procedures manual, and continued communication with the Client Services Supervisor. We interviewed the County Personnel Director to understand current hiring policies, especially those related to replacement of retiring personnel.

## **NARRATIVE:**

The PGO has addressed many, though not all, of the prior Grand Jury's recommendations. Although it did not choose to reorganize, it did put emphasis on training its new Client Services Supervisor. She has attended several seminars and training sessions, and she has brought professionalism and dedication to her job that have translated into significant gains for the department. Her three areas of responsibility (Public Guardian's Office, Conservator/Public Administrator and Adult Protective Services) are now housed in one physical location, and she has used the saved travel time to focus on PGO's needs. She spends more time on site and regularly inquires of staff's status. She helped develop a formal "PGO Improvement Plan" including a "Policies and Procedures Manual" scheduled for preliminary publication on April 30. (A significant section of the Manual includes job descriptions, as recommended by the Grand Jury.) It is to be reviewed with staff on April 30, finalized on May 31 and implemented with training beginning on June 30.

The warehouse, which at last year's first review was disorganized and unprotected, now has a proper building of its own to store labeled, shipping boxes (instead of grocery bags) containing clients' personal belongings, with various locked rooms set aside for specific uses.

Interviews revealed an ongoing staff shortage that was resolved only briefly, and they still face problems finding qualified applicants. Filing of many boxes of closed cases was finally accomplished, but volumes of current cases remain to be done with a single person assigned to the task in addition to her regular duties.

Placer County has a growing client demand combined with fixed budgets or budget reductions in many departments. In the PGO, the ratio of clients to social workers has recently increased from 60/1 in February to 70/1 in March with no plans for increased staffing in the near term. This is already well above the state average caseload of 50-55/1. But beyond that, this 17% increase in caseload can have dramatic effects considering the wide range of highly demanding requirements of the assigned social workers. They must check on clients at least three times a year, pay their bills, fill out insurance forms, ensure clients receive proper medications, and tend to many of their personal needs. Some clients require considerably more care and many reach the point of needing a thorough evaluation to determine if they qualify to move to assisted living, another time-consuming process.

In addition, when clients die, the PGO sends staff to help dispose of their belongings and close up their homes. Visiting an uninhabited home alone is a potentially dangerous practice, so it is in the best interest of the caseworker and the PGO to send pairs to perform this task. In many cases it has been difficult to find two staff members free to carry out these jobs, so a caseworker has, from time to time, accepted an inmate or MHS client as a partner. Clearly this is a dangerous practice, opening the department to liability if items disappear or the partner's behavior becomes problematic far from any support.

The PGO's staff shortage resurfaced with the impending retirement of two experienced staff workers. The staff shortage has been severely aggravated when one staff worker retired in April with an accrued 10 weeks of vacation. Although County personnel policy

permits hiring replacements before all the vacation pay and sick leave have been paid out, active planning is needed to avoid staffing gaps.

Understaffing is a significant and continuing problem for the PGO.

Because several staff members had reported that they believe that the cause of understaffing is due to county policies precluding prompt recruitment of replacements, we interviewed the County Personnel Director. We learned the following facts from her.

1. County wide, there are currently 243 unfilled full-time positions out of a total allocation of 2790, or 8.7%. This is an improvement from the more than 12% in the recent past. Her goal is to reach a level of 7%.
2. Employee turnover rate due to resignation is very low and is normally about 2% per year, or less than 60 employees.
3. The county recognizes clearly that the number of potential retirements from the workforce in the near future represents a real challenge in maintaining staffing levels. In 2006 alone, there will be at least 146 retirements, and the total number of employees eligible to retire by 2010 is 1077, or over 40% of the workforce.
4. When the need to replace a retiring employee is identified, the department may initiate an “over-hire approval request” for approval by the County’s CEO. Personnel believes that such requests are approved 80 to 90% of the time. According to Personnel it is “strongly encouraged” to replace retiring personnel before expiration of accrued benefit periods.
5. Several proactive programs have been initiated by Personnel to streamline the process of candidate qualification by increasing the number of candidates on eligibility lists without lowering standards.
6. The County’s Board of Supervisors is seen by Personnel as being very supportive of active planning in support of avoiding staff shortfalls.
7. Personnel’s view is that proactive planning at the department level is the key to maintaining adequate staffing levels.

## **FINDINGS:**

1. Considerable progress has been made at the PGO.
  - a. The new Client Services Supervisor is actively managing her staff and continues training.
  - b. The three programs directed by the Client Services Supervisor are now collocated.
  - c. A “Policies and Procedures Manual” has been implemented including “Job Descriptions”.
  - d. The warehouse is housed in a proper, locked building with storage issues up to date.
  - e. All paperwork for closed cases has been completed and properly filed.
2. Understaffing persists as a significant problem.
  - a. Current case filing continues to be in backlog.
  - b. PGO finds it difficult to arrange for pairs of staff members to close homes.
  - c. When employees retire or quit, their vacancies are not always filled until payment of their accrued benefits have been paid (often consuming months). This is not a requirement of County personnel policy, and vacancies can be more promptly filled with active planning.

## **RECOMMENDATIONS:**

We commend the PGO’s office and their Client Services Supervisor for working so closely with the Placer County Grand Jury and for addressing our recommendations in good faith. To continue their record of improvement, the following two recommendations are made:

1. To ensure full client support and a seamless transition for new staff, the PGO should hire needed staff workers well BEFORE the departure of experienced staff.
2. To help resolve chronic understaffing, aggressive planning for staff recruitment is needed at the PGO and HHS department level to take advantage of the County’s relatively new policies, which encourage anticipation of vacancies due to retirement and other needs.

## **REQUEST FOR RESPONSE(S):**

Responses are requested from the following:

1. Public Guardian Supervisor: Findings 1 and 2; Recommendations 1 and 2.
2. Director of Health and Human Services Department: Findings 1 and 2; Recommendations 1 and 2
3. Placer County Executive Officer: Finding 2c; Recommendation 2.

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# **TURTLEGATE and MICROCHIPS**

## **PLACER COUNTY ANIMAL CONTROL DEPARTMENT**

### **SUMMARY:**

The Placer County Grand Jury investigated two complaints against the Placer County Animal Control Department (PCACD). The first complaint concerned the actions of an employee who failed to use good judgment in his duties as an officer of the PCACD. This case involved the capture, theft, and subsequent return of a one hundred pound pet turtle. The evidence revealed the employee failed to follow department policy and procedures and was involved in other unlawful acts. These ultimately resulted in his termination. In our report, we refer to this investigation as “Turtlegate”.

The second investigation involved a disagreement concerning the use of donated funds. The funds had been donated for the specific purpose of providing microchip identification of animals, but the department was considering using the funds for other purposes. The department subsequently agreed to reverse its position, so the funds were used in the way the donors intended, for microchipping animals placed for adoption. In our report, we refer to this investigation as “Microchips”.

The Grand Jury’s investigations have resulted in a specific set of recommendations to the PCACD for improvements in its practices and policies concerning control of firearms, training for their use, and for the receipt and processing of donations.

### **METHODOLOGY:**

These complaints were received by the Grand Jury, and we verified that the actions took place within the jurisdiction of the county. We conducted interviews and gathered all available information to establish a comprehensive understanding of the complaints.

In our investigation of the lost and found turtle, the Grand Jury took the following actions:

- Interviewed the interim manager of the Placer County Animal Control Department.
- Interviewed the lawyer from the County Legal Department who was assigned to investigate the accusations listed in the complaint.
- Received and reviewed the report issued by the county counsel.
- Contacted the Placer County Sheriff’s office to discuss the charges made by the complainant with the investigating detective.
- Requested and received a copy of the detective’s investigation and arrest reports.

In our second investigation, dealing with the donated money not assigned to the intended microchipping, the Grand Jury took the following actions:

- Interviewed the interim manager of the Animal Control Department and the assistant director from the Department of Health who oversees the department.
- Interviewed the complainant to better understand the background of the private animal protection group and their fund raising activities.
- Interviewed an associate of the complainant who assisted in the writing of the complaint.
- Thoroughly reviewed all attachments to the complaint.

## **NARRATIVE/FACTS:**

Investigations into these two complaints revealed that personnel had failed to use good judgment in carrying out duties, and as a result, public trust was damaged. The PCACD is the responsible agency for the control, housing, health and adoption of stray animals within Placer County. Outside assistance from private groups such as the Placer Animal Coalition alliance and SPCA assist in various activities with these animals. In Placer County, the SPCA is very active in providing an animal shelter in the Roseville area. All cities within the county have a responsibility to provide for the management and control of domestic animals either through staff assigned to City Police Departments, by city law enforcement officers or by contract with the PCACD. Private groups are very supportive in the health and care of lost or abandoned domestic animals. There are a number of state laws and county/city ordinances that specify the handling, health care and general care of animals while in the control of the County and voluntary groups.

### Turtlegate

The first complaint involved the loss of a one hundred pound pet turtle. The lost pet was found by a Placer County Animal control officer who took the pet to his home with the stated intent of adopting it as his own. This was done without supervisor approval or the completion of required documentation. The pet owner persisted in looking for the turtle, and this alerted the animal control officer. He contacted the legal pet owner and demanded money (five hundred and ninety nine dollars) for return of the pet. Following the filing of the complaint and subsequent investigation by the Placer County Sheriff Department and the PCACD, the employee was relieved of duty and subsequently terminated.

During this investigation a potentially serious matter was reported by the complainant. The Animal Control Officer had placed his sidearm on a table and this caused the complainant to be concerned and intimidated. The Grand Jury reviewed this with other agencies involved in animal control to assess the wisdom of allowing sidearms to be carried by animal control officers. The agencies' responses indicated that the preferred policy is to keep firearms in the animal control vehicles. This was discussed with the new interim manager. We are pleased to report that the new interim manager had already started action to remove sidearms and place long guns in a locked compartment within the animal control vehicles. One additional issue was found in the interviews involving the firearms training of animal control staff. The California Penal Code requires that field staff that handle fire arms be trained in accordance with Penal Code Section 832. Our

investigation revealed that this had not occurred with the Placer County Animal Control field staff.

Thus, in the Grand Jury's Turtlegate investigation, the facts are as follows:

- There was sufficient evidence uncovered by the Placer County Animal Control Manager and the Placer Sheriffs Department to justify the termination of the employee for cause.
- The pet turtle was returned to the rightful owner and all monies taken under fraudulent pretenses were returned to the complainant.

Requiring that firearms be secured in the vehicles is a step in the right direction. Training of field staff to include Penal Code Section 832 Qualification has not occurred.

### Microchips

The Microchips complaint arose when a nonprofit alliance group raised and donated funds for the explicit use of microchipping of animals prior to adoption. Microchipping of pets at the time of adoption is a permanent method of identification and has been used by a number of agencies for the last three to four years. Microchips have proven to be a successful means of increasing the return rate of lost pets. Historically dogs and cats that are adopted from shelters are disoriented in their new surroundings. Consequently, a large majority of recently adopted animals become lost in the first days or weeks following their adoption. As a result, animals with no information on them fail to get back to their owners. A new temporary manager in PCACD made the decision not to honor the special conditions placed on the donated funds. This was based on his opinion that there was no written agreement with the county, and, as a result, the donated funds were being redirected to other than the purpose intended by the donor.

In investigating this complaint, we contacted both County Counsel (for its opinion regarding written versus verbal agreements) and the County Health Department, which is the controlling agency overseeing the PCACD.

Our investigation revealed that:

- There was a representative from Animal Control present at a fund raising activity. This, together with copies of e-mails from the alliance to animal control clearly indicated they had donated the funds for the sole propose of microchipping of adopted animals.
- The response from the County Counsel was inconclusive. However, counsel believes that as a good faith gesture the verbal agreement should be honored.

## **FINDINGS:**

### Turtlegate

The Grand Jury found in the first complaint involving the lost and found turtle:

1. The new interim manger of the Animal Control Department took the appropriate action in identifying the problem and has taken appropriate corrective action with the termination of the animal control officer.
2. The Complainant is satisfied with the return of both the pet turtle and the money that was taken.
3. Animal Control Officers can perform their duties with firearms secured within the vehicles.
4. Field staff should be required to meet the qualifications criteria in California Penal Code 832.

### Microchips

The Grand Jury found that in the second complaint involving microchip pet identification:

5. The then acting PCACD manager failed to use good judgment in dealing with the funds donated by the voluntary animal alliance group.
6. Due to the lack of adequate written procedures, an oral agreement was not kept and the donated funds were placed into an account that could have been used for other than the purpose intended by the group making the donation (microchipping of adopted animals).
7. This has been resolved and the donated funds are now identified for the sole purpose of animal identification using microchips.

The 2005-2006 Grand Jury believes that special recognition should be given to private nonprofit organizations that do an outstanding job in animal protection and adoption within Placer County.

## **RECOMMENDATIONS:**

The Grand Jury recommends that the following actions be taken by the Placer Animal Control Department:

1. Animal control officers should not carry sidearms, and all firearms within the vehicles should be secured in a locked compartment.
2. Field staff should be trained in accordance with the California Penal Code Section 832.
3. Written procedures and instructions should be provided for staff to follow when handling donations.
4. The authority level within the department and agency to accept donations, the process for documentation of donations, and, when requested, the process to direct the donations to the specified activities should be identified and documented.
5. Staff training on these new policies and procedures should be conducted.
6. The Placer County Animal Control Department should consider a formal plan to recognize individuals and groups making donations to the Department.

**REQUEST FOR RESPONSE (S):**

The Grand Jury requests responses to its recommendations as follows:

- Placer County Animal Control Department:

RECOMMENDATIONS 1 through 6

- Placer County Director of Health and Human Services:

RECOMMENDATIONS 1 and 3 through 6

- Placer County Executive Officer:

RECOMMENDATIONS 2 and 4

- Placer County Sheriff

RECOMMENDATIONS 1 and 2

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# **REVIEW OF PLACER COUNTY ADULT RESIDENTIAL FACILITIES**

## **Mental Health Services**

### **SUMMARY:**

Placer County's Department of Health and Human Services (HHS) provides a wide array of public support services supported by a \$17.9M budget which is largely dictated by the flow of Federal and State funds with a small portion provided by the County. This creates a financial challenge to support the broad spectrum of agencies and services that have been mandated while funding shrinks and population grows. To provide a manageable study, the Grand Jury reviewed a small section of the Mental Health Services (MHS), focusing on Rosewood (in Roseville) and Cypress House (at DeWitt Center), two Adult Residential Facilities which help patients adjust to independent living.

Much of our information came from presentations by the HHS Director and the Director of the Adult System of Care (ASOC). Their overviews gave us significant background information about their complex organization of services. We composed short, confidential surveys which we sent to nine MHS supervisors. Their responses were largely parallel and voiced two main themes.

1. The job is challenging amid short budgets and inadequate staffing.
2. The MHS staff is bearing up admirably with considerable persistence and dedication to their clients.

Our on-site visits to Rosewood and Cypress House Adult Residential Facilities rounded out our information and understanding of the extremely valuable services rendered. As well, those visits underlined the need for increasing staff.

Both facilities suffer from persistent understaffing, which reduces the level of services delivered and adds significant stress and demand on available staff. We reviewed current County hiring and recruitment practices, and we believe that an aggressive approach at the ASOC department level is the most effective approach.

### **BACKGROUND AND METHODOLOGY:**

The Placer County Grand Jury received a presentation from the Director of the Department of Health and Human Services on its operation. This also included review of the Children's System of Care and the Adult System of Care as well as a myriad of other services (Community Health, Community Clinics, Environmental Health, Animal services and more). The Director provided us with past and projected budgets, client and staffing numbers and some general comments on the various programs under his supervision.

The Director of the Adult System of Care gave the Grand Jury a presentation of her

organization which includes the Psychiatric Hospitalization Facility/Program (PHF-for persons who are a danger to themselves or others due to Mental Disorders), Residential Mental Health Services (for persons transitioning from the PHF to the community), Mental Health Program (for persons with serious chronic mental illness), and the Placer County Health Program (mental health services for the homeless).

Using a carefully composed set of 24 questions, we interviewed the ASOC Director more thoroughly to gain a better understanding of the organization, its services, staffing and budget. The Director was cooperative and helpful, providing us with all the information we requested including the approved 2005-06 budget, summary descriptions of all programs, case load and staff information as well as prime areas for budget increases or decreases.

The Grand Jury's analysis of the information received from the Directors and Supervisors of the Departments of Health and Human Services led us to focus our inquiry on Mental Health Services, as it represents by far the largest piece of the ASOC budget and personnel. Of specific interest to us was the significant growth in Placer County population versus the declining budget and staffing levels within Mental Health Services.

We sent a 14-question survey to a sampling of nine supervisors with Mental Health Services responsibilities. A cover letter informed them of our inquiry and assured them that their responses were both confidential and important. We received responses from eight supervisors, five of which were signed. One did not reply due to time constraints and a heavy workload. The responses were similar, particularly with regard to staff shortages. These responses were also very thorough and some provided numbers and facts that are referenced in this report.

We toured the Adult Residential Facilities at Rosewood and Cypress House, gaining first-hand impressions of the offices, kitchens, break rooms and problems as presented by the responsible supervisors.

We interviewed the County Personnel Director to understand current hiring policies, especially those related to replacement of retiring personnel.

## **NARRATIVE:**

Prior to our tours, we compared the Mental Health Services 2005-06 budget and staffing levels to the 2004-05 budget and staffing levels. We found that total expenditures had been reduced and staff had been cut by 10 positions (from 118 to 108) while Placer County's demand for services, as gauged by population growth, had increased. This set of facts raised concern.

Placer County supports two Adult Residential Facilities, Rosewood and Cypress House. These facilities provide individualized service plans for county residents with serious chronic and persistent mental illnesses that have impaired their ability to function in the community. Typically these are persons who have improved enough to move out of a locked psychiatric setting (usually, the Psychiatric Health Facility in Roseville) but need further treatment to stabilize them and aid in their successful move to independence in home, work and community settings.

After review of responses to our initial surveys and noting the consistency of their references to staff shortage problems, we toured the facilities for a first-hand glimpse of their operations.

## **ROSEWOOD**

The Grand Jury toured the Rosewood facility in Roseville and interviewed several staff members and found the following.

1. Rosewood has one full time doctor who supervises the treatment of 15-live-in clients and approximately 800 outpatients.
2. Rosewood has 1 nurse and 3 licensed social workers.
3. Some staff members believe that the County's policy of waiting for a position to be vacated before hiring its replacement is the primary cause of staff shortages.
4. MHS staff is consistently being asked to provide more services with less staff, training and resources.
5. MHS staff has had no input into recent budget decisions or priorities.
6. Rosewood clients' ages range from 18 to 59 years of age.
7. It takes almost 5-6 weeks for clients to get through the administrative system and begin actual care.
8. Rosewood has 15 live-in clients (usually transfers from state hospitals) who stay for an average of 3 months in order to learn skills to transition to independent living.
9. Rosewood has a continual waiting list of 4 persons.
10. Rosewood is licensed as a "Board and Care" facility, so they are not legally required to have nurses.
11. Client medications require professional medical supervision. Prescriptions may be changed as much as 3-4 times weekly as doses and types are adjusted to meet the clients' needs.
12. Rosewood staff testified that the facility operates very much like a hospital and should meet the same standards. (A hospital of comparable size and services would be required to have 4 nurses.)
13. The current supervising nurse at Rosewood testified that she works an average of 70 hours a week attending to client needs.
14. In addition to nursing duties, she also grocery shops at Sam's Club and serves as dietician for the facility.
15. This facility currently has only one apartment scale washer and dryer for all 15 clients' laundry needs (clothing and bedding). The facility had a commercial scale washer, but it broke two years ago and has been deemed un-repairable by the County Maintenance Department. Therefore the supervising nurse sometimes takes the clients' laundry home to wash and dry it on her own time.
16. Staff at Rosewood is inadequate to support preparing documentation of the variety of health forms required for reimbursement from Medicare, Medicaid, etc.
17. Rosewood currently has a transport van that carries 12 persons. This is inadequate for group outings that should include all 15 live-in clients plus staff.
18. The facility was clean but in need of repairs in the kitchen high traffic areas (flooring separating at the seams).

## CYPRESS HOUSE

The Grand Jury toured Cypress House at the Dewitt Center. It is an aging facility in need of many repairs (leaking sinks, roaches, uneven floors, poorly sealed windows, moldy carpets, etc.) and unofficially scheduled to be replaced around 2010. Cypress House is licensed as an “Adult Residential Facility”, housing up to 15 patients who are free to come and go as they choose. Four full-time staff members are assigned as House Managers. An additional 3 full-time and 16 extra-help staff are allocated. The average age of the patients is about 40. At least 50% of the cases are directly or indirectly drug related. Methamphetamine use is a growing problem.

This facility has two staff psychiatrists who prescribe medications, although Cypress House is not licensed to administer drugs. This creates a situation in which all medications must be taken by the patient without staff intervention (i.e. for shots or any other direct contact).

While the Client Services Supervisor’s view is that in some ways the quality of MHS care has improved in the last two years (better identified needs, use of the “recovery model”, employment/job training), he also echoed the understaffing concerns we heard at Rosewood, acknowledging that caseloads are skyrocketing. At the time of our tour, Cypress House was understaffed by 5 positions. Significant problems arise when two or more staff members are on leave or vacation, leaving them shorthanded and overworked. It takes several months to develop interview lists and significant time to interview and hire. In addition, there is a lengthy gap between hiring and sufficient training.

Partly in response to funding and staffing limitations, but also due to changes in treatment practices, they are trying to do more and faster patient discharges “to the street”. The average patient stay has been reduced from 90 days (less than a year ago) to 40 days currently. We cannot objectively judge if this is in the best interest of the patient, but with such a dramatic shortening of treatment in such a short time and under budget constraints, sufficient patient recovery is questionable.

The Client Services Supervisor emphasized a focus on teaching the patients to become self-sufficient: how to clean their rooms, how to plan and prepare nutritious meals, how to go shopping for their food, how to do their own laundry. This facility has a working washer and dryer and an ironing board for the patients’ laundry needs. Each patient has a daily list of chores in addition to his psychiatric or counseling sessions.

Unlike the Rosewood Facility, Cypress House has regular, continuing contact with the ASOC Director, seeing her 2-3 times per week. However, at both facilities the staffing shortage was their number one priority.

## **COUNTY PERSONNEL REPLACEMENT POLICIES**

Because several staff members had reported that they believe the cause of chronic understaffing is due to county policies precluding prompt recruitment of replacements, we interviewed the County Personnel Director. We learned the following facts from her.

1. County wide, there are currently 243 unfilled full-time positions out of a total allocation of 2790, or 8.7%. This is an improvement from the more than 12% in the recent past. Her goal is to reach a level of 7%.
2. Employee turnover rate due to resignation is very low and is normally about 2% per year, or less than 60 employees.
3. The county recognizes clearly that the number of potential retirements from the workforce in the near future represents a real challenge in maintaining staffing levels. In 2006 alone, there could be up to 150 retirements, and the total number of employees eligible to retire by 2010 is 1077, or over 40% of the workforce.
4. When the need to replace a retiring employee is identified, the department may initiate an “over hire approval request” for approval by the County’s CEO. Personnel believes that such requests are approved 80 to 90% of the time. According to Personnel it is “strongly encouraged” to replace retiring personnel before expiration of accrued benefit periods.
5. Several proactive programs have been initiated by Personnel to streamline the process of candidate qualification by increasing the number of candidates on eligibility lists without lowering standards.
6. The County’s Board of Supervisors is seen by Personnel as being very supportive of active planning in support of avoiding staff shortfalls.
7. Personnel’s view is that proactive planning at the department level is the key to maintaining adequate staffing levels.

## **AFTERWORD**

Business as usual in these Adult Residential Facilities includes physical buildings in need of maintenance or replacement, regular work-weeks expanded by 10 to 30 hours without compensation, medications given without adequate supervision or privacy, and staff members providing laundry services for their patients on their own time and resources. And there is no relief in sight.

On the plus side, Placer County has a tuition subsidy program to encourage on-going staff training and it reimburses for professional license fees and mandatory courses. But the ASOC 2005-06 budget showed a one-third reduction in training expenditures, which was determined by a “trending” projection rather than specific identified training needs. Currently, staff members are required to complete training courses in their off duty hours. Considering that our surveys reported staff delivering uncompensated weekly overtime in excess of 30 hours, this additional expectation seems unreasonable.

## **FINDINGS:**

1. Based on responses of supervisors and our observations of conditions at Rosewood and Cypress House, Placer County is not keeping pace with the mental health service demands of its growing population.
2. Quality of Placer County Mental Health Services has been negatively affected by a lack of nurses, training and other resources. There are too many staff vacancies, and they remain open too long.
3. Rosewood and Cypress House staff members demonstrate an inspiring level of personal dedication and perseverance, performing with an admirable "can do" attitude amid difficult circumstances.
4. Filling out and filing insurance paperwork in support of benefit reimbursements is a time-consuming effort requiring a specialized expertise.

## **RECOMMENDATIONS:**

1. The Health and Human Services Department should annually solicit budget input from the staff members who **deliver** services.
2. Allocation of funds should be prioritized to delivery of services (i.e. medical and other trained professionals) before administrative functions.
3. Sufficient full and part-time staff should be hired at Rosewood and Cypress House to end the excessive amounts of employee overtime, to ensure the timely and accurate filing of health insurance forms and to assure employees' weekends free from work responsibilities.
4. Adequate washers and dryers should be purchased and maintained in working order at both facilities.
5. Rosewood and Cypress House staff should be commended and recognized for their outstanding dedication and considerable overtime in support of their patients.
6. Aggressive planning for staff recruitment is needed at the department level to take advantage of the County's relatively new policies which encourage anticipation of vacancies due to retirement and other needs. This requires effective communication of needs between management and staff personnel.

## **REQUEST FOR RESPONSE(S):**

Responses are requested from the following:

1. Director of Health & Human Services: Findings 1-3; Recommendations 1, 2, 5, 6
2. Director of Adult System of Care: Findings 1-4; Recommendations 1-6
3. Director of Personnel: Recommendations 3 and 6

# Tahoe Justice Center

## **SUMMARY:**

Placer County's law enforcement facilities in the Lake Tahoe area have been recognized to be inadequate for more than ten years. Virtually all Placer County Grand Juries over that period have commented on this deficiency. There is inadequate space at the existing Burton Creek facility to house all essential functions, and many have been dispersed to rented facilities. The rental costs plus operational inefficiencies are significant. The County Sheriff has voiced his concerns and written a memo to our panel explaining some of the serious consequences his department is forced to deal with due to inadequate facilities in this part of the county.

Within the past year, a comprehensive Site Analysis Report has been completed which recommends Burton Creek as the best location for a new Tahoe Justice Center. The 2005-2006 Placer County Grand Jury recommends that an all-inclusive Justice Center be built in eastern Placer County per the recommendation of this Site Analysis Report. We believe it will save considerable operational money by allowing an officer to arrest, book and jail suspects at one convenient location. The close proximity of related departments will encourage better interaction, eliminate inefficiencies and ultimately provide better service to the people of our county. We believe the money that would be saved and the reduced exposure to potential liabilities are overwhelming reasons to consolidate the County law enforcement services into a new all-inclusive Tahoe Justice Center.

## **BACKGROUND:**

It has been more than ten years since it was determined that the county's law enforcement facilities in Eastern Placer County (Lake Tahoe) are inadequate. The existing Burton Creek facility has been remodeled for security and safety reasons on many occasions. The various staffs and offices are spread out at many separate rented locations in the area. The county presently contracts with Nevada County to share its jail facility in Truckee. To reach this facility requires many additional travel miles and man-hours, which heightens the security and safety issues.

Virtually all of the past eleven Placer County Grand Juries have recommended major improvements, and most have recommended a new all-inclusive Justice Center facility. The 1998/99 Grand Jury stated: "the Burton Creek facility is obsolete, unsafe and marginally functional." The county responded that it was working toward a long-term solution. Two years later the Grand Jury wrote, "The 2000/01 Grand Jury believes nothing short of complete replacement can provide a level of safety and adequacy required of public buildings." The county, at that time, believed that this might happen by 2005. The 2002/03 Grand Jury noted, "the patrol division has moved to a rental facility in Carnelian Bay providing more room at Burton Creek." This Grand Jury also recommended a new facility. The County Executive Office wrote, "The County is anxious to...focus its attention on the design and construction of a new justice facility in Tahoe, which we expect to be a vast improvement over the facilities we now have."

## **METHODOLOGY:**

In its investigation, the Grand Jury did the following:

- 1) Reviewed ten past Grand Jury reports regarding law enforcement operations in the eastern part of Placer County.
- 2) Toured the Burton Creek substation at Lake Tahoe.
- 3) Interviewed facility and operational personnel involved in the day-to-day operation of the law enforcement agencies in eastern Placer County.
- 4) Interviewed responsible County agency and departmental officials, (Placer County Sheriff, County Facility Director, assistant County Executive Officer and the elected County, Tahoe district, Supervisor)
- 5) Reviewed the September 8, 2005, Site Analysis Report.

## **NARRATIVE/FACTS:**

The current sheriff's facility at Burton Creek is inadequate. The building, built in 1960, is currently used for the following:

- 1) Sheriff administration.
- 2) Jail/booking facility (weekday only, no overnight stays)
- 3) Sheriff's dispatch, investigations and records clerk offices,
- 4) Superior Court
- 5) Traffic Court,
- 6) Small Claims Court
- 7) The District Attorney's office.

None of the above department accommodations are adequate by present-day standards. Our Sheriff, Ed Bonner, has enthusiastically offered the attached memo to point out his concerns with the Tahoe substation and with the welfare of his employees working that area of the county.

Several related offices and departments are not located at Burton Creek due to lack of space. These include the following:

- 1) Sheriff patrol division (currently in rented facility in Carnelian Bay).
- 2) A 24/7 Jail/booking facility (currently split between a contract agreement with Nevada County Jail in Truckee and the main Placer County Jail in Auburn),
- 3) Separate Juvenile Jail/booking facility (currently available only in the Auburn facility),
- 4) Probation department offices (currently in rented facility in Tahoe Vista),
- 5) Office space suitable for defense attorney interviews or public defender accommodations.

These separated office locations tend to inhibit the "team approach" which is so important in law enforcement agencies.

The current necessity to disperse essential functions has financial consequences and potential liabilities including the following:

- 1) Rented Facilities – It is costly to find a location, secure a lease, remodel rented space to make secure and workable, and then to pay rent.
- 2) Personnel – Extra man-hours are required to transport prisoners for booking, jailing, court appearance, and interviews. This not only costs salary and overtime but at times results in patrol areas not covered.
- 3) Vehicle - Extra miles driven increase county vehicle wear and tear. Fuel costs, extra maintenance, and depreciation costs are also incurred.
- 4) Security, Safety and Inefficiency – Exposure to liability is increased substantially by additional miles driven to transport prisoners, meet with colleagues, rent outside offices, and having law enforcement people traveling outside secured offices to do their jobs.

Of course, the severe winter conditions at high altitude eastern Placer County magnify all these costs and liability exposures.

To address the need for a new facility, a Site Analysis Report, dated September 8, 2005, was completed by Facility Services Department architect Bill Lardner and Sheriff Capital Project's consultant Steven Reader.

This Site Analysis Report for the future Tahoe Justice Center is comprehensive and thorough. The recommended facility would include all Sheriff operations including jail and patrol divisions, the District Attorney's office, the Probation department and the Courts and their staff. The recommended site for this Justice Center is the Burton Creek location and involves moving the public works road maintenance operations to Cabin Creek. In addition, this report suggests a progression in building this project that would allow the continuation of present services with minimal inconvenience.

Ten of the last eleven Grand Juries have recommended major improvements and or full replacement of the Burton Creek facility. The reasons include security for the public, the employees and prisoners, fire safety, convenience, suitability for county departments, and the necessity for the county to operate efficiently with taxpayer money.

## **FINDINGS:**

The Placer County Grand Jury makes the following findings:

1. The Placer County law enforcement operations in Eastern Placer County are inefficient due to inadequate facilities.
2. There are direct costs in dollars and man-hours and potential financial costs due to unnecessary additional exposures that can be attributed to these inefficiencies.
3. The Grand Jury supports the Site Analysis Report, and we believe that the time has come to move the planning and construction process forward.
4. A new all inclusive Tahoe Justice Center at Burton Creek would encourage a dynamic synergy among personnel, improve efficiency, lessen liability exposure and serve the citizens of Eastern Placer County well.
5. Our County Sheriff is concerned for the residents and his employees in the Tahoe area and supports a new modern facility for his operations.

## **CONCLUSIONS:**

Regarding the inadequate law enforcement facilities at Lake Tahoe, the same key issues, which are safety, security and inefficiency, surface every year. The safety and security issues involve exposures that are dangerous and are potential liabilities to the County. The inefficiencies of overcrowding, off-site rented offices and transporting prisoners from place to place are costly and wasteful.

Now that a thoroughly researched and comprehensive September. 8, 2005 "Site Analysis Report for the Future Tahoe Justice Center" has been finished and submitted, a suitable location at Burton Creek has been determined. Studies have been completed, recommendations have been submitted, the need has been defined, and it is time for Placer County to build a new Justice Center in Lake Tahoe.

## **RECOMMENDATION:**

This Grand Jury strongly urges the County to proceed promptly with planning and construction on the all-inclusive law enforcement facility for the citizens and taxpayers of eastern Placer County and Lake Tahoe.

## **REQUEST FOR RESPONSE (S):**

Placer County Board of Supervisors  
Placer County Executive Officer

## **ATTACHMENT:**

Placer County Sheriff Memo, dated 4-19-06

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# SURVEY OF PLACER COUNTY CHARTER SCHOOLS

## **SUMMARY:**

Charter schools were first authorized under California law in 1992. The main intent of charter schools is to encourage the use of different and innovative teaching methods within a public school context. Among the approaches to charter schools are Montessori method public schools, home and independent schooling, fine arts based curricula, and intensive classical education. Charter schools are nonsectarian, funded by the state, sponsored by local school districts, and provide instruction in any of grades K through 12.

The charter school movement has not had a rapid start in Placer County. Of the 950 charter schools currently authorized by law, only five operate in Placer County and only one of those is greater than six years old. On its own initiative, this year's Grand Jury decided to conduct a survey of all Placer County Charter Schools to identify what issues, if any, warrant comment by us.

In our survey, we collected written responses to a detailed questionnaire, visited all five schools, and met twice with the County Superintendent of Schools.

We found that three of the five schools are providing an exemplary contribution to the county's educational system. The Rocklin Academy uses the nationally known Core Knowledge Sequence as its instructional foundation. The school's students have achieved extraordinary results in standardized state tests. The Maria Montessori Charter Academy has brought the renowned Montessori method into the context of free public education. Horizon Instructional Systems provides home schooling and independent schooling to nearly 3000 students thus addressing an important need.

The Grand Jury believes that it has identified a fundamental issue regarding the remaining two charter schools, The Bowman Charter School and the Newcastle Charter School. We believe, as does the County's Superintendent of Schools, that these two schools used the Charter Schools Act in an inappropriate way solely to overcome an interdistrict transfer issue with an adjacent school district, and that, in so doing, they were outside of the intent and the spirit of charter school law.

As a result of our survey, we have developed a set of Findings and Recommendations, which are presented in the corresponding sections.

## **BACKGROUND:**

Charter schools were instituted to provide parents and students greater choice in the kind of education they desire and to offer diversity in programs and school day structure. Legislation creating charter schools in California was passed in 1992, and it was the second state to allow public charter schools. The intent of the legislation was to "provide

opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school structure.” Charter school legislation was strengthened in 1998 to require increased financial oversight and to specify that charter schoolteachers of Core academic subjects must hold certification “equivalent to what other public school teachers are required to hold”. Beginning in 2005, charter schools were required to comply with state academic performance requirements.

Among the choices charter schools offer are home schooling, Montessori concept schools, fine arts based schools, Core curriculum schools, and others. Charter school law does not define a “school”. A charter school might be an existing school, a school within a school, or it might involve classrooms at a number of sites within the district.

The key purposes of a charter school are 1) encourage the use of different and innovative teaching methods; 2) provide expanded educational opportunities within the public school system without the restraints of traditional rules and structure; 3) provide schools a way to shift from rule-based performance to performance-based system of accountability; and 4) provide vigorous competition within the public school system to stimulate improvements in all public schools.

A charter school is a public school, funded by public money, and may provide instruction in any of grades K through 12. It is normally organized by a combination of teachers, parents, and community leaders, and is usually authorized by an existing local public school board.

With few exceptions, a charter school may only be located in the district that approves it. Private schools may not be converted to charter schools, and charter schools must be nonsectarian. A charter school may not discriminate against any pupil and may not charge tuition. Pupils may not be compelled to attend a charter school, nor may teachers be compelled to teach in one. A charter school must admit all pupils who wish to attend the school, except if the number of applicants exceeds capacity, a drawing or lottery must be used.

There is a legal limit of 950 charter schools for the entire state (as of the 2005-2006 fiscal year), and as of 2003-2004, there were 461 charter schools operating in California. Charters are subject to renewal every five years based on a record of adequate academic and financial performance.

A charter school must offer the same total annual instructional minutes by grade that are required by the Education Code, but there is not a specific requirement on the number of minutes per day to be offered. Charter schools are required to operate a minimum of 175 days per year. Charter schools are funded on the basis of Average Daily Attendance, as are other public schools. Charter schools are required to follow the same testing requirements as non-charter schools.

Except where specifically required, charter schools are generally exempt from California laws governing school districts. Some of the laws requiring compliance are state and federal constitutions, The California Charter Schools Act, laws that generally apply to governmental entities but not specifically to school districts, and all federal laws (such as the Americans with Disabilities Act).

In Placer County, the charter schools movement is relatively small and recent. Only four schools are chartered in the county and one chartered in Nevada County operates here. Only one of the five has been in operation longer than six years. The total student population served is approximately 700 classroom-based students and 2,900 non-classroom-based students out of a total student population of over 62,000.

All five of the schools operating in Placer County were examined by the Grand Jury.

## **METHODOLOGY:**

Several members of the Grand Jury expressed interest in knowing more about charter schools, even though no citizen complaint involving them had been received. We believed that there are many common misconceptions about charter schools, and we wanted to increase our understanding before undertaking a review of charter schools in the county.

We first invited the Superintendent of Placer County Schools to brief us, and he provided an initial knowledge base. Then, having identified that there are five charter schools with facilities in the county, we distributed a questionnaire requesting detailed information from all of them. After compiling the data, we scheduled visits to each to learn about its specific operation. We judged that three of the schools are operating correctly within the framework of California charter school law.

With two schools, however, we identified a potentially serious issue concerning their operation as charter schools. We investigated these two cases more thoroughly including a detailed joint interview of the Superintendent and Chief Business Officer of Placer County Schools. We also interviewed the Superintendent of a public school district impacted by the two charter schools in question.

A Final Report of our investigation was prepared including the Findings and Recommendations presented below.

## **NARRATIVE – Part 1:**

The narrative portion of this report is presented in two parts. In the first part, we discuss the Rocklin Academy, the Maria Montessori Charter Academy and Horizon Instructional Systems. Each of these three charter schools offers its distinctive approach to learning which the Grand Jury has examined and applauds. The second part of the narrative discusses two charter schools, the Bowman Charter School and the Newcastle Charter School, which present issues for more careful evaluation.

### **Rocklin Academy**

The Rocklin Academy was founded by Dr. David Patterson in 2001 and operates as a public charter school under the sponsorship of the Rocklin Unified School District. Dr. Patterson continues to lead the Academy as its Executive Director and he also serves on its Board of Directors.

After reviewing 19 different educational programs, Dr. Patterson adopted the Core Knowledge Sequence as the basis of the school's academic program. The Core Knowledge movement has grown out of ideas first expressed in "Cultural Literacy: What Every American Needs to Know" (1987) and "The Schools We Need and Why We Don't Have Them" (1996) both by E. D. Hirsch, Jr. professor emeritus at the University of Virginia. "To be truly literate", Professor Hirsch noted, "citizens must be able to grasp the meaning of any piece of writing addressed to the general reader." He also noted "shared background knowledge is necessary for full participation in the larger national society."

The Academy is the only public school in the greater Placer/Sacramento area to offer this nationally recognized curriculum. (Further details are available at [www.coreknowledge.org](http://www.coreknowledge.org).) The guide to the curriculum is the book "The Core Knowledge Sequence: Content Guidelines for K-8" which provides the foundation of the curriculum and presents a detailed outline of the content to be taught from kindergarten through grade eight. The Core Knowledge curriculum strives to provide deep and systematic learning in language arts, history, geography, mathematics, science and the fine arts. Music and art are prominently included in the Core Knowledge Sequence and integrated whenever possible with history and literature.

In addition to the Core Knowledge sequence, Rocklin Academy regards parental involvement and teacher excellence as critical elements of its approach. Parents are required to volunteer 30 hours per year of service per family per child. Parents are encouraged to know the Core Knowledge topics being taught in the classroom and to discuss them with their children. They are also encouraged to provide enrichment opportunities to reinforce the curriculum, such as trips to libraries, museums, music venues, and children's theaters. They are asked to keep a scrapbook of schoolwork and student achievements, and to make their children aware of the importance of his or her school life. Children have homework every night.

To promote excellence in teaching, innovative approaches are encouraged. For example, all grades have math at the same time so that children may be grouped by level of attainment rather than by grade. Common terminology is consciously used across grade levels. Enrichment opportunities such as drama class, Math Olympiad, Word Power, Geography Bee clubs, Science Adventure are provided. A science fair is sponsored annually. Faculty and administration are expected to keep abreast of new research and new teaching methodologies, and significant planning time for teachers is provided. One of the school mottoes is "Nobody gets to close a door."

The vision statement of the school gives a good overview of its approach to education:

*The vision of Rocklin Academy is to offer the greater Rocklin community a classroom based, high quality education that challenges and motivates each child to discover, strive for, and achieve his full personal potential. We believe that all children deserve a challenging and comprehensive curriculum directed toward achieving world-class standards. We further believe that family involvement and commitment are essential to each child achieving his maximum potential. Rocklin Academy seeks to serve diverse families that share some common beliefs. These families place high value on education and learning, they are families who want to*

*participate as full partners in the education of their children and are seeking a rigorous and flexible educational program.*

The school is an unqualified success. In its five years, enrollment has increased steadily from 100 to 310. Each year, the number of applicants for its kindergarten class is about three times the number that can be accepted, and a lottery is required to choose who is admitted. The school draws primarily from the local Rocklin area, with 92% of students residing within the boundaries of the Rocklin Unified School District. Rocklin Academy maintains a strong preference for Rocklin residents in its enrollment process in response to strong urging from the Rocklin Unified School District Board of Trustees. Parent surveys done annually show about 95% of respondents rating the school as good to excellent. Its charter was recently extended through 2010.

The Academy's students have achieved the highest STAR (Standardized Testing and Reporting) test scores of all public schools in Rocklin for four consecutive years. In 2005, Rocklin Academy students achieved the highest Academic Performance Index (API) score of all schools in Placer County. Rocklin Academy students scored 932 as compared to the statewide target API of 800. 73% of its students scored at the proficient or advanced level in all eleven areas tested.

There is impressive nationwide evidence that the Core Knowledge Curriculum produces positive results consistent with those at the Rocklin Academy. For example, a Johns Hopkins University study concluded, "students in Core Knowledge classrooms gained more in these subjects than their otherwise evenly matched peers by statistically significant margins. The advantages held for all pupils, across all racial and ethnic lines."

The school is not without its frustrations, largely arising from its relationship with the Board of the Rocklin Unified School District. The Academy operates grades K-6, but would much prefer to operate as a K-8 school to fully implement the Core knowledge sequence. It has been precluded from doing so because the district cannot or will not provide collocated classrooms.

Validation of the overall success of the Academy was provided in March 2005 in the form of a \$250,000 Dissemination Grant from the California State Board of Education. The purpose of this grant was to allow the Academy to promote its highly successful academic program among both charter and traditional public schools throughout California. The grant also allowed the Academy to bring teachers from other schools to Rocklin for training. This grant is thought by the Academy to be the largest ever made to a Rocklin school for educational excellence.

### **Maria Montessori Charter Academy**

Maria Montessori (1870 – 1952), creator of the Montessori method, was an Italian educator and the first female graduate in medicine from the University of Rome. The Montessori method assumes that children learn best by interacting with concrete materials and by being respected as individuals. The teacher's role is primarily in organizing materials and establishing a general classroom culture. Most activities are individual, though the children interact in groups in some activities.

According to "Montessori in Perspective" (1966), the basic Montessori concepts are: 1) the teacher must pay attention to the child, rather than the child paying attention to the teacher. 2) The child proceeds at his own pace in an environment controlled to provide means of learning. 3) Imaginative teaching materials are the heart of the process. 4) Each of them is self-correcting, thus enabling the child to proceed at his own pace and see his own mistakes. A frequent impression of a Montessori classroom is one of "controlled chaos" because each child works quietly at his private encounter with whatever learning task he or she chose at that moment.

Montessori Schools first became popular in the United States in the early 1960's, and have remained so ever since. Prior to the charter school concept, however, virtually all Montessori Schools were private with corresponding tuition charges rendering them available only to those with the means to pay.

The Maria Montessori Charter Academy (MMCA) was founded in 2000 by a group of parents who wanted to have a Montessori education available for all children, not just those who could afford a private school. Although the school operates in seven classrooms at two sites in Rocklin, its sponsoring district is Twin Ridges (Nevada County) and the Twin Ridges Board of Trustees governs it.

Now in its sixth year, the school operates grades K through 8, and its enrollment has grown from 120 in 2002 to 175 currently. 95 of the 175 students come from outside the Rocklin District, and there are students from 12 districts in total. Admissions priorities are 1) existing student; 2) sibling of existing student; 3) children of staff member; and 4) Rocklin residents. MMCA began incorporating a preference for Rocklin residents two years ago when it first received classroom facilities from Rocklin Unified School District.

It employs 13 teachers with a student/teacher ratio of about 14 to 1. There are 15 to 20 special needs students. MMCA trains its teachers in the Montessori philosophy including paying for Montessori training, graduate coursework, conferences, etc.

The school attempts to take what it regards as the best aspects of the private Montessori philosophy and methodology and incorporates them within the accountability and framework of California State Standards. Among its attributes, MMCA has multi-age classrooms, multiple teachers per classroom, small group based instruction, ability grouping for Core subject areas, and hands-on learning based manipulative. It regards its program as beneficial for children who are a little bit behind academically but are motivated to get caught up, accelerated students who are easily bored by traditional public school structure, and students who are more self-guided.

Each student has an individualized work plan including ability-based placement for language, arts, and mathematics. Plans are organized weekly by day and include 8-12 jobs on a given day. Using hands-on learning-based manipulatives, activities tend to be research and project-based, and students are allowed to explore a subject area in more depth than is allowed within a traditional public school schedule.

The Montessori philosophy is that a child has an innate desire to learn and produce purposeful, meaningful work. The goals of a Montessori education include stimulating the child's innate love of learning; providing a nurturing, cooperative learning environment; incorporating all the senses in the learning experience; considering the whole child; and encouraging respect for self, others, the environment, and all life.

The attributes the school strives to develop within its students include academic excellence, moral character, conflict resolution skills, visionary leadership, artistic expression, practical accomplishments, compassion and service to others, and exceptional courtesy and manners.

A noteworthy accomplishment of the school is that it is one of 26 schools statewide selected to participate in the Charter Schools Facility Program. It will receive a \$6.5M facility grant, which will enable it to build its own facility. This will overcome what it regards as its most significant problem. MMCA was the only school in California north of Sacramento to receive such a grant.

The school's Strategic Plan for 2004/2005 cited as its strengths: Team teaching, free Montessori education for all children, hard working staff, large amount of parent involvement, ideas shared among staff, parents willing to travel distance to bring kids here, and community care within school community. Its self-perceived weaknesses included lack of funding, no free extracurricular activities for kids, facilities not meeting growth needs, small playground, and not enough teacher training.

The school is popular enough that it consciously maintains a very passive stance with regards to student recruitment, essentially to demonstrate that it is not a threat in any way to the local public schools. Even so, it believes that its host district regards it as competition rather than as a complementary choice. It is usually oversubscribed on the lower grade levels, and conducts lotteries to select students. It has established relationships with all the Western Placer County/ Eastern Sacramento County Montessori preschools that frequently refer students. Its annual parent survey shows a high level of satisfaction with average ratings of high 4's on a scale of 1-5. There is a dedicated, connected parent community. For the 2003-2004 school year, families averaged well over 40 hours per family in volunteer time.

### **Horizon Instructional Systems**

Horizon Instructional Systems (HIS) is a public charter school founded in 1993 primarily to respond to the demand for home and independent study. HIS is a K – 12 school whose motto is "Quality education through personalized learning". Recently the school achieved a full 6-year accreditation from WASC (Western Association of Schools and Colleges). With headquarters in Lincoln, its chartering school district is the Western Placer Unified School District. The Placer County Office of Education also provides oversight and support in financial and accounting systems.

Current enrollment is 2915, and 92% of its students reside outside Western Placer County, from Tahoe to Galt. All Horizon students are "non-classroom based". The vast majority is home-schooled or independent study. Home school students require less student involvement with HIS teachers since parents take on the responsibility to deliver instruction. Independent study students tend to be "at risk" high school students who need more support by credentialed teachers. HIS provides a place for children who don't want public schools. HIS provides an additional avenue for students who have not been successful in or adequately served by the traditional public school system. One of its goals is to help these students find success at HIS culminating in their graduation with a high school diploma. Student turnover rate is high, perhaps 30% per year.

HIS uses an individual approach to every student's education. Each student is assessed in the areas of reading/language arts and mathematics in an initial meeting. Parents (and student when appropriate) discuss their educational goals and future plans with an Intake Facilitator. These are further refined with a credentialed teacher during the collaborative development of a Personalized Learning Plan for each student. The teacher works with the student and family to implement, monitor, and adjust each individual plan throughout the school year. Progress towards student goals is assessed at least monthly through work sample analysis, performance assessment, and curriculum-based measurement. Annual assessment takes place via participation in the state mandated testing program. Assessment results are reviewed with the parents and students and incorporated into a Personalized Learning Plan which directs further educational activities.

Parents choose to enroll their children in HIS for a variety of reasons. Many choose to home school their children arising from specific family values. However, HIS does not participate in religious instruction. Other students enroll because they have not been successful in the traditional public school. Some have been expelled or bullied, failed classes or are chronically truant. Others are teen parents who work full time and need flexibility in their school schedule. One student is a professional snow-boarder. Some parents believe their students have not been adequately challenged in the traditional school setting and want more input into the educational process.

The school provides training for parents who choose to take on the responsibility of home schooling and train in specific areas such as reading and math. The commitment required is emphasized. HIS students and their families must commit to an independent study program that leads to mastery of the California academic content standards. Teachers work closely with parents to determine which instructional methodologies are promoting academic achievement and refine strategies as appropriate. Teachers also review the home-schooled student's work so they know if parents are succeeding or not, and daily attendance can be penalized by unsatisfactory progress. Attendance averages 94-95% which is a little below usual classroom based schools.

HIS provides access to a variety of multimedia and distance learning opportunities. Many HIS students, both advanced and at-risk, flourish in a self-paced, multimedia setting. Videoconferencing and web-based online interactive courses provide opportunities for HIS students to communicate across the country with national experts. English language learners access individualized self-paced language development instruction via computer-based programs. Some take University of California courses on line for Advanced Placement credit.

The school employs 295 credentialed teachers, some who work part time. Annual turnover among the teaching staff is about seven per cent. Teachers work from their home offices and tend to build strong relationships with students and families since instruction and planning is so individualized. There are monthly teachers meetings.

Professional development is provided monthly to all teachers through small, informal staff meetings. These meetings address procedural matters as well as analysis of student work, exploration of new instructional materials, and best practices in collaborative consultation. Teachers who work with high-risk students and English learners meet to discuss individual cases, develop and refine specialized curriculum, and mutually support each other. The Training and Staff Development Department offers formal professional

development opportunities throughout the school year, and teachers are encouraged and provided fiscal support to attend professional conferences and workshops as appropriate.

Although it is primarily oriented toward home schooling and independent study, HIS offers several small group study programs. These include the Lincoln Montessori Community Cooperative for grades K-7; Sacramento Valley Technical High School (career classes); Small Group Instruction (SGI) classes; UC College Preparatory (UCCP) online classes; contract learning opportunities; virtual field trips; and remediation classes for students who have not passed the California High School Exit Exam. HIS also offers a variety of elective courses not always available in traditional public schools, such as Lego engineering, Chinese language instruction, and a variety of music classes. The school has learning centers in Roseville and Auburn.

The school has emphasized participation in the STAR program, and 88% of HIS students participated in the 2004-2005 STAR testing. All tests are administered according to standardized procedures and protocol by trained HIS staff and test proctors. Its students achieved a statewide STAR rank of 4 out of 10 and a ranking of 9 of 10 compared to similar schools.

## **NARRATIVE – Part 2:**

### **Bowman Charter School Newcastle Charter School**

The remaining two charter schools operating in Placer County are the Bowman Charter School (operated by the Ackerman School District) and the Newcastle Charter School (operated by the Newcastle Elementary School District). Both districts are single-school districts. These charter schools may be discussed in parallel because of the similarity of their concepts and the underlying reasons for their existence. Both were formed in 2005, and began operation at the beginning of the 2005-2006 school year.

An understanding of these two schools first requires discussion of the Auburn Union School District, which borders the Ackerman District on the south and the Newcastle District on the north. Auburn operates five schools, including four elementary schools (K-5) and a middle school (grades 6-8). In the thirteen-year period from 1983 to 1996, Auburn Union experienced consistent student population growth, moving from 1,991 in 1983 to 3,070 in 1996 (a total growth of 54%). A new elementary school, Auburn Elementary, was opened in 1996.

However, then the tide of growth reversed and became declining. Since the peak in 1996, student population has steadily retreated, falling to 2,450 in 2006, for a net loss of 620 students or 20% of the population. This decline occurred for a variety of reasons. First, as real estate values escalated in the Auburn area and as it became a popular destination for San Francisco Bay and Los Angeles Basin retirees, the number of homes with elementary school aged children decreased. Second, the number of parents wishing to home-school their children increased. Third, some parents found the adjacent districts to be more attractive as places to educate their children.

A significantly diminished student population is a severe problem to any school district. A primary reason is that public schools are funded by the state of California in proportion to Average Daily Attendance (ADA), with each equivalent full time student currently

funded at the rate of approximately \$5,000 annually. Thus, Auburn's loss of 620 students in total corresponds to diminished funding of over \$3M. This can be seen to be a significant proportion of the District's total operating budget for 2005-2006, which is \$16M.

Shortfalls of this magnitude would present a large problem to any district, since overhead and administrative costs become out of proportion, valuable programs and facilities must be eliminated, and teacher layoffs must be made. Auburn Union's financial problems were further compounded by \$700K in legal fees arising from the successful defense of two special needs students' cases. The resulting cuts were draconian and included paring administrative staff to bare minimums, laying-off teachers, eliminating programs such as the fifth grade band, and perhaps most notably, closing its school libraries.

Even with cuts such as these, the district fell out of financial compliance with state reserve requirements, and control of district finances was assumed by the state's Fiscal Crisis Management Team (FCMAT), which oversaw the elimination of an additional \$1M from Auburn Union's budget.

This situation further exacerbated the tendency of district residents to seek to transfer out of the district. Also, many parents came to favor the K-8 small school environments at Bowman and Newcastle schools over the middle school approach of Auburn.

This overall situation prompted the district to tighten up its interdistrict transfer rules in February 2005. It adopted an interdistrict policy which identified eleven circumstances under which incoming students would be accepted but only five in which they would be permitted to leave. For example, keeping siblings together was not a reason to allow a transfer out. Also, valid interest in a particular educational program in another district was excluded as a reason to permit transfer.

Had this change in policy by Auburn been fully implemented, the effects on the two adjacent districts would have been immediate and catastrophic to their finances. The Ackerman District, for example, would have immediately lost about 1/3 of its students. In response, both districts adopted the same counter strategy at almost the same time, and that was to form charter "schools within a school". The overwhelming virtue of this plan, from their perspective, was that under California Charter School Law, students may enroll in charter schools independent of otherwise governing interdistrict transfer policies. Thus, petitions to form charter schools were prepared, and state approval was gained in time for charter school operation to begin in September 2005.

The Grand Jury reviewed the charters of both the Bowman Charter School and the Newcastle Charter School. Both charters are perfectly transparent as to their basic objective. From the Newcastle Charter, page 4:

*"The Charter School's objective is to provide a vehicle for the delivery of the Newcastle Elementary School District's academically rigorous and challenging educational experiences to students whose families have chosen to educate their children outside of their local traditional public schools and districts."*

And from the Bowman Charter, page 4:

*“This charter school’s objective is to provide a vehicle for the delivery of rigorous, challenging educational experiences for students whose families have chosen to educate their children outside of their local traditional public school.”*

The similarity of this language is striking. Each charter then proceeds to describe the existing program of the corresponding school, and to make clear that charter students will not be distinguishable from other students at the corresponding school, and that, in fact, charter and non-charter students may routinely be co-mingled in the same classroom.

The obvious issue is whether or not such a charter school, defined only in terms of its objective to enable interdistrict transfers without interference from a student’s district of residence, complies with the spirit and the letter of California Charter School Law.

This Grand Jury believes, as does the Placer County Superintendent of Schools, that it does not. The Superintendent brought this matter to the attention of the California Department of Education (CDE) within a few days of the beginning of operation of these so-called charter schools. In a letter dated September 19, 2005, he stated:

*“I cannot see how the co-mingling of charter and district students in this fashion meets the spirit and intent of charter law. I also question how a district can apply for a charter program and then treat students no different than any other student enrolled in the school. Moreover, I firmly believe that this is a misuse of the charter legislation solely for the purpose of allowing students to enroll without interdistrict agreements.”*

He went on to state that:

*“While I am very concerned with the status of the two districts in Placer County, I believe this is an issue that has broad implications statewide and I am therefore urging that prompt action be taken by your office to determine the legality and possible financial implications of this practice. .... I am fearful that these districts could face severe fiscal penalties now or in the future which could bankrupt the district should these practices result in loss of funding for charter or district students.”*

The Superintendent renewed his request for CDE to provide guidance in a second letter dated November 1, 2005 which, to date, has not been acted upon. On January 13, 2006, he received an opinion from Fiscal Crisis Management Team (FCMAT) that “the practice of wholesale co-mingling of students appears to violate the legislative intent behind the Charter Schools Act of 1992.” On January 18, 2006, he obtained a legal opinion from the law firm of Girard, Vinson, and Trujillo, which confirmed, “The practice of co-mingling charter and district students is not within the guidelines of the Charter Schools Act”. He took the action on January 19, 2006 of declining to certify the attendance for the two charter schools. Finally, on April 6, 2006, the Placer County Office of Education entered into a contract with FCMAT to conduct a review of the Newcastle Charter School including to “verify if any questionable practices in the past or at the present time are taking place that could be considered fraudulent.”

In summary, the CDE has not yet proffered an opinion of the legality of the practice of co-mingling of students in the Bowman and Newcastle Charter Schools, and the Grand Jury cannot project itself as an expert with regard to the eventual outcome on the issue.

However, looking beyond the narrow question of co-mingling, the Grand Jury does wish to express the view that validating the concept of allowing districts to form charter schools for the principal objective of avoiding interdistrict transfer rules has the potential to make a mockery of the charter school concept. Surely this is in basic conflict with the intent of the Charter Law “to establish and maintain schools that operate independently from the existing school district structure”. There is simply no comparison between the incremental value of the alternative approaches offered by the Rocklin Academy, the Maria Montessori Charter Academy, Horizon Instructional Systems and the approaches of the Bowman and Newcastle Charter Schools.

There are three underlying issues in this case, having nothing whatever to do with charter schools, that are most relevant here. They are 1) the existence of too many small, fragmented, independent school districts in Placer County; 2) the desire to foster competition among schools and educational concepts; and 3) the need for maximum freedom of choice for parents and students. These all are worthy of note by the Grand Jury, but we must acknowledge that they are too complex for us to offer simple solutions.

Virtually everyone we interviewed answered the question “are there too many school districts in this area” affirmatively. They also went on to say that they know of no effective solutions. Strong local control of schools is a firmly established tradition. Many schools and districts have strong emotional links to families educated there for many generations. There are no legal mechanisms to encourage or enforce consolidation of districts, which are losing students or have otherwise become too small to operate efficiently. Asking a School Board to go out of business is a tall order.

Also, nearly everyone agrees that competition among schools is beneficial in stimulating change and improvement, and that, to the greatest degree possible, parents should have freedom of choice among available schools and educational approaches. However, the Grand Jury firmly believes that the creation of phantom charter schools must not be used as a surrogate to addressing the underlying issues of diminishing student population in an area where there are too many fragmented school districts struggling to survive.

## **FINDINGS:**

Based on the facts of its survey of Placer County charter schools, the Placer County Grand Jury makes the following findings:

1. The accomplishments of the Rocklin Academy, the Maria Montessori Charter Academy, and Horizon Instructional Systems validate the value of the charter school concept in providing parents and students with alternative approaches to education.
2. The demonstrated academic attainments of the students of the Rocklin Academy are exceptional. Its focus on achieving world-class performance utilizing the Core Knowledge Sequence Curriculum is particularly worthy of note.
3. The Montessori method has been a legitimate choice for parents in the United States for over forty years. The Maria Montessori Charter Academy is making the contribution of providing this method to students in a public school context.
4. Especially in Placer County and adjacent counties, many parents prefer to home school their children arising from family values perspectives. The Horizon Instructional Systems is thus fulfilling a significant need.
5. The adoption of charters by the Newcastle Elementary School District and the Ackerman Elementary School District was a transparent attempt to exploit the Charter Schools Act to achieve a purpose for which it was not intended, namely to allow unrestricted interdistrict transfers.
6. The Superintendent of Schools of Placer County recognized the illegitimacy of the Bowman and Newcastle Charter Schools, and attempted unsuccessfully to gain California Department of Education attention to the matter virtually as soon as these charters began to operate.
7. The Newcastle and Ackerman Districts felt forced to adopt charters arising from a restrictive interdistrict transfer policy adopted in February 2005 by the Auburn Union School District.

## **RECOMMENDATIONS:**

The Placer County Grand Jury extends its thanks and appreciation to the founders and faculties of the Rocklin Academy, the Maria Montessori Charter Academy, and the Horizon Instructional Systems. Each is offering parents and students in the County a valuable alternative source of education in the best spirit of the intent of the 1992 Charter Schools Act. We have no recommendations regarding the operations of these schools.

The Placer County Grand Jury recommends that:

1. The Board of the Rocklin Unified School district should consider, as its priorities permit, assisting the Rocklin Academy in reaching its goal of offering a K-8 Core Knowledge Sequence Curriculum in a single location.
2. The Superintendent of Schools of Placer County should consider taking specific note of the level of academic attainment being accomplished at the Rocklin Academy and should consider encouraging other districts as appropriate to evaluate the Core Knowledge Sequence. It would perhaps be appropriate to distribute the monograph, "Filling the Void, Lessons from Core Knowledge Schools" to every county school board and also a referral to the website [www.coreknowledge.org](http://www.coreknowledge.org) for further information on the Core Knowledge Sequence.
3. The Superintendent of Schools of Placer County should persist in his attempt to obtain a ruling from CDE concerning the legality of student co-mingling at the Bowman Charter School and the Newcastle Charter School. He is to be congratulated for his persistence to date in the face of inexplicable delays in response from CDE.
4. The Board of the Ackerman School District should consider vacating the charter of the Bowman Charter School at the earliest practicable time. Other, more legitimate, means should be sought to make the school available to out of district parents who wish to educate their children there.
5. The Board of the Newcastle Elementary School District should consider vacating the charter of the Newcastle Charter School at the earliest practicable time. Other, more legitimate, means should be sought to make the school available to out of district parents who wish to educate their children there.
6. The Board of the Auburn Union School District should consider that a restrictive interdistrict transfer policy is an ineffective long-term solution to addressing its problem of declining enrollment. It should consider modifying its policy at the earliest practicable time to be less restrictive.

**REQUEST FOR RESPONSES:**

The Grand Jury requests responses to its Findings and Recommendations as follows:

Superintendent of Schools:

Findings 5, 6, and 7 and Recommendations 2, 3, 4, 5, and 6

Board of the Newcastle Elementary School District:

Findings 5 and 7 and Recommendations 5 and 6

Board of the Ackerman Elementary School District:

Findings 5 and 7 and Recommendations 4 and 6

Board of the Auburn Union School District:

Findings 5 and 7 and Recommendation 6

Board of Rocklin Unified School District:

Recommendation 1

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## **NOTE TO 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 printed below.

Each Respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel prior to responding.

For the assistance of all Respondents, Sections 933.05 of the California Penal Code is summarized as follows:

The responding person or entity must respond in one of two ways:

1. That you agree with the findings.
2. That you disagree 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 for the disagreement.

### **HOW TO REPORT ACTION IN RESPONSE TO RECOMMENDATIONS**

Recommendations by the Grand Jury require action. The responding person or entity must report action on all recommendations in one of four ways:

1. The recommendation has been implemented, with a summary of the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. If a person or entity reports in this manner, the law requires a detailed explanation of the analysis or study must be submitted to the officer, director, or governing body of the agency being investigated.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

### **BUDGETARY or PERSONNEL RECOMMENDATIONS**

If either a finding or recommendation deals with budgetary or personnel matters of a County department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond if the Grand Jury so requests. While the Board of Supervisors' response is somewhat limited, the response by the department head must address all aspects of the findings and recommendations.

### **APPEARANCE BEFORE THE GRAND JURY**

Prior to the publication or release of Grand Jury findings, the Grand Jury may request a personal appearance by the person or entity to discuss the proposed findings.

**ADVANCE RELEASE OF GRAND JURY REPORT DISCLOSURE  
PROHIBITED  
PRIOR TO PUBLIC RELEASE**

Two working days prior to release of the Final Report, the Grand Jury will provide a copy of the portion of the report to all affected agencies or persons. No officer, agency, department, or governing body of a public agency shall disclose the contents of the report prior to its release.

**TIME TO RESPOND, WHERE AND TO WHOM TO RESPOND**

Section 933.(c), Penal Code, depending on the type of Respondent, provides for two different response times and to whom you must respond:

1. Public Agency: The governing body of any public agency must respond within ninety (90) days. The response must be addressed to the Presiding Judge of the Superior Court.
2. Elective Office or Agency Head: All elected officers or heads of agencies who are required to respond must do so within sixty (60) days, to the Presiding Judge of the Superior Court, with an information copy provided to the Board of Supervisors.

The Presiding Judge of the Placer County Superior Court system is:

The Honorable Frances Kearney  
Presiding Judge of the Superior Court  
County of Placer  
11546 B Avenue  
Auburn, CA 95603

Also, please send your responses in the form of an **original hard copy** as well as **digital copy on compact disk** to the Placer County Grand Jury, addressed as follows:

Placer County Grand Jury  
11490 C Avenue  
Auburn, CA 95603

**CALIFORNIA PENAL CODE  
SECTION 933.05**

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

1. The Respondent agrees with the finding.
  2. The Respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- b. For purposes of subdivision (b) of Section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following actions:
- i. The recommendation has been implemented, with a summary regarding the implemented action.
  - ii. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - iii. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame 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 time frame shall not exceed six months from the date of publication of the grand jury report.
  - iv. 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 addressed 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 of 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 that 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.

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 (2) 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.