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Function of the Grand Jury

The Grand Jury, as mandated by the California Constitution, is part of the Judicial Branch and an arm of the Court. The Civil Grand Jury has two responsibilities: to act as a civil watchdog conducting investigations and to answer citizen complaints.

The Grand Jury investigates city and county government, as well as special districts, to ensure the interests of Amador County citizens are being served. County government procedures, methods and systems are reviewed and evaluated to determine if more efficient and economical programs might be employed.

The Grand Jury issues final reports on county government operations. The reports describe problems encountered and make recommendations for solutions. The County board of Supervisors and/or the affected agencies or districts must comment on these recommendations.

The Grand Jury is also authorized to:

- Inspect and audit county books, ensuring that public funds are properly and legally accounted for.
- Investigate and report on the performances of special districts or commissions.
- Evaluate conditions of jails and detention centers within the county.
- Investigate charges of willful misconduct by public officials or employees.
- Investigate and report on “questionable business practices” of such agencies.

As part of the civil function, the Grand Jury receives letters from citizens alleging mistreatment by officials, suspicions of misconduct or government inefficiencies. While keeping the complaints confidential, they are acknowledged and investigated for their validity. If needed, a recommendation for corrective action can be made under the Grand Jury’s jurisdiction.



CHAMBERS OF
DAVID S. RICHMOND
JUDGE

Superior Court of the State of California
County of Amador

108 COURT STREET
JACKSON, CA 95642-2396
(209) 223-6477

May 27, 2004

Timothy Jelsch, Foreman
Amador County Grand Jury
6155 Old Sacramento Road
Plymouth, CA 95669

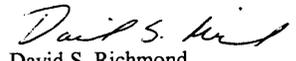
Dear Mr. Jelsch and Members of the 2003-2004 Grand Jury:

The Court thanks you for the time and effort put into your preparation of this year's report. It is gratifying to see you rise to the challenge and produce an excellent, thoughtful document.

The Court knows this has been a rewarding yet demanding experience on your part. The Court and all Amador County citizens are appreciative for the insight and expertise shown by your report. Your participation and willingness to serve in our justice system strengthens it and makes it better.

Thank you again for all your hard work, demonstrated professionalism and dedication.

Sincerely,


David S. Richmond
Judge, Amador Superior Court
County of Amador

DSR/cp

GRAND JURY

P. O. BOX 249 • JACKSON, CA 95642



The Honorable David Richmond, Presiding Judge
Amador County Superior Court
108 Court St.
Jackson, CA 95642

Dear Judge Richmond,

The Amador County Grand Jury presents its Final Report for the 2003/2004 term

It has been a pleasure to serve Amador County in the capacity of grand juror. We found numerous areas worthy of investigation largely due to citizen complaints concerning the actions of local governments. Many of these concerns focus on the growth within the County. From the Plymouth Indian Casino proposal to the City of Jackson low cost housing development and River Pines water and sewer issues, citizens expressed their concerns with these growth-related projects and the impacts they will have on current residents. The other major area of concern for this jury is the loss of funding to support existing services and prepare for future developments. Therefore we investigated ways of utilizing current funding to combine services of local law enforcement agencies to conserve dwindling resources. Our report on the new court facilities and the Arroyo Ditch also reflects the need to utilize public resources effectively.

As required by the California Penal Code, the Grand Jury visited all detention facilities located within the county. For those of us who had no acquaintance with these facilities, it was an eye-opening experience. We were impressed with the professionalism shown at each facility and the security measures taken to protect both inmates and the public. Most disappointing was the fact that the community service once performed by these organizations will no longer be available again, due to budget constraints.

Our year of service during Amador County's Sesquicentennial has been informative and rewarding. We've been impressed with the wide range of talented individuals required to respond to our numerous requests. They have shown themselves to be skilled, honest and professional. As a result, the Grand Jury has had a positive experience and developed new perspective and respect for the challenging duties our public employees perform.

The jury members you selected proved to be highly competent and enthusiastic in completing their various investigations and other responsibilities. The combination of everyone's efforts in completing these tasks is reflected in this report. It has been my pleasure to serve as their foreman.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Jelsch", is written over a horizontal line. The signature is fluid and cursive.

Timothy Jelsch
Foreman
Amador County Grand Jury

2003-2004 Amador County Grand Jury

**Edna Tulle Baker
Ingrid Barnes
Darlene Bingham
Iris Brayton
Annette Conway
Bernard Corner
David Cranfield
Dave Herspring
Timothy Jelsch
Robert Knudson
Lina Marohl
Jessie M. McBride
Theresa McClurkin-Evans
Betty Miller
Helen Stanley
Edith Sutherland
Sally Upchurch-Hopkins
Eva Lee Wuoltee**

* Several members were unable to finish their term.

Acknowledgments

The tasks performed by the 2003-2004 Grand Jury could not have been completed without the help and support of numerous individuals throughout the county. We wish to thank the following individuals for their assistance and support: Judge David Richmond, Peggy Crain and Kristine Price; John Hahn, County Counsel; Todd Riebe, District Attorney; Vernon Pierson, Chief Assistant District Attorney, and John D'Agostini, District Attorney Investigator.

The Grand Jury would also like to thank the County Board of Supervisors for their assistance on numerous occasions as well as the County Administrator Patrick Blacklock for patiently answering our many questions. Sheriff Mike Prizmich and Under-Sheriff Karl Knoblauch were most helpful in providing information needed by the Grand Jury members.

The Amador County Unified School District was friendly and very cooperative in facilitating the Grand Jury's follow up to the previous Grand Jury report. We would like to thank Mike Carey, Superintendent of Amador County Unified School District; Dale Muchmore, Director of Transportation; and Matt Sherwood, Director of Facilities and Operations for their help.

The Grand Jury was assisted in securing meeting facilities by Jon Hopkins, Deputy Director of General Services Administration; Trevor Mottishaw from the General Services Administration; Carolyn Scalabrino, Administrative Secretary of the Department of Agriculture/Weights and Measures; and Sherri Elliott, Office Manager, Amador County Fair.

Finally, we would like to extend our gratitude to the Amador County Sesquicentennial Committee for graciously allowing us the use of their logo.

Notice to Respondents

Response Requirements:

Effective January 1, 1997, there was an extensive change in the law affecting respondents and responses to Grand Jury findings and recommendations. The legal requirements are contained in California Penal Code, Section 933.05. Each Respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel before responding.

How to Respond to Findings:

For the assistance of all Respondents, Penal Code Section 933.05 is summarized as follows: The responding person or entity must respond in one of two (2) ways:

- That you agree with the finding.
- 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 (4) ways:

- The recommendation has been implemented, with a summary of the implemented action.
- The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- 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 and timeframe not to exceed six months. In this event, the analysis or study must be submitted to the officer, director or governing body of the agency being investigated.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Amador County Law Enforcement

Introduction

The 2003-2004 Grand Jury elected to review law enforcement in Amador County pursuant to California Penal Code 925(a).

Background

The Grand Jury recognizes the local police agencies' role in promoting civic pride and providing unique identities to the cities of Amador County. However, budget constraints, prior Grand Juries' interest and current concerns led the 2003-2004 Grand Jury to consider combining city and county law enforcement agencies into one county-wide organization. This will eliminate the duplication of services and better manage public funds.

Currently, police departments account for the greatest portion of the budget for those cities that maintain a police force (Jackson, Ione, and Sutter Creek). Plymouth and Amador City, along with the unincorporated areas of Amador County, utilize the Sheriff's Office for their law enforcement needs. The Sheriff's Office has begun shifting costs previously absorbed by its department to the individual cities. This further burdens the cities' already dwindling financial resources. The 2004-2005 State Budget is further reducing funds for local government.

The following report summarizes the various police functions which, if combined, could represent significant savings to the cities that currently maintain individual police forces.

Method of Evaluation

The Grand Jury conducted interviews, reviewed documents, attended Board of Supervisors meetings, and City Council meetings of Jackson, Ione, and Sutter Creek.

Persons Interviewed

District Attorney
Sheriff
Under-Sheriff
City Managers
Chiefs of Police of Jackson, Ione, and Sutter Creek
Police Officers
Retired peace officers from other jurisdictions
Mayors of Jackson, Ione, and Sutter Creek
City Council members from Jackson, Ione, and Sutter Creek.
Merchants
Citizens

Documents Reviewed

City and county budgets
City and county organizational charts
Board of Supervisors meeting minutes
City Council meeting minutes
Previous Grand Jury reports and notes
Web sites for Amador County and the cities of Jackson, Ione, and Sutter Creek

Statistics and Demographics

See accompanying chart

Crime Investigations

Fact:

- Police Chiefs of Jackson, Ione, and Sutter Creek report a relatively low crime rate in the County.
- Some city police officers lack experience in crime investigations.

Findings:

- Inconsistencies in crime investigations hinder the prosecution process.
- It is necessary for the County District Attorney's office to utilize its own investigators.

Recommendations

- Coordinate/share investigative personnel to capitalize on the expertise of the more experienced staff county-wide.
- Staff with more experience in crime investigations should train and mentor the staff with less experience.

Sheriff Dispatch

Facts:

- During normal business hours Monday through Friday, citizens of Jackson, Ione, and Sutter Creek can call their own police departments directly. After hours, all calls to the various police departments are automatically routed to Sheriff Dispatch.
- When Sheriff Dispatch sends a city police officer on a call, they additionally send a Sheriff's deputy as backup because cities frequently have only one police officer on duty.

Finding:

- A duplication of services exists.

Recommendations:

- For all non-emergency requests for law enforcement services call the Amador County Sheriff's Office.
- Utilize 911 for all emergency calls.

Narcotics Officers

Fact:

- The Narcotics Task Force consists of two deputies from the Sheriff's Office and one Ione police officer.

Finding:

- There is inconsistent city participation in the Narcotics Task Force.

Recommendations:

- Increase the number of qualified officers assigned to the Narcotics Task Force.
- Sutter Creek and Jackson should participate equitably in the Narcotics Task Force.
- Train existing officers for additional Narcotics Task Force coverage for the County.

Shared Services

Fact:

- Crime investigations, dispatching services, the Narcotics Task Force, and the School Resource Officer are law enforcement functions that are currently shared and consolidated on a county level.

Finding:

- Shared services are beneficial to all county residents.

Recommendation:

- Combine local police departments with the County Sheriff to utilize shared services efficiently.

Vehicle Maintenance

Facts:

- The cities contract with different garages for the maintenance and repair of law enforcement vehicles.
- The County Corporation Yard has the appropriate staff and facilities to service additional law enforcement vehicles.

Finding:

- Potential cost savings are available by using the County Corporation Yard for the purpose of law enforcement vehicle maintenance and repair.

Recommendation:

- Standardize the maintenance and repair of law enforcement vehicles by using the County Corporation Yard.

Fuel

Facts:

- Sutter Creek and Jackson purchase fuel from the County.
- Ione purchases fuel from a private source.

Finding:

- The price paid for fuel varies.

Recommendation:

- Contracts should be made for fuel purchases through the County Corporation Yard.

Equipment/Vehicle Purchase

Facts:

- Equipment such as light bars, computers, push bumpers, cages, plastic back seats, and vehicles are procured individually by each city.
- Researching, locating, and purchasing of equipment and vehicles are done by each city individually.

Findings:

- Purchasing power would be enhanced by buying equipment in bulk and vehicles at fleet prices.
- Equipment and vehicle purchases are duplicated by each city.

Recommendations:

- Evaluate equipment and vehicular needs on a county-wide basis.
- Centralize equipment and vehicular purchases to take advantage of bulk and fleet pricing.
- Purchase necessary equipment and vehicles according to the County's needs.

Law Enforcement Motor Pool

Facts:

- No more than two officers are on duty at any given time in each city.
- Each city has 6-12 law enforcement vehicles available.

Findings:

- The number of law enforcement vehicles available to each city exceeds its need.
- Combining law enforcement into one county-wide agency would reduce the number of excess vehicles.
- Eliminating excess law enforcement vehicles would reduce maintenance and fuel costs.

Recommendations:

- Establish a law enforcement motor pool based on county-wide needs.
- Evaluate law enforcement vehicle needs on a county-wide basis and make appropriate vehicular reductions in each city.

Grant Applications

Facts:

- Grants are an integral part of county and city law enforcement funding.
- The County and each city apply for law enforcement grants individually.

Finding:

- Cities and the County are in competition for law enforcement grants.

Recommendations:

- Cities and the County need to work cooperatively to apply for law enforcement grants.
- Designate one qualified person to apply for law enforcement grants for Amador County.
- Share law enforcement grant proceeds equitably.

Training**Facts:**

- The State of California mandates recurrent training for police officers and deputies.
- Specialized training is available to police officers and deputies.

Findings:

- Local police coverage is impacted when officers and deputies attend training.
- Coverage for absences due to training is paid on overtime or other compensatory basis.
- Reserve officers are not readily available to fill absences created by training.

Recommendation:

- Organize the law enforcement training schedule on a county-wide basis so adequate and cost-effective police coverage always exists.

Promotions**Fact:**

- Law enforcement promotional opportunities within the cities are limited.

Finding:

- The relatively small size of each city's law enforcement department limits promotional opportunities.

Recommendation:

- Combine law enforcement agencies to provide greater promotional opportunities at the County level.

City Police Office Hours**Fact:**

- City police stations are closed evenings, weekends and holidays.

Finding:

- Access to city police offices by either walk-in or telephone is not always available.
- Access to the Sheriff's Office during evenings, weekends, and holidays is available.

Recommendations:

- Utilize the Sheriff's Office for police access.

City Manager/Police Chief

Fact:

- The dual roles of City Manager and Police Chief in Ione and Sutter Creek are filled by one individual in each city.

Finding:

- A potential conflict of interest exists when the responsibilities and accountabilities of the Chief of Police and the City Manager are filled by the same individual, for example, police intervention with other local government officials.

Recommendation:

- Retain City Managers and consolidate supervisory law enforcement personnel under the Sheriff's Office.

Administration

Facts:

- Each of the 3 cities employs its own Police Chief.
- Two Lieutenants and 2 Sergeants are staffed within the 3 cities.
- Each city has a police clerical staff.

Findings:

- A duplication of administrative law enforcement personnel exists.
- Staffing is redundant.
- Clerical duties are duplicated.

Recommendations:

- Shift police supervisory positions (Chiefs, Lieutenants, and Sergeants) to the Sheriff's Office.
- Retain police patrol in the cities.
- Shift the city police clerical duties to the Sheriff's Office.

Budgets

Facts:

- The combined police department budget of the three cities is \$2.1 million.
- In 1997, the City of Plymouth saved approximately \$75,000 by eliminating its police department and contracting with the Sheriff.

Findings:

- The police budget is the largest item in each of the three cities' budgets.
- A substantial savings is available by utilizing the Sheriff for all law enforcement duties within the County.

Recommendation:

- Consolidate local police departments into one law enforcement agency administered by the County Sheriff.

Conclusion:

Numerous superfluous costs are incurred by the cities within Amador County as a result of a duplication of law enforcement services. By consolidating some or all police functions, substantial savings are available to each city. The amount of savings available is contingent upon the degree to which each city chooses to participate in a cooperative, county-wide law enforcement effort. Unique civic identity could be maintained and regional pride enhanced, by the establishment of an economically and managerially sound law enforcement agency for the County of Amador.

Response Required: In accordance with Penal Code 933.05, a response is required by the City of Jackson, the City of Ione, the City of Sutter Creek, the Chief of Police of Jackson, the Chief of Police of Ione, the Chief of Police of Sutter Creek, the Sheriff, the Under-Sheriff, the City Manager of Jackson, and General Services Administration.

Comparison Chart of Law Enforcement Statistics in the Incorporated Cities of Amador County: March 2004

	Jackson	Ione	Sutter Creek	Amador City	Plymouth
Administration	1 Chief	1 Chief/City Manager	1 Chief/City Manager	Sheriff	Sheriff
Sworn Officers	7	4	6 and 1 Part-time	Equivalent of 1/2 Sheriff	Equivalent of 1 1/2 Sheriffs
Additional Coverage	2 Sergeants	1 Lieutenant	1 Lieutenant	N/A	N/A
Support Staff	1 Community Service Officer, 1 Clerk	1 Part-time Clerk	1 School Resource Officer, 1 Part-time Clerk	Sheriff	Sheriff
Vehicles	12	7	6	Equivalent usage of 1/2	Equivalent usage of 1 1/2
Population Source: Amador Chamber of Commerce 2000 Census	3984	2743 (Not including 4407 detainees)	2319	200	986
Population to Police Ratio	398:1	663:1	256:1	400:1	657:1
Annual Police Budget in \$'s	1.077 Million	509 Thousand	536 Thousand	105 Thousand	162 Thousand

- Population of unincorporated areas: ~20,656
- Population of Amador County: ~30,888 (Incorporated and unincorporated, excluding Mule Creek State Prison and the Preston Youth Correctional Facility)
- Population of Mule Creek State Prison and Preston Youth Correctional Facility: ~4407
- Sheriff's budget: \$6 Million

Crisis Mental Health Cases Involving the 5150 and 5170 Welfare and Institutions Codes

Introduction

Pursuant to California Penal Code 925(a), the 2003-2004 Grand Jury elected to examine the procedures involved with the monitoring of persons, categorized according to California State Welfare and Institutions Code Sections 5150 and 5170, who are temporarily under the supervision of local law enforcement or mental health professionals.

Background

Welfare and Institutions Code Sections 5150 and 5170 delineate the policies and procedures by which an impaired individual, considered to be a danger to him/herself, a danger to others, or gravely disabled, may be taken into custody and placed into a facility for treatment and evaluation.

Due to the potential for violent behavior when a 5150 or 5170 designated person is transported to Sutter Amador Hospital, the hospital requires that the accompanying law enforcement officer or a mental health caseworker remain with the patient until he/she is no longer considered a danger to self or others or can be transported to a mental health facility. The Grand Jury's concern is that county and city personnel and resources are being inefficiently utilized. More equitable and productive options for monitoring impaired individuals while they are at Sutter Amador Hospital may exist.

Method of Evaluation

Members of the Grand Jury conducted interviews and reviewed documents.

Persons Interviewed

Sheriff of Amador County
Under-Sheriff of Amador County
Ione Chief of Police
Jackson Chief of Police
Sutter Creek Chief of Police
American Legion Ambulance Manager
Sutter Amador Hospital Director
Sutter Amador Hospital Critical Care Manager
California Highway Patrol
Amador County Mental Health Directors

Documents Reviewed

Welfare and Institutions Code Sections 5150; 5150.05; 5150.1; 5150.2; 5150.3; 5150.4
Welfare and Institutions Code Sections 5170; 5170.3; 5170.5, 5170.7

Facts:

- An average of one 5150 or 5170 designated (impaired) person is taken to Sutter Amador Hospital per day.
- Approximately 10% of the impaired persons taken to the hospital are considered to be a violent danger to themselves or others.
- When a person is deemed to be violent or a danger to him/herself or others, the hospital requires that someone capable of restraining the impaired individual remain

with him/her until he/she has sobered up, calmed down, or can be transported to a mental health facility.

- The law enforcement officer who transports the category 5150 or 5170 person to Sutter Amador Hospital may be required by the hospital to stay with the impaired individual and is not allowed to return to his/her primary law enforcement duties until the impaired person has met the requirements for dismissal.
- Welfare and Institution Section 5150.2 states: “In each county whenever a peace officer has transported a person to a designated facility for assessment under Section 5150, that officer shall be detained no longer than the time necessary to complete documentation of the factual basis of the detention under Section 5150 and a safe and orderly transfer of physical custody of the person.”
- At times, a single law enforcement officer is scheduled to be on duty in his/her city or area. The law enforcement agency must compensate for the services of an additional officer at overtime rates of pay or other compensatory arrangements.
- Amador County Mental Health intermittently sends a caseworker to Sutter Amador Hospital to accompany a 5150 or 5170 designated person until he/she meets the criteria for dismissal.

Findings:

- A local law enforcement officer may be removed from his/her civic duties for up to 12 hours while tending to a 5150 or 5170 case at the Sutter Amador Hospital.
- Only 10% of the 5150 or 5170 cases brought to Sutter Amador Hospital for treatment and evaluation are deemed truly “violent”.
- It is unwarranted to remove the peace officer from his/her regular duties in order to remain with the impaired individual for up to 12 hours.
- When Amador County Mental Health sends a caseworker to accompany a 5150 or 5170 person at the Sutter Amador Hospital, the caseworker is removed from other duties.
- The agencies involved agree that a qualified person should stay with a 5150 or 5170 individual while he/she is at the Sutter Amador Hospital.
- The agencies involved are not in agreement as to the distinct responsibilities of each agency in regards to monitoring and tending a category 5150 or 5170 individual while he/she is at Sutter Amador Hospital.
- The criteria for what constitutes “potential for violent behavior” varies.

Recommendations:

- The Amador County Sheriff’s Office should form a committee consisting of members from the Amador County Sheriff’s Office, law enforcement representatives from the cities of Ione, Jackson, and Sutter Creek; California Highway Patrol, Sutter Amador Hospital, American Legion Ambulance Service, and Amador County Mental Health — to establish an agreement of agencies’ responsibilities to oversee 5150 or 5170 designated individuals while he/she is at Sutter Amador Hospital.
- Establish a fund to pay qualified people (retired law enforcement officers, firemen, jailers, prison guards, etc.) to monitor the 5150 or 5170 person while he/she is in the Sutter Amador Hospital.

- Explore options that would allow qualified volunteers to serve as monitors for the impaired individuals as they await treatment and evaluation from the Amador County Mental Health at Sutter Amador Hospital.
- The Sheriff's Office should oversee the 5150/5170 coordination efforts; Sheriff Dispatch makes the necessary phone calls for coverage at the hospital.

Response Required:

A response to this report is required by the Amador County Sheriff, Ione Police Department, Sutter Creek Police Department, Jackson City Police Department, and Amador County Mental Health pursuant to California Penal Code 933.05.

California Youth Authority Pine Grove Youth Conservation Camp

Introduction

California Penal Code Section 919(b) requires the Grand Jury to review all prisons and jails within the county on an annual basis. The Grand Jury visited Pine Grove Youth Conservation Camp on October 8, 2003.

Background

The Pine Grove Youth Conservation Camp (PGYCC) was originally built as a Civilian Conservation Camp (CCC) during the Depression of the 1930's. In 1946 the California Youth Authority (CYA) assumed stewardship of the camp in joint cooperation with the California Department of Forestry (CDF). PGYCC was the first Youth Conservation Camp to operate jointly with CDF.

Method of Evaluation

The PGYCC staff gave the Grand Jury a presentation and a tour of the Camp. The Grand Jury also conducted interviews, reviewed documents and participated in a question and answer session.

Persons Interviewed

Camp Superintendent
Assistant Camp Superintendent
CDF Division Chief
Management Services Technician
Parole Agent
Ward

Documents Reviewed

PGYCC Programs Memorandum
Master Project List
Staff Newsletter
CYA Today Newsletter
Camp Program Assignment and Procedures Policy

Facts:

- PGYCC operates on an annual budget of \$2.2 million. CDF has a separate budget to operate their programs at PGYCC.
- PGYCC has a staff of 32 which includes 17 peace officers, 10 administrative officers and five part-time employees.
- The Camp houses up to 80 wards. Currently, 69 wards ranging in age from 18-24 are assigned to the camp.
- The average stay at the camp is 8-10 months. Wards are eligible for the camp program based on their ability and willingness to attend rigorous training and to fight fires.
- Wards adjudicated of arson, sex offenses, or considered escape risks are not selected for the fire camp program.
- Wards are paid \$1.10 to \$5.00 per day for project work in the camp or in the surrounding communities.

- In addition to maintaining the camp, wards are dispatched in crews of 12-14 to work at public or non-profit county agencies.
- Projects include weed abatement of county roads, grounds maintenance at cemeteries, historical landmarks and public buildings. Additionally, wards cut fire trails, provide snow removal service, and distribute food.
- Work crews are dispatched with fire fighting equipment in the event the PGYCC crews are needed by CDF to fight fires.
- PGYCC crews assigned to fire fighting duties are paid \$1.00 per hour.
- Each work crew is supervised by a CYA peace officer.
- PGYCC wards worked over 154,000 man-hours in the fiscal year 2002-2003. Over 50,000 man-hours were spent fighting fires; the remaining 104,000 were dedicated to community projects and camp maintenance.
- After each day's work assignments and evening meal, wards must attend evening school.
- Wards have the opportunity to earn either a General Education Development (GED) certificate or a high school diploma. Community college classes are also available.
- Wards also attend counseling sessions pertaining to substance abuse and gang activities.
- Classes on anger management and parenting skills are also available to assist in the transition for release into society.
- The camp provided approximately 2,700 boughs that were displayed throughout Amador, Calaveras and El Dorado Counties during the holiday season.
- Wages earned by wards are held in an account until they are discharged or paroled from CYA. The wages can also be used to purchase toiletries, snacks and other personal items from the camp store.
- The camp derives revenue from the sale of picnic tables, clocks, silk screening, and profits from the camp store. This revenue is deposited into the Ward Benefit Fund to support recreation activities, cable television, movies, etc.
- The camp recreation field can be used as a landing zone for medical evacuation.
- A procedure is in place to notify neighboring residents in the event a ward leaves the facility without authorization.

Findings:

- PGYCC staff is dedicated to the success of the wards, the community and the mission of the camp.
- The camp provides valuable services to local cities and towns, rural areas, and non-profit agencies within the county.
- The camp clock shop and silkscreen shops were closed due to low ward population.
- The facilities and surrounding grounds were clean, well kept, and orderly.
- The food in the dining hall was well prepared and plentiful. Up to 800 meals per day can be served in the dining hall in an emergency, if required.
- The staff and ward interviewed were courteous and knowledgeable.
- The emphasis of the camp is to provide wards with employment skills and to develop good work ethics.
- PGYCC is a positive asset to Amador County.

Recommendation:

None

Response Required:

None

Amador County Detention Center

Introduction

Under the provisions of California Penal Code Section 919(b), the Grand Jury is required to review all prisons and jails within the county on an annual basis. The Grand Jury visited the Amador County Detention Center on December 15, 2003.

Background

The Amador County Sheriff is directly responsible for the Amador County Detention Center (Jail). The day to day responsibility of the jail lies with the Jail Commander (Captain). The jail serves as the only detention site in the county for both pre-trial and sentenced male and female inmates. Correctional Officers are on duty 24 hours a day, 7 days a week. Officers are responsible for the care, custody and control of the inmates. Officers transport inmates to and from court, other detention centers and medical facilities, and supervise work details. Officers deliver meals and commissary items to the jail.

Method of Evaluation

Members of the Grand Jury were given a presentation, provided documents, participated in a question and answer session, conducted interviews and toured the jail.

Persons Interviewed

Captain
Under-Sheriff
Control Center Officer
Nurse

Documents Reviewed

Jackson Volunteer Fire Department, Jail Fire Clearance.
California Board of Corrections, 2002-2004 Biennial Inspection
Amador County Health Department, Jail Inspection
Inmate grievance forms

Facts:

- The jail expansion project is under construction. The expansion project will add an additional sobering cell, a larger kitchen, a shower, a restroom, administrative space and a larger laundromat.
- Capacity of the jail is 76 inmates (65 male and 11 female).
- When capacity is exceeded, cots are doubled up in cells to provide sleeping space. The sobering cell may also be used, if available.
- 28% of the inmates are serving time from a previous sentence. The remainder are awaiting court dates or sentencing.
- On December 15, 2003, the jail staff consisted of 28 employees consisting of one Captain, six Correctional Sergeants, 19 Correctional Officers, and two part-time food courier officers.
- There are five vacant full-time Officers positions. The Captain is attempting to fill one male and four female vacancies.
- The starting wage is \$13.45 per hour. The only internal promotional opportunity is to Correctional Sergeant.

- With the exception of the part time Officers, all full-time Officers work 4 ten-hour shifts per week with 3 days off per week. Shifts and days off are rotated every 3 months.
- The California Forensic Medical Group (CFMG) provides medical services to the jail.
- A nurse is on site each morning, Monday through Friday and is on call at other times.
- A doctor is available at the jail each Thursday afternoon and is on call as well. If immediate medical attention is required, Officers will accompany the injured or ill inmate to Sutter Amador Hospital using the jail transport van or ambulance, as circumstances require.
- Upon initial booking into the jail, an Officer interviews the detainee to determine any medical problems. The nurse then reviews the medical information and determines if follow up care is required.
- Inmate meals are purchased frozen from Stanislaus County, transported to the jail and kept in freezers until served. Meals are heated in the kitchen and transported to the inmates in insulated containers. Inmates receive 3 meals a day.

Findings:

- The jail is over-crowded. Expansion of the jail does not include added bed space. Jail population on December 15, 2003, was 86 inmates which is 10 inmates over capacity. Average daily population for the year was 80.
- Ten-hour shifts for the Officers within a 24-hour period can lead to inefficiencies, especially during shift overlap, sick leave pay and overtime pay. Eight-hour shifts would increase per-shift staffing of Officers without an increase in personnel. This would be a cost benefit through reduced overtime, holiday, and sick leave payment at 8 hours versus 10 hours per day.
- The 10-hour shift is considered a perk by some.
- Salary is an issue in recruitment and retention of Officers.
- The infirmary is small, tidy and stocked to handle non-emergency situations. Controls are in place to insure items stocked in the infirmary are accounted for.
- The kitchen is small. The meals were exposed to the weather during delivery to the cells.
- The Captain's office was too small.
- The construction, presently underway, will alleviate the administrative over-crowding.
- The new construction will not alleviate the inmate over-crowding.

Recommendations:

- In anticipation of Amador County's expanding inmate population, additional jail cells should be constructed. Converting the recreation yard into bed space and making the roof a recreation yard is worthy of consideration.
- While it is recognized that the 10-hour shift is a perk to recruit and retain personnel, jail Administration should consider the increased productivity that can be gained by developing 8-hour shifts for Officers.

Response Required

The Amador County Board of Supervisors and the County Sheriff are required to respond to this report in accordance with California Penal Code 933.05.

Preston Youth Correctional Facility

Introduction:

Under the provisions of California Penal Code Section 919(b), the Grand Jury is required to annually review all prisons and jails within the county. The 2003-2004 Grand Jury visited the Preston Youth Correctional Facility (PYCF) on January 7, 2004.

Background:

The Preston Youth Correctional Facility houses, treats and trains juvenile offenders committed to the California Youth Authority (CYA) from juvenile and criminal courts within the State.

PYCF opened in the 1890's in what is now the State Historical Landmark "Preston Castle". While the original "castle" structure is closed, additional buildings have been constructed over the years on the 160 acre campus. These buildings are used as living units, kitchen and dining area, administration, recreation, infirmary, religion, education and plant/equipment/grounds maintenance shops.

Method of Evaluation:

The Grand Jury was given a presentation, including a question and answer session, and was given a tour of the facility.

Persons Interviewed:

Assistant Superintendent

Principal

Librarian

Teachers

Correctional Counselor

Dental Staff

Food Service Manager

Wards

Documents Reviewed:

None

Demographics and Financial:

Facts:

- PYCF houses wards between the ages of 14 and 22. With special exceptions, wards up to age 25 are permitted to remain in the facility.
- The average age of a ward on January 7, 2004, was 18.2 years old.
- The ward population at PYCF on January 7, 2004, was 528.
- The ward population at PYCF is under capacity, resulting in the closing of some living units.
- The 2003-2004 budget is \$34.2 million.
- As a result of a closure of another youth facility on January 12, 2004, PYCF became the Northern California Reception Center for CYA wards.

- Since 1997, counties have been paying a percentage of the cost to house their youthful offenders in CYA facilities. The cost to each county is based on the severity of the crime committed by the juvenile offenders. The cost is calculated on a sliding scale basis. Basically, the less severe the crime, the more the counties must pay to house their wards in the CYA.
- The rate of recidivism is 49.7%.

Findings:

- Preston Youth Correctional Facility’s population has declined in recent years as counties elect to reduce expenditures by housing a greater proportion of wards in their own county programs or juvenile facilities instead of transferring them to CYA institutions.
- A financial incentive exists — due to a sliding scale system — for counties to house wards adjudicated for less severe crimes in their own county facilities and send only the more serious offenders to the CYA.
- As a reception center, PYCF evaluates each ward’s rehabilitation needs and transfers them to an appropriate facility. Some of the wards will be retained if PYCF meets the ward’s program and housing needs.
- Some PYCF correctional staff members will be displaced as more senior members from other facilities elect to exercise their seniority under the collective bargaining agreements. This is due to the closure of other CYA facilities.
- Approximately 70% of PYCF employees live in Amador County.

Recommendations:

- None

Educational Opportunities:

Facts:

- Wards have the opportunity to obtain their California High School Proficiency Exam (CHSPE), or General Educational Development (GED) certificate from PYCF.
- The PYCF high school program is accredited by the Western Association of Schools and Colleges.
- Vocational training is offered in auto shop, masonry, print, janitorial, culinary, and fire camp.
- College correspondence courses are available at no charge to the ward, except for books.

Findings:

- During 2003, 20 wards earned their high school diploma and 35 earned their GED.
- Wards are given an action plan upon entering PYCF in order to qualify for parole. The plan includes progress in education, counseling, work, and the ward’s willingness to cooperate with staff, counselors and peers.

Recommendations:

- None

Housing:

Facts:

- The majority of the wards are housed in open bay dormitories. Bunks are stacked one to three high depending on population. Each dormitory has a day-room with a television and an activity area.
- PYCF does not segregate rival gangs in different dormitories. Violent or potentially violent wards are kept in individual lock-down cells 23 hours a day.
- Wards with special needs, such as those with mental health issues and sex offenders are housed in single-bed rooms for closer monitoring.

Findings:

- Gangs are split up among available dormitories as evenly as possible. Staff intervention, counseling and a Gang Coordinator have alleviated major confrontations at the facility. This is unique to PYCF when compared to other facilities that segregate rival gangs. This is a noteworthy accomplishment.
- The Grand Jury was unable to review the lock down cells, as the facility was busy processing new wards.
- The housing units visited were clean and organized.

Recommendations:

- None

Physical, Religious, Mental and Medical Health:

Facts:

- Intramural sports, seasonal sports and physical education classes are available and encouraged.
- Religious services of various denominations are provided.
- The staff consists of one doctor and seven nurses on a full-time basis. Two part-time dentists are on staff.
- There is an infirmary on the grounds. Sick call is provided five days a week. Emergency medical care is available after hours.
- Psychiatric, psychological and casework specialists are available for wards with mental health needs. Specialized counseling for sex offenders, substance abusers, and violent offenders is available.

Findings:

- Facilities for sports and physical education are on the grounds. There are numerous basketball courts, a large football/soccer field with an oval track and a gymnasium.
- The infirmary was clean and sanitary.
- Preventative dental care is not provided at the infirmary.

Recommendations:

- None

Nutrition:

Facts:

- Wards are provided a hot breakfast, sack (cold) lunch and a hot dinner daily. Most wards eat breakfast and dinner in the dining rooms. Wards in lock down units have their meals delivered to their individual cells.
- Special dietary meals can be prepared to meet religious or medical needs.
- Meals meet the dietary requirements set forth by the California Board of Corrections.

Findings:

- The kitchen is neat, clean and of orderly appearance.
- Wards involved in the preparation of meals and janitorial activities in the kitchen are supervised by Correctional Officers and dining room staff.
- A structured method of entering the dining facility, receiving and eating the meal, and exiting the dining area is in place.
- The wards interviewed were satisfied with the meals.

Recommendations:

- None

Response Required:

None

Mule Creek State Prison

Introduction

Pursuant to California Penal Code 919(b), it is mandatory that the Grand Jury review all prisons and jails in the county annually. The Grand Jury visited Mule Creek State Prison (MCSP) on September 15, 2003, and again on November 24, 2003.

Method of Evaluation

The Grand Jury conducted individual and group interviews, reviewed documents, and visited various sites and facilities within the prison.

Persons Interviewed

Warden	Health Services Personnel
Associate Warden	Medical Personnel
Facility Captain	Correctional Officers
Administrative Assistants	Counselors
Cooking Supervisor	Inmates

Documents Reviewed

MCSP Mission Statement (dated 10/03)
Local Hire Update (dated 9/03)
About Prison Industry Authority (dated 1/04)
California Department of Corrections Facts (dated 10/02)
CDC Inmate Costs Report (dated 10/02)
MCSP Institution Profile (dated 10/02)
Western Association of Schools and Colleges, Focus on Learning Report (dated 3/01)

Institutional Profile

MCSP, opened in 1987, is a high-medium custody institution with a minimum custody support unit. The property covers 866 acres.

Annual budget (million \$'s)	79.5	Design bed capacity	1,700
Total staff	950	Total Inmate Count	3,614
Custody staff	618	Percent of design capacity	213%
Support services staff	332		

Inmate statistical data by ethnicity:

White	~42%
Hispanic	~31%
Black	~20%
Other	~8%

Approximately 1,150 men are serving life sentences and 115 are serving life without possibility of parole. The remainder will be eligible for parole with time-served credits for good behavior.

Design

Sixty-five acres are divided into 3 semi-autonomous facilities, known as yards A, B, and C. Each yard is composed of 5 housing units and a gymnasium. The gymnasiums have been converted into dormitory style housing to ease overcrowding. The separate yards serve to maximize effective management of the prison's large and diverse population by controlling movement, isolating disruptive incidents, and accommodating sensitive-need inmates. Comprehensive services in each yard (medical and dental clinics, recreation area, chapel, work and educational facilities, canteen, law library, visiting area, clothing exchange, and administrative offices) allow for inmates' needs to be met while optimizing security. A five acre minimum security facility is located outside of the double perimeter fences that surround the main facility.

Security and Contraband Reduction

Facts:

- Staff have their fingerprints on file in a computerized system called the Identex System. It records a history of when they enter and exit the institution. Its use is mandatory and accounts for every staff member inside the perimeter within 30-60 minutes.
- The Identex System was discontinued on January 1, 2004.
- Visitors are required to show photo identification cards, go through a metal detector, and are monitored and filmed. The passing or exchange of any object between inmate and visitor is prohibited.
- ID cards are manually inspected to insure authenticity.
- Vendors, contractors, and volunteers undergo background checks and are issued gate passes.
- Visitors are not allowed to bring in packages.
- Items may be purchased from a contracted vendor company and are inspected by an officer prior to delivery to an inmate.
- In-coming mail is inspected before delivery to inmates.
- Inmates undergo an unclothed body search after receiving outside visitors.
- Staff may bring in lunch totes or bags. The allowable size of the bag is a contractual issue, and the bag is subject to inspection.

Findings:

- Elimination of the Identex System is due to budget cuts and the high cost of maintenance. Staff accountability will be impacted.
- During the Grand Jury tour, the staff was very conscientious and paid close attention to security protocol.
- Implementation of a vendor system to purchase items for an inmate has minimized the opportunity to introduce contraband.
- Civil rights laws prohibit placing cameras in the visiting room bathrooms to observe the extraction of smuggled drugs from body cavities, etc.
- The routine use of dogs to detect narcotics is not cost effective.

- Numerous methods exist for illicit drugs to enter the facility, i.e. swallowing a substance in a small balloon and defecating it later, adhering illegal substances to a postage stamp, or coating correspondences with an illegal substance.
- The inmate minimum-security work force, operating outside the secure perimeter, is a potential source for introducing contraband.
- Preventing drugs from entering MCSP is an on-going challenge.
- Precautions are in place to prevent (minimize) the introduction of drugs and other contraband into the institution.

Grievances

Facts:

- Inmate grievances are submitted in accordance with the California Department of Corrections 602 Grievance Procedure. The form must be completed and signed by the inmate.
- An Appeals Coordinator handles grievances, which are logged and tracked by number if the grievance is pursued by an inmate past the informal level.
- The Administration states that if a grievance response is overdue, the supervisor would be notified and be held accountable.
- Levels of appeal include: Informal, 1st Level, 2nd Level, the Director of the Department of Corrections and/or a complaint filed with the Grand Jury.
- Management uses grievance information as a tool to analyze problem areas.

Findings:

- Procedures exist to respond to inmate grievances.
- Mandated time-frames to respond to grievances are in place.
- Accountability in addressing grievances is a priority.

Education

Facts:

- The high school program at MCSP is accredited through the Western Association of Schools and Colleges (WASC) and has been granted a six year accreditation.
- 20 budgeted academic positions exist, 18 are filled.
- 15 budgeted vocational positions exist, 14 are filled. After January 1, 2004, the number of vocational positions will be reduced by 5 due to budget concerns.
- Academic programs include general education, Adult Basic Education, English as a Second Language, and Pre-Release.
- Vocational programs include air conditioning and refrigeration, auto mechanics, building maintenance, computer technology, dry cleaning, electrical maintenance, electronics, graphic arts, landscape gardening, meat cutting, mechanical drawing, mill and cabinet, pre-vocational training, and small engine repair.
- The Prison Industry Authority (PIA) programs are self-supporting and do not receive appropriations from the Legislature. Meat processing, coffee roasting, textiles, silk screening, and digital mapping are currently offered.

- A new self-study “Bridging Program” is available to help inmates transition into programs within the prison and provides an opportunity to earn good-time credit toward parole.
- Community work crews were eliminated on January 1, 2004, due to budget constraints.

Findings:

- Educational opportunities include both academic and vocational programs.
- Inmates were observed to be actively engaged in their vocational programs and displayed dedication to their tasks. They consider it a privilege to participate, and they appreciate the opportunity to be productive.
- Students involved in academic endeavors were highly motivated and eager to discuss their studies and accomplishments. A sense of personal pride and self-improvement was evident.
- PIA programs are immune to budget cuts because their revenue is derived from the sale of their products and services to governmental agencies, thus making them an attractive career training alternative to declining vocational education programs.
- Budget cuts will adversely affect both vocational and educational programs and the community work crews.

Medical Health

Facts:

- Inmates receive a physical examination and mental health screening at the reception center before they are transferred to MCSP.
- Inmates with a pre-existing communicable disease are sent directly to California Medical Facility (CMF). Inmates that contract a communicable or infectious disease while at MCSP are transferred to CMF.
- Inmates are not tested for Sexually Transmitted Diseases (STDs), except upon request.
- Inmates are tested for HIV, hepatitis and other communicable diseases on a “need-to-know” basis.
- Annual TB testing is required for all inmates, staff, and volunteers.
- When sexual abuse is reported, the victim is given medical treatment. The incident will be investigated and reported to the District Attorney’s Office if warranted.
- Inmates with prior sexual allegations or predatory behavior and potential victims are housed separately, on single cell status.
- Medical services provided at MCSP’s Correctional Treatment Center are regulated by Title 22 in the California Code of Regulations.
- Health services staff include physicians, nurses, pharmacists, dentists, technicians, and support staff.
- Specialty clinics include optometry, dentistry, podiatry, orthopedic, physical medicine, and physical therapy. These services are contracted through outside medical providers.

Findings:

- Medical personnel are staffed to serve the needs of the inmate population.

- Inmates are tested for HIV, hepatitis, and other communicable diseases when a staff member is assaulted or obvious symptoms necessitate a verification test.
- Treatment of sexual abuse cases requires the cooperation of the victim, who is sometimes hesitant to reveal the abuse.
- Procedures are in place to identify and treat health concerns.

Food Preparation

Facts:

- Food preparation workers undergo food-handling training and must obtain food handler clearance before they begin their work detail.
- Food handlers who have a cold, flu, or other adverse health symptoms are excused from their work assignment and returned to their housing unit.
- Food for the entire prison is prepared in one central location.
- Health and safety rules that apply to the community (restaurants, hotels, schools, etc.) apply within the prison.

Findings:

- Training and procedures are in place to minimize the possibility of food contamination.
- Workers do not know where particular food trays are destined; therefore, the potential to contaminate food destined for a particular yard is minimized.

Conclusion: *Although the 2003-2004 Grand Jury had several concerns while touring Mule Creek State Prison, all were related to budget constraints. It is the conclusion of this year's Grand Jury that State-mandated budget cuts preclude MCSP from implementing any recommendations we may have had. During our interviews and tours, the Administration was very forthright and informative about the impacts and consequences that financial limitations, departmental policy, and budget cuts have had, and will continue to have on programs, services, and infrastructure. The Grand Jury acknowledges the following concerns: overcrowding, maintaining the Identex System, promoting educational and vocational programs, and supporting community work crews. It is our hope that the conditions will be rectified and the programs reinstated when budget constraints are lifted. We conclude that a sincere and concerted effort is being made by the Administration and staff of Mule Creek State Prison to utilize current resources to fulfill their commitments to public safety and inmate welfare.*

Response Required:

None

City of Plymouth

Introduction

Considerable attention has focused on the City of Plymouth due to a proposed casino to be built partly within the City limits. A group representing itself to be the Ione Band of Miwok Indians has made this proposal and sought city services to support this project. The City Council has endorsed this proposal and executed a Municipal Services Agreement (MSA) for infrastructure services necessary for the casino project. Citizens objected to the City Council's support of the casino and have filed numerous complaints with the Grand Jury. Pursuant to California Penal Code 925(a), the 2003-2004 Grand Jury elected to investigate the City of Plymouth concerning these complaints and other areas of concern.

Method of Evaluation

The Grand Jury conducted interviews, reviewed documents, attended City Council meetings and Bureau of Indian Affairs (BIA) scoping sessions, and toured city facilities.

Persons Interviewed

City Council members
Mayor
Former Mayors
City Manager
City employees
Area citizens in and around Plymouth
City of Plymouth's counsel
City Planner
Members of the Amador County Board of Supervisors

Documents Reviewed

City Council agendas
City Council meeting minutes
Municipal Services Agreement (MSA)
City correspondence
Brown Act
California Environmental Quality Act (CEQA) website
Political Reform Act (FPPA)
City/County agreements
City of Plymouth Budget

Actions by the City Council

Since the spring of 2003, the Plymouth City Council has pursued an agreement with the group identifying itself as the Ione Band of Miwok Indians. This agreement would provide various municipal services for a proposed casino and hotel. Numerous interested parties have provided information relevant to this agreement. An Amador County representative revealed a pivotal issue: the California Environmental Quality Act (CEQA) had not been established nor addressed prior to the City entering into an agreement to provide services. These services necessitate expanding existing facilities or building new service facilities to meet the casino's needs and required a CEQA study prior to commencing the work.

Facts:

- Public information related to the proposed casino was not used in developing the MSA.
- The Amador County Sheriff's Office, who provides police protection to Plymouth, was not consulted regarding anticipated police needs the casino would require.
- Amador Unified School District was not consulted regarding additional educational needs to accommodate the children of casino employees who would reside in Amador County.
- The City Council was advised of a need for CEQA provisions related to the proposed casino.
- The City Planner advised that the conceptual plan for the casino was not ready for a CEQA study.
- The County of Amador advised the Plymouth City Council of a potential lawsuit to stop the MSA until the CEQA requirements were known.
- The City Council elected to proceed with the MSA.
- Once the MSA had been approved, Amador County filed a lawsuit to stop the MSA until the CEQA work was completed.
- As a result of the Council's position on the casino project, citizens have successfully obtained sufficient signatures to place a recall of three City Council members on the May ballot.
- The MSA was available for public review three days prior to the special meeting called to consider it for passage.
- No changes were made to the draft MSA document regardless of numerous protests from the public concerning the adequacy of the many provisions.

Findings:

- The City acted without a completed California Environmental Quality Act (CEQA) report.
- The hasty approval of the Municipal Services Agreement (MSA) precluded an opportunity to complete a CEQA study prior to passing the MSA.
- Provisions have not been made to satisfy CEQA requirements.
- The City Council was aware that CEQA requirements must be satisfied, but acted without regard to this future expense.
- The City's actions have caused undue expense to the citizens of Amador County by forcing legal action by the County to ensure compliance of a CEQA study.
- In spite of numerous attempts by the public to provide pertinent information, the City Council disregarded this information by drafting the MSA.
- The upcoming recall election of those council members in favor of this agreement is a reason for the hasty passage of the MSA.
- The City has not adequately studied the potential impacts on City services such as law enforcement and educational needs.

Recommendations:

- Rescind the Municipal Services Agreement (MSA) until the California Environmental Quality Act (CEQA) requirements have been properly studied and a plan to fulfill the environmental requirements has been established.

- Reimburse Amador County for its legal expenses regarding the litigations to stop the MSA.
- Open a dialog with the Sheriff's Office to assess the needs of law enforcement.
- Consult with the Amador County Unified School District to address the educational needs generated by this project.
- Reopen the MSA to include the costs anticipated by the Sheriff's Office, Amador County Unified School District.

Brown Act Violations: Private Meetings

Background

The Brown Act prohibits meetings between council members, when a quorum exists that are outside the public forum. A violation of the Brown Act could result in a consensus being reached between council members (without proper citizen participation) concerning a matter before the council. A complaint was prompted when members of the public observed Plymouth City Council members conversing prior to the City Council meeting of September 11, 2003, wherein a vote was taken regarding the City's support for the proposed casino.

Facts:

- A City Council meeting convened on September 11, 2003, to vote for or reject support of the proposed casino project in Plymouth.
- The City Council was one member short of a full five-member council.
- The City Council conducted an advisory vote and the citizens cast their ballots.
- As the votes were being tallied, two members of the City Council were seen in conversation.
- A third City Council member was ineligible to vote due to a conflict of interest.
- With one member short and one member unable to vote, a majority consisted of two votes.
- The two City Council members who were seen conversing prior to the meeting voted in support of the casino project.
- The City Council convened the public meeting and read the results of the advisory vote which opposed the casino project.
- Without further discussion, it was moved and seconded to approve the casino project.
- The Brown Act prohibits private discussions related to a matter before a governing body.
- No one heard the context of the conversation between the two City Council members in attendance.
- The two City Council members made short speeches after the vote citing reasons for their support of the proposed casino project.

Findings:

- No one heard the context of the conversation between the two City Council members.
- It is speculation to suggest that the two City Council members were discussing voting options.
- A Brown Act violation accusation can not be substantiated.

Recommendation:

- All comments and discussions related to matters before the City Council should be made in an open public forum.

Letter of Support

On September 11, 2003, the City of Plymouth held its regularly scheduled meeting. At this meeting the ballots were counted to indicate the support or lack of support for the casino project. Although the project lacked community support, the following actions were taken by the City Council:

Facts:

- A council member moved that a letter of support be drafted for the casino project in spite of the overwhelming public rejection of the casino project.
- The motion to send a letter of support of the casino to the Governor was seconded and passed.
- The letter was sent on September 15, 2003 to the Tribal Chair with copies to the City Planner, a City Attorney, the Tribal Attorney and the financial backer of the proposed casino, but not to the Governor.
- Since this action did not conform to the motion made on September 11, 2003, an attorney representing a private citizen requested that this error be corrected or the City would face legal action.
- A special meeting was held on October 16, 2003. After a closed session to discuss the potential legal action, the Council reconvened the public meeting. The Council moved that City Resolution 2003-19 be adopted outlining the City's support and that the Governor be notified.
- Resolution 2003-19 in support of the casino project passed on a 3-1 vote.
- The Grand Jury requested confirmation that Resolution 2003-19 was sent to the Governor. The City has been unable to produce this confirmation.

Findings:

- The City acted without authority in writing a letter of support to the Tribal Chair, not to the Governor. The letter of support was intended for the Governor.
- The City did not rescind the motion of September 11th, but passed a new motion in support of the casino project.
- The Grand Jury has not received evidence that a letter has been sent to the Governor in support of the casino project.

Recommendation:

- The City Council should establish a tracking system to verify that directives of the City Council are completed.

Serial Meetings:

The Brown Act prohibits council members from privately discussing issues that would be taken up before the official council. When council meetings are attended by less than a quorum (in this case, two members constitute less than a quorum), no violation exists. However, if subsequent to the initial meeting a third council member (thus creating a quorum) is influenced by either of the two members in the original meeting, it becomes a "serial

meeting”. In order to determine if a violation of the Brown Act has occurred in regards to a serial meeting, two questions must be addressed. First, did the actions of the City Council actually qualify as a serial meeting? Second, did these meetings result in a concurrence related to the passage of the proposed agreement? If both answers are affirmative, then a Brown Act violation has transpired.

Facts:

- A fifth Council member was appointed by a vote of the Council to fill the vacant City Council seat.
- The fifth Council member appointed is the Mayor’s father who was previously a member of the City Council.
- The Mayor authorized the drafting of a Municipal Services Agreement (MSA).
- Private meetings were held to draft the MSA.
- The Mayor as well as two other Council members attended the MSA draft meetings.
- Only one of the other two members was in attendance at any single meeting, thus a rotation of this second Council member’s attendance occurred.
- Other people were in attendance at the MSA draft meetings to provide technical assistance.
- The public was barred from attending the MSA draft meetings.
- A vote of three to one was rendered in favor of the MSA.
- The three City Council members (the Mayor and two other members) who attended the private MSA draft meetings voted in favor of the MSA.
- The single dissenting City Council member initiated the sole discussion about the advantages and disadvantages of the MSA.
- The three Council members who rotated attendance at the MSA draft meetings made no public comments at the special public meeting held to confirm the MSA.

Findings:

- A quorum of City Council members rotated its attendance at private MSA draft meetings, which constituted one component of a serial meeting.
- The Mayor and one member who attended the MSA draft meetings voted in favor of the City’s support for the Tribe’s casino proposal.
- The other favorable vote came from the Mayor’s father.
- The City Council had previously voted in support of the casino proposal; therefore, the support for the MSA reflected that support.
- Inconclusive evidence exists to substantiate the concern the serial meeting resulted in the favorable vote on the MSA.
- The dissenting vote on the MSA came from the Council member that did not attend the MSA draft meetings and previously voted against the casino proposal.

Recommendations:

- Open negotiating meetings to citizen observers.
- Designate a single City Council member to attend negotiation meetings.
- Institute workshop style meetings to allow public participation.

Political Reform Act (PRA) Violation

Background

The Fair Political Practices Commission (FPPC) was created by the Political Reform Act of 1974, a ballot initiative passed by California voters. The Act sets ethics rules for State and local government officials that impose strict limits on decisions or votes that affect the official's interests. The California Code of Regulations is referred to as the CCR.

CCR Government Code Section 87105(a) refers to a public official, who, having a financial interest in a decision, must do all of the following:

- Publicly identify the financial interest that gives rise to a conflict or potential conflict of interest,
- Recuse oneself from discussing and voting on the matter,
- Leave the room until after the discussion, vote, and other dispositions of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters,
- The public official may speak on the issue during the time that the general public speaks on the issue.

Facts:

- One Plymouth City Council member owns property adjacent to the proposed casino
- PRA defines a conflict of interest as the holding of real property within 500 feet of a proposed development.
- Council members having a conflict of interest are barred from participating or voting on the casino issue.
- On two separate occasions, when the casino was being discussed, the Council member with the conflict of interest identified himself and then spoke in protest.
- The identified Council member was seen in the back of the room and did not leave the room immediately.
- In a subsequent meeting, the identified Council member requested that the City Council minutes state that he left the room when he did not.

Findings:

- The manner in which the Council member with a conflict of interest disqualified himself from the proceedings was improper.
- The Council member with a conflict of interest made a speech which was intended to influence the other Council members.
- The Mayor did not take action after the infraction had been brought to the Council's attention.

Recommendation:

- Provide training on the Political Reform Act (PRA) to all members of the City Council.
- Refer the conflict of interest matter to the Fair Political Practices Commission.

Water Rate Increase

Facts:

- In April 2003, the City determined that providing water service was costing more than the monthly fee collected for the service.
- The rate during that time was \$2.30 per 100 cubic feet of water.
- The City formed an Ad Hoc Committee to review and make recommendations to the City for determining an appropriate rate increase.
- The City had adopted a budget of \$240,000 for the year for water services.
- The Ad Hoc Committee proposed four different rate structures, but the adopted \$3.10 per cubic feet was not one of them.
- The City alleged that this rate increase was supported by the Ad Hoc Committee.
- The City adopted a \$3.10 rate increase over the objections of the Ad Hoc Committee.
- The AD Hoc Committee's recommendation was an immediate temporary increase to \$2.94 per 100 cubic feet of water for a period of 60 days until further decisions could be made.

Finding:

- The City failed to follow recommendations of its Ad Hoc Committee.

Recommendations:

- Place the water rate issue on an up-coming City Council agenda.
- Allow the Ad Hoc Committee spokesperson to restate the issues regarding the water rate increase.
- Provide the actual costs for water service in the City and adjust the rate as necessary.

Maintenance of Municipal Facilities**Background**

The City of Plymouth provides water and sewer services to residents of Plymouth. Sewer and water fees are charged for this service. In exchange, the City agrees to provide potable water and sewer disposal that meet environmental regulations. It is implied that routine maintenance will be done to insure that these facilities remain in operable condition.

Facts:

- Leaks account for as much as 37% loss of water in the system.
- Dead end water lines are not flushed routinely.
- Sewer cleaning has not been completed or scheduled.
- No program exists to replace faulty water meters.
- Repair work has not been scheduled or completed that was identified in the Long Term Waste Water Management Plan dated September 2002.

Findings:

- Leakage from the system constitutes a loss of revenue.
- The City operates the water and sewage systems but does not anticipate maintenance needs.
- The City maintenance crew is on a reactive schedule and only fixes broken or malfunctioning facilities.
- The City does not provide routine maintenance on the water or sewer systems.

- Some maintenance is beyond the capabilities of the City maintenance crew.
- The City has not maintained the required maintenance and repair log for the water system.

Recommendations:

- Prioritize, schedule, and complete identified maintenance and repair work on the water and sewer systems.
- Obtain cost estimates for the requisite work.
- Request bids for the work that cannot be performed by the City’s crew.
- Establish a program to accomplish the necessary maintenance and repair work.
- Establish and maintain a tracking system on water and sewer system maintenance and repairs.

Conclusion:

Although the public has made numerous attempts, the City Council has consistently ignored the wishes of the public regarding the casino proposal. The Brown Act, states in part... “In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

Plymouth City Council has acted without regard to this basic tenant.

Response Required:

A response to this report is required by the City of Plymouth and the District Attorney pursuant to California Penal Code 933.05.

Kennedy Meadows Affordable Housing Project

Introduction

In response to several citizens' complaints, the 2003-2004 Grand Jury elected to review and evaluate the manner in which the City of Jackson addressed the proposed development known as Kennedy Meadows, pursuant to California Penal Code 925(a).

These complaints alleged Brown Act violations and conflicts of interest violations under the Political Reform Act. The City Council's actions related to the adoption of grant applications and Planning Department actions were additional areas of concern.

Background

As the population of Amador County continues to grow, so does the need for affordable housing. A low cost housing development to be located on New York Ranch Road in the City of Jackson has been proposed. This development requires a grant from the State of California and would be administered through the City of Jackson. The development required City Council approval. Controversy surrounds the State's mandate to provide affordable housing and, simultaneously, maintain a quality of life that the residents of the region have established and wish to preserve.

Method of Evaluation

The Grand Jury conducted interviews, reviewed documents, attended City Council meetings, City Planning Commission meetings, sought legal advice, and visited the proposed building site.

Persons Interviewed

Citizens
County Counsel
Jackson City Manager
Mayor of Jackson
Jackson City Planner
Jackson Planning Commission members
City Council members

Documents Reviewed

The Brown Act
The California Environment Quality Act (CEQA)
California Constitution Article 34 Public Housing Project Law
Final Regional Housing Needs Allocation Plan
General Plan – Land Designations
City of Jackson General Plan Housing Element Revision
City Resolution No. 2002-34 and Resolution No. 2003-03
Planning Commission Resolution No. 2002-10
Certified Petitions
Various memorandums, letters, meeting notes and electronic mail, to and from the Mayor,
City Council, Seniors Against Governmental Abuse (SAGA), citizens and attorneys
News articles from the Ledger Dispatch

Brown Act Concern

A complaint was filed against the City of Jackson alleging a serial meeting violation of the Brown Act.

The Brown Act prohibits meetings between council members, when a quorum exists outside the public forum. A violation of the Brown Act could result in a consensus being reached between council members (without proper citizen participation) concerning a matter before the Council.

Facts:

- Two City Council members visited and videotaped the site of another development built by the proposed developers of Kennedy Meadows.
- The videotape was made available to the other Council members.
- A third Council member viewed the videotape prior to voting on the project.

Findings:

- Council members may view the site of a project, together or individually, as long as there is no commitment to a certain vote.
- Council members may discuss and/or view a related videotape as long as there is no commitment to a certain vote.
- A serial meeting violation of the Brown Act did not occur.

Recommendation:

- None

Conflict of Interest

Facts:

- The real estate firm that had a financial connection to the Kennedy Meadow development employed the Mayor of Jackson in a position as a real estate agent.
- The Mayor was not the agent involved in the real estate transaction of this project.
- The Jackson City Attorney rendered the opinion that no disqualifying conflict existed.
- The conflict was then brought to the Fair Political Practices Commission (FPPC).
- The FPPC ruled there was no conflict of interest violation.

Findings:

- Public discussions and responses regarding this project became very personal and heated.
- Although a Council member may not be in a conflict of interest position, the appearance of a conflict may cause added public concern and speculation.

Recommendation:

- Responses to public discussions should be handled with diplomacy and in a professional manner.
- Public officials should conduct themselves in a manner that is above reproach.

Resolution Actions (Application for HOME Grant Funds)

Citizens alleged that the reduction of the number of units originally proposed should have been brought back to the City Council and the public before modifying the HOME Grant application.

A resolution is something that is resolved, a firmness of resolve or a formal expression of opinion, will, or intent voted by an official body or assembled group.

HOME Grant Funds

The City of Jackson has asked for funding through the HOME Program. HOME is the largest Federal block grant to State & local governments designed exclusively to create affordable housing for low-income households.

Facts:

- The Kennedy Meadows development is to be built with HOME Grant funding.
- The original proposed development was described as “78 affordable units” of which 21 were to be “very low income” units.
- On September 23, 2002, the Resolution 2002-34 application for the HOME Grant for a 78-Unit Rental New Construction Project was passed and adopted by the Jackson City Council.
- In October 2002, the developer changed the proposed development, reducing the number of affordable units to 56 and increasing the number of “very low income” units to 23.
- Reduction of density from 78 to 56 affordable units was determined to be a minor change by the City Attorney and was handled as an administrative adjustment.
- Acting within his jurisdiction, the Mayor signed the revised resolution for the HOME Grant application. Due to the change being an administrative adjustment, no public approval or vote of the Council was needed.

Findings:

- The City Council of Jackson acted within its jurisdiction in applying for the HOME Grant.

Recommendation:

- None

1st Referendum Petition: HOME Grant Application **Article 34 “Public Housing Project Law” (Vote of the People)**

A referendum is the principle or practice of submitting to popular vote a measure passed upon or proposed by a legislative body or by popular initiative.

Facts:

- Concerned citizens and Seniors Against Governmental Abuse (SAGA) submitted a petition to the City Council against Resolution 2003-03 protesting the City’s resolution to fund the Kennedy Meadows development.
- The petition against the resolution was certified on February 14, 2003.

- Once a petition is certified, the City Council must either repeal the resolution or submit it as a referendum petition for a vote of the people according to the elections code.
- The referendum petition against Resolution 2003-03 for the application of the HOME Grant was to be placed on the November 2004 ballot.
- The Kennedy Meadows project developer filed suit against the City of Jackson to block the referendum.
- The litigation went to the Amador County Superior Court as to whether an affordable housing project is subject to a California Constitution, Article 34 (vote of the people).
- The Article 34 “Public Housing Project Law” (vote of the people) applies to the builders of a project. The City of Jackson is not the developer or builder of the Kennedy Meadows project.
- The judge found that the agreement was not subject to referendum in any form and issued an order removing the measure from the ballot.
- The judge’s decision was appealed to the 3rd District Court of Appeals.
- A March 2004 ruling from the 3rd District Court of Appeals validated the lower court’s findings.

Findings:

- The City of Jackson chose to place the referendum petition on the ballot rather than repeal the resolution.
- The Article 34 “Public Housing Project Law” applies to the developer of a project.

Recommendation:

- None

Planning/Zoning

Ministerial Projects

"Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision.

Ministerial Vs. Discretionary Projects

- *Discretionary projects are subject to environmental review per CEQA*
- *Ministerial approvals/actions are statutorily exempt from CEQA and cannot be appealed to the City*
- *Where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.*

In general, ministerial projects are exempt from CEQA. Ministerial projects are those which are judged according to a set of definitive standards or criteria, do not involve substantial judgment and do not require a public hearing, such as building permits, sewage disposal and well permits, and road encroachment permits. In contrast, discretionary projects, such as subdivisions, zone changes, use permits, or general plan amendments, which lack a well

defined set of standards, involve considerable judgment in making the decision, and require a public hearing, are subject to CEQA.

Citizens alleged that the environmental issues were not addressed and the zoning was invalid.

Facts:

- The Planning Commission established a site plan review committee. The objective of the site plan review committee was to determine if the Kennedy Meadows project was to be subject to the conditions of the California Environment Quality Act (CEQA).
- The Kennedy Meadows project was zoned for proper usage.
- The site review committee determined this project had no marked impact or adverse effect on the environment, and thus qualified it for a negative declaration.
- The Planning Commission approved the site plan and CEQA mitigated negative declaration for the Kennedy Meadows project and adopted Resolution No. 2002-10 (site review findings) on December 16, 2002.
- The Kennedy Meadows project conforms to zoning requirements and is consistent with the General Plan Land Use Designation.

Findings:

- The HOME Grant and the level of controversy necessitated that the Planning Commission establish a site plan review committee to study the Kennedy Meadows project.
- The Planning Commission acted within its jurisdiction in approving the environmental and zoning issues.

Recommendation:

- None

2nd Referendum Petition: The California Environment Quality Act (CEQA)/Site Plan

Citizens alleged the City of Jackson acted inappropriately in approving the negative declaration.

Facts:

- Site Plan and CEQA determinations are made on a case-by-case basis.
- CEQA determinations are not a matter of general legislative policy.
- Only legislative acts are subject to referendum.
- Land use approvals are adjudicatory/administrative decisions, not legislative.
- Based on the CEQA/Site Plan, a second referendum petition by Seniors Against Government Abuse (SAGA) was filed to overturn the approval of the Kennedy Meadows project despite the City Attorney's advice.
- The City Attorney determined that the second referendum petition did not meet the standards for placement on a ballot as it was not a legislative act. (California Health and Safety Code Section 37001 et seq.)
- SAGA circulated the petition and filed a lawsuit challenging the project.
- A judge determined the challenge was invalid and the case was dismissed.

Findings:

- SAGA knew in advance that the referendum petition did not meet the legal standards for placement on the ballot.
- The actions taken by the City Council met the applicable legal standards.

Recommendations:

- None

Emergency Agenda Concern

It was alleged that the emergency placement of the agenda item was done with the specific intent to avoid public criticism, input, and opposition.

According to the Brown Act, "The body may discuss an item which was not previously placed upon an agenda at a regular meeting, when the body determines that there is a need for immediate action which cannot reasonably wait for the next regularly scheduled meeting. However, the Act specifies that in order to take advantage of this agenda exception, the need for immediate action must have come to the attention of the local "agency" after the agenda had already been posted."

Facts:

- The deadline for filing the HOME Grant application with the California State Department of Housing was January 15, 2003.
- The City Manager received the returned Home Grant application on December 24, 2002.
- The next City Council meeting was January 13, 2003.
- The HOME Grant program did not clearly specify the language that could be placed in the resolution. The City Council stated it did not initially have sufficient information to make the required changes.

Findings:

- The emergency agenda item (HOME Grant Fund application) was received with sufficient time to place it on the regular agenda.
- The City Council was aware that the HOME Grant fund application was controversial and the public wanted the chance to express their concerns.

Recommendations:

- The City Administration should place time sensitive items on the agenda as soon as possible to avoid the use of their emergency agenda authority for controversial issues.

Open Competitive Bidding - Administrative Subcontractors**Facts:**

- An administrative subcontractor assists the City in all areas of general administration of the HOME Grant Program.
- The City mailed Request for Proposals (RFP) to three firms on the list of Administrative Subcontractors approved by the State Department of Housing and Community Development.
- Only one firm responded to the request for a proposal.

- The approved Administrative Contractor's references were checked and verified.
- The responding firm was approved as the Administrative Subcontractor for the City's HOME Grant.

Findings:

- The City did not verify that the chosen firms were interested in providing a bid for the general administration of the HOME Grant Program.

Recommendations:

- The City should verify that identified firms are interested in submitting a bid.
- Mail Requests for Proposals (RFP) only to those firms who wish to participate.

Conclusion:

The need for low cost housing remains high. The State mandates that low cost housing be sought or State funds can be withheld from cities and counties. It is prudent to select the best low cost housing options available. The City of Jackson has made fiscally reasonable conclusions concerning the quality of this proposal and has acted responsibly in this matter.

Response Required: In accordance with California Penal Code 933.05, the Jackson City Council is required to respond.

Arroyo Ditch

Introduction

The Grand Jury received a citizen's complaint regarding the City of Plymouth's alleged disregard for the water rights and mismanagement of the Arroyo Ditch. The 2003-2004 Grand Jury elected to review and evaluate the operation of the Arroyo Ditch pursuant to California Penal Code 925(a).

Background

The Arroyo Ditch, a 17 mile long open conveyance system, was built by miners over 100 years ago to supply water to the gold mines and the growing population of the region. Arroyo Ditch takes water from the Middle Fork of the Cosumnes River by means of an intake dam. The Ditch runs in a southwesterly direction through a flume across Spanish Creek to Green Gulch Reservoir. Out of the reservoir, it intersects the South Fork of the Cosumnes River, and continues through the town of Plymouth and down to Forest Home.

Amador County purchased the Arroyo Ditch Company (with all rights, title, interest, reservoirs, and other appurtenances in El Dorado and Amador Counties) from Henry and Mary Garibaldi in 1962. In 1989, Amador County deeded it to the City of Plymouth via a Quitclaim Deed.

The water rights that govern the Arroyo Ditch are known as appropriative "pre-1914" water rights. They were established prior to 1914, the year the Water Commission Act and subsequent regulations and statutory procedures became effective.

The key to acquiring and maintaining pre-1914 water rights was simply beneficial use; no permits, applications or filings were necessary. The amount of water used (appropriated) for beneficial purposes (domestic, agricultural, mining, commercial, etc.) was the sole defining requirement which established a pre-1914 appropriative water right.

To maintain and protect the water right, the appropriator must continue to use the water for beneficial purposes. Records need to be kept as to the date of the appropriation and the quantity continually used. The appropriators are required to file statements of water diversion and use with the California Water Board. Supplemental statements should be filed at three-year intervals. If the water is not used for an extended period of time, or is used in a quantity less than the initial appropriation, the appropriative right may be lost or the quantity of the right reduced.

Method of Evaluation

Members of the Grand Jury conducted interviews, reviewed documents, and toured sites.

Persons Interviewed

Director of Public Works, Amador County
Manager, Amador Water Agency
Former Member, Amador Water Agency Board of Directors
Plymouth citizens
Former Plymouth City Council members
Plymouth City Engineer

City of Plymouth maintenance worker
Water Treatment plant operators

Documents Examined

1962 Deed to the County
1989 Quitclaim Deed to the City of Plymouth
1990 Water Needs Report Update for Amador Water Agency and County of Amador
1990 Mountain Counties Water Management Studies, Department of Water Resources
Central District
1990 Study of Water Supply for the City of Plymouth. David C. Willer, Water and Power
Consultant
A Reconnaissance Report on the Proposed Middle Fork Pump Lift Station for the City of
Plymouth and Amador Water Agency, David C. Willer, March 1998
Water Rights background information
Department of Health Services documents
Amador Water Agency documents
City of Plymouth budget and documents

Facts:

- According to the Quitclaim Deed Attachment II Contract for Conveyance of Arroyo Ditch dated August 25, 1989, which transferred ownership of Arroyo Ditch from the County of Amador to the City of Plymouth:
 - “Plymouth shall accept the conveyance by quitclaim deed of said Ditch in its present physical condition and in an “AS IS” condition, knowing that said Ditch is in need of repair, improvement, and maintenance, and knowing, further that said water rights which are a part of said Ditch have not been adjudicated or otherwise authoritatively quantified.”
 - “Plymouth shall own, operate, maintain, repair and use said Ditch as one of the principal water supplies for said City.”
 - “Plymouth will use its best efforts to maintain and operate said Ditch in a manner consistent with sound management and operation policies.”
 - “It shall be the objective of the parties that Plymouth shall cause a flow of one (1) cubic foot per second through the recorder at the pumphouse in Plymouth providing water is available at the source, meaning from either or both the South Fork or the Middle Fork of the Cosumnes, and barring major catastrophes and/or appropriate times of upstream diversion for maintenance purposes, repair purposes, or improvement purposes.”
 - “Plymouth shall defend the Ditch including said water rights in any administrative or judicial attack thereon... and shall maximize water usage with the objective of obtaining a use consistent with the maximum water right attributable to said Ditch.”
 - “Plymouth shall provide from said Ditch water to current legal users within and without the limits of said City at reasonable rates to be determined by the City Council of the City of Plymouth.”
- Water usage is to be in a manner consistent with pre-1914 water rights.
- The 2003-2004 Plymouth Budget does not specifically designate funds to be utilized on the Ditch.

- A meter to measure water flow exists at the treatment plant; however, no consistent written records of water flow in the Ditch have been maintained.
- As of February 2, 2004, water enters the Ditch from Indian Creek and runs for about 2 miles. It is not being pumped up to the treatment plant.
- On February 2, 2004, a “blow-out” occurred which caused water to escape from the Ditch and re-enter the river, rendering the majority of the Ditch unusable.
- Prescriptive easement rights (rights that are sanctioned or authorized by long-standing custom or usage) allow access to the Ditch for maintenance and repair.
- As of February 2, 2004, the City employed one full-time and one part-time maintenance worker whose duties include, among other responsibilities, Ditch maintenance.
- Water in the Arroyo Ditch must be used according to the pre-1914 water rights, or the rights are subject to loss and/or forfeiture.

Findings:

- The Middle Fork of the Cosumnes River does not dry up (except in years of extreme drought), so the potential exists for water to “always” be in the Ditch. The South Fork is usually dry by summer.
- Water ran in the Ditch last year (2003), and was treated.
- The City is not currently utilizing Ditch water for domestic use. The water level is too low to activate the pumps to transport the water uphill to the treatment plant.
- Wells are being utilized as the primary source of domestic water; hence, there is no urgency to repair the Ditch.
- Water in the Ditch could be used beneficially for agricultural purposes.
- Maneuvering equipment to areas in need of repair is often complicated by steep terrain, slippery slopes, and prescriptive easements becoming obscured from property development.
- Lack of maintenance on the Ditch resulted in prescriptive easements not being routinely utilized.
- Access to the Ditch is getting increasingly difficult. Some prescriptive easements have become blocked by property owners planting vineyards and building new homes. The prescriptive easements are subject to loss if they are not routinely utilized and defended.
- Once prescriptive easements are lost, they are difficult to re-establish. Legal representation is often necessary; legal fees are expensive and dissuade Plymouth from actively pursuing re-establishment of the prescriptive easements.
- Gopher holes affect the integrity of the Ditch causing chronic leaks, blow-outs and water loss. Constant maintenance is necessary to avoid excessive damage.
- Due to deferred maintenance, current repairs on the Ditch will require a work crew. Once the Ditch is restored, at least 2 full-time maintenance workers, working exclusively on the Ditch, will be required to maintain it.
- Plymouth has tried to upkeep the Ditch. In addition to efforts by City workers through the years, the Conservation Corp and various prison work-crews have been enlisted to assist with Ditch maintenance. The prison work-crews are no longer utilized due to State budget cuts.

- In good faith efforts to maintain Arroyo Ditch, Plymouth, Amador County, and the Amador Water Agency have invested money. Grants monies have also been accrued for the Ditch.
- Language in the Quitclaim Deed is nebulous and makes issues of compliance open to debate and controversy. Phrases such as “best effort”, “it is the objective”, “reasonable time” are difficult to substantiate and quantify.
- Regardless of interpretation, Plymouth’s attempts to fulfill its responsibility in regards to Arroyo Ditch have proven inadequate. The consensus of those interviewed is that the Ditch is in “shoddy” shape. The City lacks the financial resources, manpower, equipment, technical and engineering expertise to properly manage this valuable resource.
- The current City Administration inherited a legacy of complications surrounding the Arroyo Ditch. Ambivalence about the historical importance of the Ditch as an invaluable asset, and the requisite maintenance, may be due more to frustration than neglect.
- The Administration and citizens of Plymouth have become complacent about protecting the valuable pre-1914 water rights of Arroyo Ditch.

Recommendations:

- The City of Plymouth should contact the Amador Water Agency and the County of Amador, if appropriate, to negotiate and convey all of the rights, title, and interests in the Arroyo Ditch system, including the water rights and the funds designated for maintenance, to the Amador Water Agency.
- The County of Amador should defend and protect all water rights in Amador County.

Response Required: In accordance with California Penal Code 933.05, the City of Plymouth, Amador Water Agency, and the Amador County Board of Supervisors are required to respond.

River Pines Public Utility District

Introduction

In response to several citizens' complaints regarding a lack of potable water, the 2003-2004 Grand Jury elected to review the River Pines Public Utility District pursuant to California Penal Code 925(a).

Background

The River Pines Public Utility District (RPPUD) is a water and sewer district located in north central Amador County. The RPPUD provides water and the collection and treatment of sewer effluent for River Pines. RPPUD has a small customer base consisting of approximately 200 customers. For several years, RPPUD has been on a "Boil Water Order" mandated by the State Regional Department of Health (SRDH).

Method of Evaluation

Members of the Grand Jury conducted interviews, reviewed documents and visited various sites.

Persons Interviewed

Chairman of the River Pines Public Utility District Board of Directors
River Pines Public Utility District Plant and Facilities Operator
River Pines Public Utility District Office Manager
River Pines Public Utility District Accountant
State Regional Department of Health Director
Department of Environmental Health Amador County Director
Water and Waste Water Professionals
Citizens

Documents Examined

Reports required by State and County Agencies
Financial Records and Statements
County Health Codes
River Pines Public Utility District Health Codes
2001 California Plumbing Code
2004 California Safe Drinking Water Act
Documents from the State Regional Department of Health

Sites Visited

State Regional Department of Health-Stockton
Department of Environmental Health Amador County
River Pines Public Utility District Office
Cosumnes River Water Treatment Plant
Wells No. 2 & No.6R
Private bookkeeping service

Water Sources and Treatment Systems

Facts:

- The RPPUD has three sources of water at the present time: the Cosumnes River, Well No. 2, and Well No. 6R.
- The Cosumnes River Water Treatment Plant uses a “Slow Sand Filtering System” to filter out the microscopic particles from the river water. The filtered water is then chlorinated and ready for domestic use.
- The Cosumnes River water is not always used due to low flow rates during certain times of the year. When the flow of the river drops below 15 cubic feet per second (cfs), the RPPUD is required to cease drawing water from the river.
- Well No. 2, located next to the Town Hall, produces 25 gallons per minute. The well production is not sufficient to satisfy the entire District’s water needs. This well also is out of use at times due to a quick drawdown rate and slow recovery time.
- Well No. 6R is used as a supplementary source of water but does not comply with the State standard for microbiological contamination.
- The water from Well No 6R is pumped up to two storage tanks on the side of the canyon. Gravity pressure is used for the distribution system.
- The level of microbiological contaminants rise and fall throughout the year.
- A chlorination system is in place.
- Sampling of water occurs prior to chlorination.
- RPPUD sought and obtained a Drinking Water State Revolving Fund (DWSRF) grant from the State Regional Department of Health (SRDH) to install a treatment system on Well No. 6R.
- This treatment system would filter and disinfect the water and eliminate the bacteriological hazard.
- The SRDH has not permitted RPPUD to install the new treatment system due to what it considers a lack of Technical, Managerial, and Financial (TMF) capacity within the District.
- The SRDH has determined that Amador Water Agency (AWA) has the resources to impart TMF capacity to the River Pines domestic water system.
- The SRDH has stated that it expects RPPUD to enter into a contract with AWA concerning the provisions of TMF.

Findings:

- The Cosumnes River water treatment plant and Well No. 2 cannot provide sufficient water to meet the District’s needs.
- Well No. 6R is used as the supplementary water source for RPPUD.
- The levels of bacteria in Well No. 6R can raise to unacceptable levels during wet periods, mandating the standing “Boil Water Order”.
- Though funds are available, the State Regional Department of Health (SRDH) has not authorized a new filtration system to be installed on Well No. 6R.
- The SRDH mandates that any district receiving Drinking Water State Revolving Fund monies from the State be Technical, Managerial, and Financial (TMF) capable. The TMF mandates that River Pines, as a public utility district, must have a Water Treatment Operator 2.

- RPPUD has a contract with a local Water Treatment Operator 4 with a Distribution 2 and Waste Water 2 license to take care of its needs. This person exceeds the necessary qualifications.

Recommendations:

- Fit Well No. 6R with a treatment system that will filter and disinfect the water pumped.
- Locate and drill a new well on a site that will give RPPUD a new continuous source of good water.

History of Wells Number 6 & 6R

Facts:

- In 1997, Well No. 6 was found to contain fecal bacteria and was condemned.
- Water consultants believed that a well drilled on the south side of State Route 16 near the Cosumnes River would provide an adequate supply of water.
- Due to land disputes, the new well was not located on this site.
- The water consultants indicated that a site located on the north side of State Route 16, where the District has its slow sand filter, would not yield a sufficient amount of water.
- In the year 2000, Well No. 6R was dug approximately 30 feet away from Well No. 6.
- Well No. 6R was dug deeper than Well No. 6 with an annular seal in an attempt to eliminate the contamination that condemned Well No. 6.

Findings:

- Well No. 6R was not drilled where the water experts had suggested.
- Drilling Well No. 6R thirty feet away from contaminated and condemned Well No. 6 did not solve the water problems.

Recommendation:

- None

Contamination Possibilities

Facts:

- Well No. 6R is located on a sloping terrain downhill from a residence with a corral. The residence, located outside of the District, has a leach field for septic disposal.
- The Director for Environmental Health in Amador County has stated that this property in question is not within RPPUD boundaries.
- Leach residue leaks on occasion from the property into a seasonal stream which leads to the Well No. 6R site.
- A well was dug within the last year for this residence.
- This residence was previously on the water line to receive water from RPPUD.
- According to Amador County Health Code Chapter 14.12, septic systems must be a minimum of 100 feet from a public water source.
- According to RPPUD Ordinance 02-004, septic systems may not be installed within 1,000 feet of an existing sewer line.

- A sewer line runs within 250 feet of one of the residences suspected of contamination.
- Cosumnes River flows near Well No. 6R and was tested by the State and found to be contaminated with microbiological organisms.
- A duck pond with standing water is located approximately 100 feet from Well No. 6.

Findings:

- Cosumnes River may be one cause of the contamination of Wells 6 and 6R.
- Nearby septic systems (even though they meet county code requirements of being more than 100 feet from the well), horse stables located uphill from the wells, and a local duck pond may contribute to the contamination of Wells No. 6 and 6R.
- Customers of River Pines Public Utility District are applying for permits to dig wells and install septic systems.

Recommendations:

- Install an effective water filtration system on Well No. 6R.
- Annex nearby residences to the sewer line, complying with River Pines Public Utility District Ordinance 02-004.
- Seek grants to develop a new well system in a viable location.
- Enforce Amador County and River Pines Public Utility District codes and ordinances.

State Regional Department of Health

Facts:

- According to the California Water Law book, Part 12 Chapter 4 California Safe Drinking Water Act, Article 1.116270(a), “Every citizen of California has the right to pure and safe drinking water.” And Article 11670(e) states, “It is the further intent of the Legislature to establish a drinking water regulatory program...to provide for the orderly and efficient delivery of safe drinking water within the state.”
- The State Regional Department of Health (SRDH) has issued a “Boil Water Order” for the past several years due to contaminated water from Well No. 6R.
- The RPPUD procured a grant from the Drinking Water State Revolving Fund (SRF) project for \$370,000.
- The SRF project for RPPUD subsidized a new water filtration treatment system for Well No. 6R, which would make the water potable.
- The filtration treatment system complies with current State standards.
- Bids for the SRF project treatment system for RPPUD were received by the SRDH.
- The SRF project treatment system was put on hold in 2003 by the SRDH due to new 2005 regulatory guidelines for water purification.
- A new filtration system was accepted by the Department of Health Services as an approved alternative to the earlier proposed filtration system.
- A demonstration study to compare the effectiveness of the two filtration systems was scheduled for November 2003 and cancelled.
- The manufacturers assure that the results of the demonstration study would verify that both filters are capable of satisfying State water quality requirements for 2005.
- The Grand Jury has not yet received notification from RPPUD that this demonstration occurred.
- When RPPUD receives a state approved filtration system, the project will commence.

Findings:

- The “Boil Water Order” will stand in River Pines Public Utility District until the Regional Department of Health authorizes a filtration system.
- RPPUD has applied for a grant under Proposition 50 for a new well to be drilled across the street and up the hill from Well No. 6R as well as to deepen Well No. 2.

Recommendations:

- Pursue options with the State to get an approved filtration system on Well No. 6.
- Comply with the California Safe Drinking Water Act.

Response Required:

A response to this report is required by River Pines Public Utility District and the Amador County Environmental Health Director pursuant to California Penal Code 933.05.

Introduction

Throughout its term, the Grand Jury receives complaints filed by citizens. Serious consideration is given to each complaint. Responding to a citizen complaint may prompt the Grand Jury to conduct a full investigation of the subject matter of the complaint. A copy of the complaint form is located in the Appendix.

Due to legal or discretionary reasons, the Grand Jury may not necessarily investigate every complaint it receives. The Penal Code prohibits the Grand Jury from investigating a complaint if any of the following conditions apply to the subject of the complaint:

- It is currently under litigation
- It involves agencies not located within the county
- It involves privately-held companies
- It is a dispute between private parties
- It involves fiscal or administrative operation of the Superior Court

The Grand Jury considers several discretionary factors when deciding whether to investigate a complaint:

- Do the facts warrant an investigation?
- Is there sufficient time to conduct a proper investigation?
- Has the matter been investigated by a previous Grand Jury?

Following is a list of the Citizen Complaints received and any actions taken.

Complaints Received by the 2003-2004 Amador County Grand Jury

Complaint	Date Received	Details
03-04/001	07-24-2003	A citizen requested the Grand Jury investigate the actions of the Amador County District Attorney and Amador Sheriff's Office regarding a domestic violence dispute. <i>The Grand Jury has no jurisdiction due to this matter being before the courts.</i>
03-04/002	08-08-2003	An inmate at the Amador County Detention Facility alleged improper medical treatment and unjust telephone charges. <i>The matter was investigated and it was determined that not enough evidence existed to substantiate further investigation.</i>
03-04/003	08-03-2003	A citizen expressed concern regarding the actions of the Jackson City Council and a proposed low income housing development. <i>This complaint is addressed in the 2003-2004 Final Grand Jury Report.</i>
03-04/004	08-08-2003	A complaint was received regarding the actions of the Amador Fire Protection District on the elimination of paid firefighter positions. <i>The Grand Jury has no jurisdiction due to the matter being before the courts.</i>
03-04/005	Previous suspense file	A citizen requested the Grand Jury investigate the actions of the Amador Fire Protection District (AFPD) Board of Directors. <i>Due to the efforts of the AFPD to create a county wide Amador Fire Protection Authority under a Joint Powers Agency (JPA) contract, the 2003-2004 Grand Jury has declined to investigate this matter further.</i>
03-04/006	09-01-2003	An inmate at the Amador County Detention Facility alleged poor medical treatment. <i>The Grand Jury could not completely investigate this matter due to limited access to medical records and the inmate's release prior to granting permission for review of the inmate's medical records.</i>
03-04/007	09-01-2003	An inmate at the Amador County Detention Facility alleged improper treatment by Police Officers and proper procedures not being followed. <i>The Grand Jury investigated this matter and determined that based on the actions of the inmate, proper treatment and appropriate reporting procedures were followed.</i>

Complaint	Date Received	Details
03-04/008	09-03-2003	<p>A parent of a citizen expressed concern regarding the actions of the Amador County District Attorney's office. <i>The Grand Jury attempted to investigate this matter. Due to potential conflicts of interest with the District Attorney's office, this complaint was forwarded for review to the California Department of Justice, Office of the Attorney General.</i></p>
03-04/009	09-10-2003	<p>A concerned citizen complained about the actions of Jackson City Council members regarding a proposed low income housing development. <i>This complaint is addressed in the 2003-2004 Final Grand Jury Report.</i></p>
03-04/010	09-10-2003	<p>A citizen complaint was received alleging mismanagement of the Amador County Landfill in regards to regulatory issues, contractual obligations and financial impacts to the county. <i>The Grand Jury investigated this complaint and due to current Amador County activity concerning the landfill and last year's extensive report, the 2003-2004 Grand Jury declined to pursue this issue.</i></p>
03-04/011	09-27-2003	<p>A citizen alleged misrepresentation by the Plymouth City Council regarding support of the proposed Indian casino. <i>This complaint is addressed in the 2003-2004 Final Grand Jury Report.</i></p>
03-04/012	10-04-2003	<p>An inmate at Amador County Detention Facility alleged unreasonable treatment from officers while being transported to court. <i>This matter was investigated by the Grand Jury and none of the allegations could be substantiated.</i></p>
03-04/013	10-04-2003	<p>A citizen alleged mismanagement of the operations of the Arroyo Ditch by the City of Plymouth. <i>This matter is addressed in the 2003-2004 Final Grand Jury Report.</i></p>
03-04/014	10-05-2003	<p>A citizen requested the Grand Jury investigate the actions of a Plymouth City Council member in alleged Brown Act violations. <i>This matter is addressed in the 2003-2004 Final Grand Jury Report.</i></p>

Complaint	Date Received	Details
03-04/015	10-05-2003	A citizen complained of the actions of the Plymouth City Council regarding the alleged unjustified water rate increase. <i>This matter is addressed in the 2003-2004 Final Grand Jury Report.</i>
03-04/016	10-05-2003	A citizen requested that the Grand Jury investigate alleged Political Reform Act violations of Plymouth City Council members. <i>This matter is addressed in the 2003-2004 Final Grand Jury Report.</i>
03-04/017	10-05-2003	A citizen complained regarding the actions of the Plymouth City Council in non-enforcement of the Brown Act. <i>This matter is addressed in the 2003-2004 Final Grand Jury Report.</i>
03-04/018	10-05-2003	A citizen's complaint was received regarding the actions of a Plymouth City Council member's alleged conflict of interest. <i>This matter is addressed in the 2003-2004 Final Grand Jury Report.</i>
03-04/019	10-05-2003	A citizen alleged misuse of public funds by the Plymouth City Council in the administration of a survey in which final results were ignored. <i>This matter is addressed in the 2003-2004 Final Grand Jury Report.</i>
03-04/020	11-07-2003	An inmate at Mule Creek State Prison alleged officers violated privacy acts. <i>The Grand Jury investigated the complaint and found the complaint to be without merit.</i>
03-04/021	11-29-2003	A citizen complained of the inadequate recording of closed warrants, by the Amador County Traffic Division resulting in the citizen being arrested unjustly. <i>The Grand Jury cannot investigate State agencies because the Court system is under the jurisdiction of the State of California. The complaint was forwarded to the California Department of Justice, Office of the Attorney General. The Amador County Courts have initiated procedural changes to eliminate situations such as this from recurring.</i>

Complaint	Date Received	Details
03-04/022	11-29-2003	<p>A citizen complained of the Plymouth City Council's actions regarding the format of public meetings that limit public comment. <i>This matter is addressed in the 2003-2004 Final Grand Jury Report.</i></p>
03-04/023	03-15-2004	<p>An inmate at the Amador County Detention Facility alleged unjustified interrogation of family members by the Amador County District Attorney's office. <i>The Grand Jury has no jurisdiction due to the matter being before the courts.</i></p>
03-04/024	03-15-2004	<p>A citizen alleged mismanagement of donations at the Food Bank. <i>The allegations involve private funds; therefore, the Grand Jury has no jurisdiction over the matter.</i></p>
03-04/025	04-15-2004	<p>A citizen complained against the actions of the Amador County Animal Control and the Amador County District Attorney's office resulting in the loss of personal property by the citizen. <i>Based upon the date of receipt of the complaint and time constraints of the 2003-2004 Grand Jury, the complaint has been placed in the suspense file and will be referred to the 2004-2005 Grand Jury.</i></p>
03-04/026	04-21-2004	<p>A citizen complained that the City of Plymouth did not follow equal opportunity employment laws in filling the Public Works Supervisor position. The complaint alleged illegal hiring practices. <i>Based upon the date of receipt of the complaint and time constraints of the 2003-2004 Grand Jury, the complaint has been placed in the suspense file and will be referred to the 2004-2005 Grand Jury.</i></p>

**Complaints Received from the Suspense File from the
2002-2003 Amador County Grand Jury**

Complaint	Date Received	Details
02-03/013	02-12-2003	A citizen requested the Grand Jury investigate the contract between the Amador County Water Agency and the Pine Acres Public Utility District. <i>The Grand Jury investigated the contract and the complainant's counsel validated the contract as being legal and binding.</i>
02-03/014	02-12-2003	An anonymous complaint alleged preferential treatment and misuse of Proposition 10 Grant funds by the Amador County Health Department management. <i>The Grand Jury investigated this matter however, since proper financial jurisdiction could not be established the investigation was terminated.</i>
02-02/015	02-19-2003	A citizen requested the Grand Jury investigate an Ione City Council member receiving perks and misusing his/her position in the community. <i>The matter was investigated and no evidence of malfeasance was determined.</i>
02-03/017	03-24-2003	A citizen requested the Grand Jury to investigate the possibility that an inappropriate candidate would be selected as the Jackson Chief of Police. <i>The Grand Jury investigated the processes used in the selection process for the Chief of Police for the City of Jackson. It was determined that proper selection procedures were followed.</i>
02-03/018	04-23-2003	A citizen alleges the actions of the Jackson City Building Inspector/Plans Examiner resulted in the citizen being sued. <i>The Grand Jury reviewed documents and conducted several interviews on this complaint to determine that there was insufficient evidence to support the allegation.</i>

Introduction

Grand Jury Follow-up

Each year's Grand Jury follows up on agency and public official responses to the previous year's Grand Jury Findings and Recommendations.

As required by the Penal Code section 933.05, a Public Agency must give a response within 90 days and address it to the presiding judge of the Superior Court. An Elective Officer or Agency Head must respond within 60 days to the presiding judge of the Superior Court and provide an informational copy to the Board of Supervisors.

All respondents are given the criteria to follow in responding to all Grand Jury findings and recommendations. For the convenience of the reader, the responses have been matched up with the facts and findings from the previous year's report to which they refer. Other than that, the responses, which appear below, are exactly as they were received from the responding parties and have not been edited in any way.

Amador County Airport – Westover Field Follow Up Report

Introduction:

The 2002-2003 Grand Jury elected to review Amador County Airport pursuant to Penal Code 933.5.

Findings:

- A large amount of debris and junk is located near hangar #6.
 - **Response by GSA Director:** Agree
 - **Response by Board of Supervisors:** Agree
- The mobile home located behind hangar #6 is owned by and is the residence of the Tenant.
 - **Response by GSA Director:** Agree
 - **Response by Board of Supervisors:** Agree

Recommendations:

- The Airport Manager and a representative of the county should regularly inspect the airport as required in the concessionaire contract with Amador County.
 - **Response by GSA Director:** The Airport Manager and I plan to begin regular inspections of the airport.
 - **Response by Board of Supervisors:** This recommendation will be implemented.

Comment by the 2003-2004 Grand Jury: One inspection was completed prior to our visit on December 10, 2003, and another planned after the first of the year. The GSA Director and Airport Manager are in the process of developing inspection guidelines.

- All unauthorized trailers, machinery, vehicles and debris should be removed from the airport property.
 - **Response by GSA Director:** The Airport Manager and I plan to remove unauthorized vehicles and debris from the airport property.
 - **Response by Board of Supervisors:** This recommendation will be implemented upon development of appropriate policies governing allowable uses within the boundaries of the airport. The Airport Committee has begun addressing this issue.

Comment by the 2003-2004 Grand Jury: As of December 10, 2003, the unauthorized mobile home, machinery, vehicles and debris have not been removed. Some of these are the property of the Sheriff and cannot be removed until construction is completed at the Sheriff's office and county yard. However, the tenant occupying hangar #6 has not removed any of the items. A memorandum of agreement was written allowing the tenant to occupy one mobile home, while two are on airport property.

- GSA should develop a policy for the parking of unattended vehicles (also known as “airport cars”) on airport property.
 - **Response by GSA Director:** We are requesting information from other airports regarding their policies for unattended parked cars on airport property and plan to implement our own policy and possible fee schedule.
 - **Response by Board of Supervisors:** This recommendation will be implemented upon development of appropriate policies governing allowable vehicle use within the boundaries of the airport. The Airport Committee has begun addressing this issue.

Findings:

- The county never executed a written lease or rental agreement with Tenant #1 and there is no evidence of any decree or action by the Board of Supervisors allowing him to live in a trailer parked on county property.
 - **Response by GSA Director:** Agree
 - **Response by Board of Supervisors:** Agree
- Presently the tenant does not have current liability insurance showing the county as an additional insured.
 - **Response by GSA Director:** Agree
 - **Response by Board of Supervisors:** Agree

Recommendations:

- Amador County GSA should immediately enter a lease agreement with the occupants of all the hangars at Westover Airport.
 - **Response by GSA Director:** Leases have been sent to all parties. Anyone refusing to enter in to a lease will be evicted.
 - **Response by Board of Supervisors:** This recommendation is already partially implemented.
- Amador County Risk Manager should define the amount of coverage and type of insurance required by the county for leased or rented property, and insure that all the occupants of the hangars obtain insurance appropriate to meet the requirements of the county.
 - **Response by GSA Director:** The Amador County Risk Manager has always defined the amount and the type of insurance coverage required in all county leases, contracts, and agreements.
 - **Response by Board of Supervisors:** The recommendation is already partially implemented.

Findings:

- The mobile home was not “moved away” and none of the former complaints ever acted upon.
- The hookups to the mobile home located behind hangar #6 were found to be in violation of Amador County codes.
- The County does not have a written agreement with the occupant of the mobile home (Tenant) to be a watchman.
- The Tenant cannot provide effective night watchman services if he is in Oregon 75% of the time.

- **Response by GSA Director:** Agree (to the first finding). No response to the other findings.
- **Response by Board of Supervisors:** Agree (to the first finding.) No response to the other findings.

Recommendations:

- Remove the mobile home from county property or rectify the code violation.
 - **Response by GSA Director:** The attached document was found recently which gave the tenant permission via “Commercial Operating Permit” to operate his business and live at the airport. The document was valid for two years and renewable. I am currently negotiating an agreement with the tenant for the mobile home and hangar leases.
 - **Response by Board of Supervisors:** This recommendation will not be implemented as identified. Currently the GSA director is working with the Airport Committee to develop an appropriate contract for Board of Supervisors’ consideration.
- The GSA should provide airports security if needed.
 - **Response by GSA Director:** If it is determined that security is needed, GSA will contract with someone to provide that service.
 - **Response by Board of Supervisors:** The board concurs with the GSA director’s response.

Findings:

- The interior alterations and additions have been constructed to both lessees’ owned and county owned hangars.
 - **Response by GSA Director:** Agree
 - **Response by Board of Supervisors:** Agree
- Hangar #6 was not inspected, but the Tenant told the inspectors he is willing to cooperate with the Building Department.
 - **Response by GSA Director:** Agree
 - **Response by Board of Supervisors:** Agree

Recommendations:

- The Amador County GSA and the Airport Manager should inspect all buildings on the county airport property for modifications or alterations.
 - **Response by GSA Director:** The Airport manager and me or my designee plan to inspect all the buildings on county airport property for modifications or alterations and will do this in conjunction with our inspections described in item #1 above.
 - **Response by Board of Supervisors:** This recommendation will be implemented.
- The County should require that all occupants of hangars or buildings on airport property which have additions or modifications to their structure for which there is not a valid building permit, either obtain the proper permit or demolish the modifications or additions.
 - **Response by GSA Director:** Letters have been sent to tenants known not to have valid building permits. They have been given a deadline of Aug 11, 2003 to obtain those permits.

- **Response by Board of Supervisors:** This recommendation will be implemented.

Comment by the 2003-2004 Grand Jury: *The responses from the Board of Supervisors and Amador County General Service Administration were received in a timely manner with Penal Code 933. However, their responses were not in complete accordance with Penal Code 933.05. The Directors of the Amador County Land use Agency and the Amador County Building Department were in violation of Penal Code 933 by not responding to some of the recommendations.*

It is recommended that subsequent Grand Juries follow up on inconclusive matters until compliance is met concerning all airport facilities' violations.

Addendum by the 2003-2004 Grand Jury:

On April 17, 2004 the GSA Director and airport manager held a meeting with many tenants of Westover field. The purpose of the meeting was to advise tenants of proposed guidelines issued by the County Building and Environmental Health Departments. The guidelines dealt with modification rules for leased aircraft hangars and storage of hazardous materials.

The tenants formed an ad hoc committee after the meeting to submit a counter proposal to the county. Tenants are concerned they may not be able to store small amounts of oil for their aircraft in the hangars, trickle charge their batteries and keep fuel in the tanks of their aircraft. The tenants proposed changes will be submitted to the Building and Environmental Health Departments through the GSA Director.

Once guidelines are finalized, they will be used as inspection criteria for the airport manager's periodic inspections of leased hangars.

**Amador County Sanitary Landfill
(Buena Vista Landfill)
Follow Up Report**

Introduction

The 2002-2003 Grand Jury elected to review and evaluate the Amador County Sanitary Landfill pursuant to Penal Code 925.

Amador County's Management of the Buena Vista Landfill

Findings:

- The County is reactive rather than proactive in meeting state regulatory requirements and the need to file for extensions which cause undue attention by state agencies and the public. This causes confusion and concern.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Partially Agree. While this has been historically true, recent organizational changes allow the County to plan for the future.
- Waste management and the landfill require a great deal of time. The Public Works Agency isn't staffed to meet the demand. There needs to be a manager to meet the needs of the Waste Management Department and the landfill.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Partially Agree. The Public Works Agency has recently hired both a new Deputy Director and a Program Manager both of who will be focused on waste management.
- There has been improvement in the management of the landfill since November 2001 when the Waste Management Department was moved to the Public Works Agency.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree
- There has been no work done on the solid waste facility permits or WDRs (Waste Discharge Requirements) for phase 4.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree
- The County is currently trying to meet the 50% diversion of waste from the landfill as required by AB 939. The baseline year is in question with the CIWMB (California Integrated Waste Management Board). The county was using 1990 as the baseline, which would have made the county in line with diversion requirements. The CIWMB was using 1993 as the baseline year and that puts Amador County out of compliance. The county is working with CIWMB to get the problem corrected.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree

Recommendations:

- Hire a Waste Management Department Director to report directly to the Board of Supervisors and County Administrative Officer. The Director would oversee and meet state regulations governing the landfill, procure out of county waste, direct waste management issues within the Amador County Waste Management JPA, plan for

future landfill needs and monitor landfill costs. The candidate should have a strong business and financial background to analyze revenues and costs.

- **Agency Response:** This recommendation has been implemented. The PWA hired a Program Manager (PM) who is expected to be starting August 18, 2003. The PM will be reporting directly to a new PWA Deputy Director who started work August 4, 2003. Part of the Deputy's duties is to oversee the PM's work. The PM, with the assistance of an intern, (to start work on or about August 18, 2003) will focus on waste management functions including implementing waste recycling and source reduction programs to maintain compliance with State regulations (AB 939 requirements).
- **Response by Board of Supervisors:** This recommendation has been implemented.
- .Use tipping fees to pay salary and benefits of the Waste Management Director.
 - **Agency Response:** This recommendation has been implemented. The Amador County Integrated Solid Waste Management Regional Authority JPA, referred to as the Regional Agency (RA), agreed with the recommendation and the Board of Supervisors approved to increase the tipping fees to cover the salary and benefits of the PM and intern for time spent on AB 939 compliance.
 - **Response by Board of Supervisors:** This recommendation has been partially implemented. There is insufficient tipping fee revenue to cover both salary and expected closure costs. In fact, there remains a significant outstanding loan from the General Fund to the Waste Management Fund to cover recent shortfalls.

Environmental

Findings:

- The State Water Resources Control Board has reduced most of the ground water monitoring tests to every six months from every three months in the current waste discharge requirements (WDRs). There are two reasons for this. First, there is a reduction in contaminants in the wells which first detected the movement of leachate out of Phase 1. Secondly, the county has been meeting, testing and reporting requirements in a timely manner.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree
- The Amador County Sanitary Landfill is currently maintained and operated in compliance with state and federal laws.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree
- "The Buena Vista Landfill does not have a definable ground water contaminant plume" according to an e-mail sent to county officials from Jacobson, Helgoth Consultants dated September 18, 2002. Jacobson, Helgoth Consultants do the ground water monitoring for the landfill.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree

- Amador County's control over what goes into the landfill will insure the environment will not be sacrificed for profits.
 - **Response by Department:** Agree
 - **Response by Board of Supervisors:** Agree

Recommendation:

- None

October 1, 2002 Rate Increase

Findings:

- The Board of Supervisors, County Administrative Agency, and the County Counsel's Office were willing to grant the increase requested without an audit until it was pointed out that the County had a right to request the audit from ADS to justify the proposed tipping fee increases.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Disagree. Both the County Administrator and County Counsel's office had noted there was insufficient information available for them to analyze the proposed rate increase. Based upon this information, the Board of Supervisors approved the rate increase as conditional upon completion of an in depth fiscal analysis conducted by a waste management specialist.
- The County has not received financial records from ADS in over seven years, which makes it hard to determine if the current figures justify the increase because there is nothing to compare. It would be assumed when ADS was a small independent corporation it would not have the large overhead Waste Connections has. The Waste Services Industry tends to be a heavily leveraged (large debt) industry.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree
- ADS has not kept separate financial records for the landfill, the MRF and its solid waste hauler franchise.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree
- Raising the landfill tipping fees makes the landfill more attractive to a potential buyer.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Disagree. It is impossible to predict the impact of increase tipping fees at this time. For example, if tipping fees are too high this may act as an incentive for haulers to seek to use alternative less expensive facilities.

Recommendations:

- Request the annual balance sheets and income statements on landfill and MRF operations as required by the contracts with ADS so there can be a comparison of operation revenues and expenses on a year to year basis.
 - **Response by Department Head:** The PWA agrees with the recommendation.

- The county's consultant, Intelliwaste, Inc., reviewed the audits and presented the County with a written report dated July 1, 2003. The consultant also presented this report to the Board of Supervisors at the July 22, 2003 meeting. The consultant provided an example of the format that should be followed in the future.
- **Response by Board of Supervisors:** This recommendation will be implemented and the Board will direct the Public Works Agency to request this information annually.

Options for the Amador County Sanitary Landfill

County Sells the Buena Vista Landfill

Findings:

- The County would lose authority over the landfill and a new owner could allow dumping of anything into the landfill. It would be illegal for an operator to dump anything in the landfill that was not in the solid waste facility permit granted by the California Integrated Waste Management Board (CIWMB).
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Disagree. The county can place limitations on allowable used through land use procedures.
- The County states it would put conditions on the sale of the landfill to mitigate citizen concerns regarding the environment, traffic and operation of the landfill. Considering the County has not held ADS to the terms of their contract to operate the landfill and MRF, the likelihood of the County to hold a buyer of the landfill to a sales agreement is questionable.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Disagree. Any conditions on the sale would be contractual requirements and thus enforceable by the County.
- The County would sell the landfill "As Is" which would mean the new owner would take the liability of the existing phases of the landfill but this would lower the price for the landfill.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** It is premature to agree with this finding. It is not currently known if the facility will be sold or what specifications will be included in a sales contract.
- Ultimately there is a legal concern as to whether the county can ever rid itself of past ownership liability since it is always a potentially responsible party for site clean up as reported by Intelliwaste Inc. to the Board of Supervisors. Even if the county can negotiate away its liability as an owner/operator it would still be liable as a generator of waste. Corporations can go bankrupt and taxing entities, such as the county, are seen as financial deep pockets in litigation.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** It is premature to agree with this finding. It is not currently known if the facility will be sold or what specifications will be included in a sales contract.

- There are waste management companies interested in the possible purchase of the landfill.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree
- Franchise haulers would not be required to use the landfill if it were purchased.
 - **Response by Department Head:** Agree.
 - **Response by Board of Supervisors:** It is premature to agree with this finding. It is not currently known if the facility will be sold or what specifications will be included in a sales contract.

Recommendations:

- The County retains ownership of the landfill.
 - **Response by Department Head:** The PWA (Public Works Agency) partially disagrees with the statement that the County retain ownership of the Landfill. It is premature to conclude on the options. The DEIR (Draft Environmental Impact Report) document has been made public and will discuss the options available. The public and the Board of Supervisors now have the information from which the Board can make a decision after receiving public comments.
 - **Response by Board of Supervisors:** It is premature to consider this recommendation. The Board is conducting an environmental and financial analysis and review. Only after the public has had an opportunity to review and comment will the Board begin to review and potentially select a preferred alternative.

County Keeps the Landfill

Findings:

- It takes 200 tons per day of waste for a landfill operation to reach an economy of scale (operate efficiently).
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Disagree. The Board has not reviewed any analyses which support the above finding.
- County continues to have control over the landfill, which benefits environmental concerns for the area.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Disagree. There are many methods by which the county can regulate land use other than through direct management.
- The landfill under county control provides reasonable waste disposal to citizens of the county. Tax dollars used to meet landfill expenses provide a benefit to all Amador County citizens. If the landfill is sold there is a good chance the cost to dispose of garbage by Amador County citizens would increase.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Disagree. Recent transactions with nearby Kiefer Landfill indicate that a variety of factors affect rates and in fact it is quite possible that rates would decrease if the facility were sold or operated as a regional facility.

- As prices go up illegal dumping through out the county becomes a greater problem.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree
- The County would be responsible for the cost of permitting, regulatory liaison, environmental monitoring, closure and post closure costs as they are now.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** It is premature to agree with this finding. It is not currently known who would be responsible for future expansion should the County retain ownership.
- The Amador County Board of Supervisors has chosen not to fund this option.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Disagree. The County is reviewing multiple options as part of the environmental and financial review process currently underway.

Recommendations:

- Construct phase 4 to a capacity of at least 850,000 tons and use as a regional landfill taking in at least 250 tons per day of waste.
 - **Response by Department Head:** To make any recommendations prior to reviewing the DEIR would be premature. The DEIR will have an extended review and comment period ending the middle of October after which the Board of Supervisors can make a decision on one of the options.
 - **Response by Board of Supervisors:** It is premature to consider this recommendation. The Board is conducting an environmental and financial analysis and review. Only after the public has had an opportunity to review and comment will the Board begin to review and potentially select a preferred alternative.
- Use a bond issue to finance construction if funds are not available.
 - **Response by Department Head:** To make any recommendations prior to reviewing the DEIR would be premature. The DEIR will have an extended review and comment period ending the middle of October after which the Board of Supervisors can make a decision on one of the options.
 - **Response by Board of Supervisors:** It is premature to consider this recommendation. The Board is conducting an environmental and financial analysis and review. Only after the public has had an opportunity to review and comment will the Board begin to review and potentially select a preferred alternative.
- Two examples of how tipping fees could be used to pay for construction, salary and benefits for a Waste Management Director, closure costs and operational expenses. The per ton breakdown at an average of 250 tons per day based on a 358 day year would be:

Using a bond issue:

ADS \$15.75

Retirement of Bonds at six-year amortization (\$2.8 million @ 4%) \$5.87

Capping and closing phase 4 (Estimate of \$1.6 million) \$1.88

Operating Expenses (Based on average cost of \$668,713.81 last 10 years) \$7.47

Salary and Benefits for Waste Management Director \$0.89

State Franchise Tax Board Fee \$1.34

Total County Tipping Fee \$17.45

Total Landfill Tipping Fee \$33.20

Life of the landfill remaining after six years assuming a life of 9.5 years with a capacity of 850,000 tons would be 3.5 years or 42 months. 42 months times 7,458 tons equals 313,236 tons. 313,236 tons times \$5.87 equals \$1,838,695 towards the next cell requiring less financing.

Using funds available:

ADS \$15.75

Payback on \$2.8 million over six years to general fund \$5.21

Capping and closing phase 4 (Estimate of \$1.6 million) \$1.88

Operating Expenses (Based on average cost of \$668,713.81 over the last 10 years) \$7.47

Salary and Benefits for Waste Management Director (\$80,000.00) \$.89

State Franchise Tax Board Fee \$1.34

Total County Tipping Fee \$16.79

Total Landfill Tipping Fee \$32.54

Life of the landfill remaining after six years assuming a life of 9.5 years with a capacity of 850,000 tons would be 3.5 years or 42 months times 7,458 tons equals 313,236 tons. 313,236 tons times \$5.21 equals \$1,631,960 towards the next cell requiring less financing.

- **Response by Department Head:** To make recommendations prior to reviewing the DEIR would be premature. The DEIR will have an extended review and comment period ending the middle of October after which the Board of Supervisors can make a decision on one of the options.
- **Response by Board of Supervisors:** It is premature to consider this recommendation. The Board is conducting an environmental and financial analysis and review. Only after the public has had an opportunity to review and comment will the Board begin to review and potentially select a preferred alternative.

Close the Landfill and Haul Waste out of County

Findings:

- It is unknown if hauling waste out of the county would increase costs to Amador County citizens. Out of county tipping fees and the cost to haul the waste to the disposal site would determine costs.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree
- The MRF is used to sort waste into recyclables and for disposal into the landfill. Not all waste received at the gate goes into the landfill. The MRF was required to help the county meet requirements of AB 939 for diversion of waste from landfills. Under the contract for the operations on the landfill, ADS has exclusive rights to sell any salvageable items.

- **Response by Department Head:** Agree
- **Response by Board of Supervisors:** Agree
- If the county closed the landfill the MRF would be used as a transfer station.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree
- This will be the option if the Board of Supervisors does not act soon. It is the default option.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree

Recommendation:

- Not recommended

Allow ADS to Expand the Landfill

Findings:

- ADS would get all necessary permits and address all outstanding issues such as completing the revised closure plan, completing the permitting of all disposal activities and the expansion of the landfill.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** It is premature to agree with this finding. Final responsibilities could only be determined through a negotiation process should the Board at some future point choose this option.
- ADS would fund the majority of the costs of the permits.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** It is premature to agree with this finding. Final responsibilities could only be determined through a negotiation process should the Board at some future point choose this option.
- ADS would limit out of county waste to fifteen truckloads per day and would prevent the trucks from traveling through Ione.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** It is premature to agree with this finding. Final contract specifications would be determined through a negotiation process should the Board at some future point choose this option.
- By allowing ADS to continue operations this would permit the landfill to remain in operation.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Agree
- Once a landfill closes it is very hard to resume operations because of state agencies and regulations.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** Disagree. Recent conversations with the California Integrated Waste Management Agency indicate that other facilities have reopened after closure.

- Under this proposal the county would have a difficult time covering costs for meeting post closure monitoring.
 - **Response by Department Head:** Agree
 - **Response by Board of Supervisors:** It is premature to agree with this finding. Final closure responsibilities would be determined through a negotiation process should the Board at some future point choose this option.

Recommendations:

- The next best option behind the county constructing the next phase is to allow ADS to fund and construct phase 4. This will allow the landfill to continue to operate. Time is running out on the ability to keep the landfill open and operating under current permits.
 - **Response by Department Head:** The PWA disagrees with the recommendation at this time, since the DEIR is now in hand and discusses the options available to the Board of Supervisors. The Board of Supervisors can make a better informed decision on what option is best to pursue, based on more information given in the DEIR and public comments.
 - **Response by Board of Supervisors:** It is premature to consider this recommendation. The Board is conducting an environmental and financial analysis and review. Only after the public has had an opportunity to review and comment will the Board begin to review and potentially select a preferred alternative.
- Set aside funds to construct the next phase, phase 5.
 - **Response by Department Head:**__ The PWA disagrees with the recommendation at this time, since the DEIR is now in had and discusses the options available to the Board of Supervisors. The Board of Supervisors can make a better informed decision on what option is best to pursue, based on more information given in the DEIR and public comments.
 - **Response by Board of Supervisors:**_ It is premature to consider this recommendation. The Board is conducting an environmental and financial analysis and review. Only after the public has had an opportunity to review and comment will the Board begin to review and potentially select a preferred alternative.

Comments by the 2003-2004 Grand Jury: The agency's responses were timely in accordance with Penal Code 933 and complied with the requirements of Penal Code 933.05.

Amador County Detention Center Follow Up Report

Introduction

The Grand Jury is mandated to review all prisons and jails within Amador County as required by California Penal Code Section 919(b).

Administration

Findings:

- The administrative offices are well organized. As a result, the materials we requested were located in a very timely manner.
 - **Response by the Sheriff:** Agree
 - **Response by Board of Supervisors:** This is not a budget related issue and thus does not require a Board of Supervisors response.
- To make it more conducive for the Captain to meet with personnel or conduct interviews his office should be enlarged.
 - **Response by the Sheriff:** Agree
 - **Response by Board of Supervisors:** Agree
- The Captain needs assistance in handling administrative duties.
 - **Response by the Sheriff:** Agree
 - **Response by Board of Supervisors:** While the Board of Supervisors agrees that additional staffing can assist with administrative issues, the budget situation does not currently allow for the creation of new positions.

Recommendations:

- Increase the size of the Captain's office when the expansion of the jail occurs.
 - Response by the Sheriff: The Grand Jury recommends an increase in the size of the Captain's office when the expansion of the jail occurs. This precise recommendation will not be implemented. Expanding the current Captain's office during the jail expansion is not practical within the structure of the building, without absorbing area from other rooms that serve a critical purpose. However, when the administrative wing expansion is complete it is planned to move the jail Captain to a different larger office. The completion of construction is estimated to occur by June of 2004.
 - Response by Board of Supervisors: This recommendation will be addressed through expansion of the Sheriff's office administrative offices.
- Hire a Correctional Manager, holding a position between a Senior Correctional Officer and a Captain, to alleviate some of the Captain's responsibilities.
 - Response by the Sheriff: The Grand Jury recommends the hiring of a Correctional Manager, holding position between a Senior Correctional Officer and a Captain, to alleviate some of the Captain's responsibilities. The Sheriff requested such a position in the 2001/2002 fiscal year budget. The Board of Supervisors did not fund the requested position. The Board of Supervisors required the departments to submit a no growth budget and a fifteen-percent cut budget for fiscal year 2003/2004. Adding a new position such as Correctional Manager was not an option for the Sheriff, within the budgetary guidelines from the Board of Supervisors. The preliminary budget from the

Board of Supervisors actually proposes a net loss of two Correctional Officers in the jail. The Sheriff will continue to request the Board of Supervisors fund such a position in the future year budgets. However, until the economy and the county budget move in a more positive direction, it is unlikely that the Board of Supervisors will fund the request.

- Response by Board of Supervisors: This recommendation will not be implemented. Sixteen positions were eliminated as part of the 03-04 Preliminary Budget. There simply is not sufficient funding to add additional positions at this time.

Operations

Finding:

- All documents reviewed were up to date.
 - Response by the Sheriff: The Sheriff agrees with the finding.
 - Response by Board of Supervisors: This is not a budget related issue and thus does not require a Board of Supervisors response.

Recommendation:

- None

Staffing

Finding:

- Due to understaffing there is not only an increase in dollars spent but it directly affects sick leave, workmen's compensation time and staff morale.
 - Response by the Sheriff: The Sheriff agrees with the finding.
 - Response by Board of Supervisors: The Board partially agrees with this finding. Understaffing is only one factor, which can, in some cases, contribute to staff morale issues.

Recommendation:

- Request that the Board of Supervisors revisit the budget to ascertain if adjustments can be made, which would allow for hiring needed personnel.
 - Response by the Sheriff: The recommendation has been implemented. Currently the preliminary County budget calls for cutting two Correctional Officers positions from the jail. The Board of Supervisors required the departments to submit a no growth budget and a fifteen-percent cut budget for fiscal year 2003/2004. Adding new positions was not an option for the Sheriff, within the budgetary guidelines from the Board of Supervisors. The Sheriff and the Board of Supervisors Budget Committee are to meet again in early September, 2003, to review the adopted preliminary budget before it goes to final budget hearings. The Sheriff has requested additional staffing in the Jail for the last several years. The Sheriff will continue to do so until the need is met. However, the Sheriff does not have the authority to allocate additional funds or positions.

- Response by Board of Supervisors: This recommendation will be considered by the Administrative Committee, which will be conducting a special budget hearing in early September to assess public safety impacts from the 03-04 preliminary budget.

Inmate Housing

Findings:

- The increased population in Amador County and the surrounding areas may be responsible for the overcrowding situation in the jail.
 - Response by the Sheriff: Agree, however the Sheriff does not think that an increase in population in Amador County and the surrounding areas is the sole cause of the overcrowding situation in the jail.
 - Response by Board of Supervisors: The Board disagrees with this finding. There are many issues unrelated to population growth, such as casino related crimes, which affect the jail population.
- With increase in inmates there is also an increase in visitors.
 - Response by the Sheriff: Agree
 - Response by Board of Supervisors: This is not a budget related issue and thus does not require a Board of Supervisor's response.
- A home monitoring system could alleviate some of the overcrowding.
 - Response by the sheriff: Agree
 - Response by Board of Supervisors: Agree

Recommendations:

- Establish a start date to begin construction of the jail addition.
 - Response by the Sheriff: The Grand Jury recommends that a start date be established for the commencement of construction of the jail addition. The Sheriff is powerless to do that. Only the Board of Supervisors has the authority to allocate the funding and sign a construction contract with a contractor. Therefore, the recommendation that the Sheriff establish a start date for the construction is unreasonable and will not be implemented by the Sheriff. However, it is the Sheriff's understanding that the Board of Supervisors awarded the construction bid to a contractor in August of 2003. The contract between the contractor and the County is on the Board of Supervisor's agenda for August 26, 2003. The contract gives the contractor less than thirty days to start construction after the contract is signed. Completion of the project is estimated to occur before June of 2004.
 - Response by Board of Supervisors: This recommendation will be implemented upon execution of the construction contract, which is expected to occur in early September.
- Implement an electronic home monitoring system for eligible inmates, who meet the criteria, which will reduce jail overcrowding.
 - Response by the Sheriff: The recommendation to implement a home electronic monitoring system has been implemented. This program was budgeted in the fiscal year 2002/2003 budgets. The program would have been implemented much sooner. However, it took several months to get the District Attorney, Public Defender and Superior Court to agree on how the program would work.

A home electronic monitoring system has been implemented and is operational as of June 2003.

- Response by Board of Supervisors: This recommendation has been implemented.

Food Services

Findings:

- Inmate meals are adequate and nutritionally sound.
 - Response by the Sheriff: Agree
 - Response by Board of Supervisors: Agree
- The meal storage room and the reheating room are currently very crowded.
 - Response by the Sheriff: The Sheriff agrees with the findings. However, the facts are not entirely correct. Inmates are served three (3) meals a day. All three (3) meals have a hot entrée. The minimum standards for jail operation in California only require that two (2) of the meals are hot. However, we exceed the minimum and serve three (3) “hot” meals per day.
 - Response by Board of Supervisors: The Board of Supervisors agrees that the current facility is inadequate. This issue will be addressed as part of the jail renovation project.

Recommendation:

- Complete the remodel of the re-therm (reheating of food to the appropriate temperature) area and kitchen.
 - Response by the Sheriff: The recommendation has not yet been implemented, but will be in the future. Refer to the construction time line for the Jail addition and remodel articulated above.
 - Response by Board of Supervisors: This recommendation will be implemented with the Sheriff’s Office construction project scheduled to begin in late 03.

Inmate Services

Finding:

- Inmates who requested medical attention were seen in a timely manner. Medical records were found to be legible and well recorded. Inmates are advised of the results of their health evaluation and, if necessary and any follow up care required.
 - Response by the Sheriff: The Sheriff agrees with the findings.
 - Response by Board of Supervisors: This is not a budget related issue and thus does not require a Board of Supervisors response.

Recommendation:

- Attempt further negotiations with the orthopedic physician in Amador County.
 - Response by the Sheriff: The recommendation has been implemented. The orthopedic surgeon that the County had attempted to work with has closed his practice and is no longer practicing medicine in Amador County. However, there is another orthopedic surgeon in the County now. The Sheriff and

California Forensic Medical Group have begun conversations with the second orthopedic surgeon relative to his treating inmates.

- Response by Board of Supervisors: The Board of Supervisors supports the Sheriff's response.

Comments by the 2003-2004 Grand Jury: The agencies' responses were timely in accordance with Penal Code 933 and complied with the requirements of Penal Code 933.05.

Preston Youth Correctional Facility Follow Up Report

Introduction:

Penal Code Section 919(b) mandates that the Grand Jury annually review all prisons and jails within the County. The only findings that resulted in a recommendation were concerning the main kitchen.

Demographics

Findings:

- The California Youth Authority (CYA) population is declining due to legislative mandates requiring the state to charge counties for CYA commitments.
- Counties are keeping juvenile offenders in juvenile halls or county camps. As an example, Fresno County Probation Department, Fresno County had 219 commitments to the CYA at a cost of \$109,676 in 1995/1996 fiscal year. The cost increased to \$3.8 million in fiscal year 1999/2000 for 110 new commitments to the CYA.
- Several CYA Institutions will be closed in the near future. At this time it is undetermined if Preston will be closed.
- Preston Youth Facility (PYCF) has provided community service and economic stability to Ione and Amador County for over one hundred years.
 - **No responses were given.**

Recommendation:

- **None**

Treatment Programs:

Findings:

- The wards were living in a safe, secure and clean environment.
- Staff appeared interested and cared about the ward's progress in their treatment goals.
- Wards interviewed were able to discuss program goals and their growth in these specialized programs.
- The administrators, supervisors, counselors, custody staff, and other personnel have a good working relationship with each other and were very informative. The facility is managed in a professional and yet personable manner, with safety and security of staff and the wards the main concern.
- The programs observed afford a ward the realistic opportunity to gain the personal skills and, the basic vocational skills to make a life change and become a productive citizen if he so desires.
 - **No responses were given.**

Recommendation:

- **None**

Educational and Vocational Programs:

Findings:

- The school at PYCF is very much like any school in California.
- It is hard to compare year to year results from tests such as the STAR (Standardized Testing and Reporting) test and the High School Exit Examinations because the school does not have the same students each year.
 - **No responses were given.**

Recommendation:

- **None**

Main Kitchen

Findings:

- The kitchen was clean and well maintained.
- The floors are tile and often wet from food preparation, cleaning and mopping. A special soap is used on the floor, which eats the grease to prevent build up.
- Where the floors were wet, no “caution wet floor” signs were displayed.
 - **No Responses were given.**

Recommendation:

- Place “caution wet floor” signs around any floors that are wet.
 - **Response by the Preston Youth Correctional Facility:** We agree with the finding. The recommendation has been implemented. Specifically, yellow caution cones are being used where the floors are wet.

Comment by the 2003-2004 Grand Jury: The Preston Youth Correctional Facility’s response was received by the 2003-2004 Grand Jury on August 5, 2003, from the Superintendent. The agency’s response was timely in accordance with Penal Code 933.or(c). However, the responses were not in compliance with the requirements of California Penal Code 933.05(a) wherein the responding entity shall respond in agreement or disagreement wholly or in part with the findings.

Amador County Unified School District Follow Up Report

Introduction

The 2002-2003 Grand Jury elected to review and evaluate the Amador County School District (ACUSD) pursuant to Penal Code 933.5 in the areas of transportation department and vertical communication between the various departments and the administration including the school board.

ACUSD BOARD OF TRUSTEES

Providing Leadership

Findings:

- Trustees were generally aware of the long history of problems with the bus fleet, but did not look out for the interests of parents and children by initiating any corrective action. They did virtually nothing this time until the CHP and DA personally confronted them with the maintenance problems.
- The Trustees' expressions of surprise do not ring true, given they did nothing to correct the widely reported problems with the buses, which led the CHP to fail the bus terminal and red-tag the busses in 2002.
 - **Response from Amador County Unified School District (ACUSD):** DISAGREE: The Board/District took several corrective actions within the 12 months prior to CHP/DA 'confrontation', including
 - Contacting the State Fiscal Crisis Management and Assistance Team (FCMAT) in February 2002; subsequently, FCMAT did a thorough review of transportation (APRIL 2002); most of the recommendations were implemented in the next six months.
 - Purchased eight new busses, bringing down the average age of a 'regular route' bus from 17.7 years to 5.3 years by November 2002.
 - Added mechanic hours, restructured administration to ensure increased oversight of repairs.
 - Added a new bus facility to the November 2002 bond measure, which passed.
 - Created a citizens' transportation oversight committee to review service and practices.
- By failing to maintain a safe bus fleet, the district runs a high risk of children being seriously injured, and exposes itself to substantial risk of liability for expensive claims.
 - **No response from ACUSD**
- The Board has neglected bus and maintenance staffs—salaries have not kept up, working conditions are difficult; as a result, retention of bus drivers is difficult.
 - **Response from ACUSD:** AGREE / PARTIALLY DISAGREE: Bus drivers and maintenance staffs are part of a bargaining unit that represents 24 different job descriptions. An October 2002 study showed that bus drivers ranked 6th in salary among 20 recognized, 'comparable' districts in the state (based on size and district make-up, mutually agreed to by union and district).

Recommendations:

- The Board of Trustees should follow its own policy of providing leadership to insure that the bus fleet is safe for children and the motoring public, and to reduce the risk of financial liability for the district.
 - **Response by ACUSD:** The Board has done so, as evidenced, in part, by August 2003 terminal/bus CHP inspection.
- The Trustees should each work cooperatively with the Superintendent to “adopt” an operational area of the district, so that each Trustee develops on-going awareness of a part of the district’s functions. This would include regular site visits, discussions with staff, review of records, and condition of equipment and supplies.
 - **Response by ACUSD:** Trustees will identify areas for 2003-2004 by end of September 2003 and may choose to so identify. Finding exceeds scope of Grand Jury power and jurisdiction. Trustees are responsible for entire operation of school district, not individual fiefdoms.

Comment by the 2003-2004 Grand Jury: The 2003-2004 Grand Jury acknowledges the response by ACUSD. Grand Juries are granted the power to investigate the books and records of any special-purpose assessing or taxing district and may investigate upon the method or system of performing the duties of such district Pursuant to Penal Code 933.5

Working with the Superintendent

Findings:

- There is a consensus among these current and former Board members that effective working relationships with Superintendents have a history of difficulty in Amador County.
 - **Response by ACUSD:** AGREE
- The current Superintendent enjoys more support from the Board than did his recent predecessors.
 - **Response by ACUSD:** AGREE
- The Trustees have a passive attitude in working with the Superintendent, allowing him/her control of information, hiring, budgets, and union relations.
 - **Response by ACUSD:** DISAGREE. Trustees are involved in major hiring processes, have own representative in budget advisory meetings, participate in union-related meetings.
- The frequent turnover of Superintendents adversely affects his/her ability to establish effective working relationships with Trustees.
 - **Response by ACUSD:** AGREE

Recommendations:

- The Trustees should be more assertive in requiring staff to keep them informed of important issues.
 - **Response by ACUSD:** Information is regularly shared with trustees regarding curriculum, personnel, budget, either through sending their own representative to such meetings or through discussions at twice-monthly meetings and workshops. Beginning in August 2003 there will be more ‘director reports’ scheduled as part of board meetings.

- The Trustees should require accountability from the Superintendent.
 - **Response by ACUSD:** Trustees, in addition to meeting with the Superintendent at regular meetings and on committees, receive updates on school-related matters at least once a week. Superintendent is evaluated annually by Trustees.
- The Trustees should follow established procedures to provide direction to the Superintendent.
 - **Response by ACUSD:** Trustees currently follow established procedures to provide direction to the Superintendent.

Ensuring Accountability

Findings:

- Favoritism undermines effective accountability, because friends cannot be expected to formally supervise each other, demand performance standards be met, or take appropriate disciplinary action.
 - **Response by ACUSD:** DISAGREE, based on lack of evidence that “friends cannot be expected to formally supervise each other”.
- Although the former Director of Transportation did not possess the proper qualifications for the job, the Trustees approved upgrading the position to Executive Director of Transportation and Maintenance, with added duties and a sizable pay increase.
 - **Response by ACUSD:** No response, based on 1968 case law and the fact that any action involving the positions did not take place in 2002-2003.
* For case law, see end of report
- There is no evidence of the Trustees having done anything to ensure effective personnel accountability.
 - **Response by ACUSD:** No response, based on case law and A.G. (*Attorney General*) opinion. (Comment: In 2002-2003 Trustees took a number of actions regarding personnel. However, the District is concerned regarding a few grand jury members’ actions in this area, including a grand jury member’s comments in a public meeting.

Recommendations:

- The Trustees should follow the standards, guidelines and procedures laid out in the Amador County Public School Board Handbook.
 - **Response by ACUSD:** Board will review duties/ responsibilities, revise as needed, Board Handbook by April 2004.
- The Board of Trustees should require performance standards, annual evaluations, and accountability to ensure that all staff are meeting job expectations.
 - **Response by ACUSD:** 90% of staff evaluations are covered specifically (who/when/how) in one of four employee contracts that are negotiated formally.

- Create full time bus driving positions for those that want them to increase job performance and satisfaction. This could be financed through the elimination of middle management positions in the transportation department.
 - **Response by ACUSD:** NO RESPONSE/case law, Attorney General
 - * For case law, see end of report.

Administration and Supervision

Findings:

- The ACUSD Superintendent is responsible for maintaining policy and procedures.
 - **Response by ACUSD:** AGREE. However, per Board Handbook, the Board sets policy, the superintendent recommends procedures to carry out those policies and is responsible from making sure the policies are followed /implemented.
- Some jobs are filled in the district without regard to the qualifications for the position either as stated in the job description or as mandated by the requirements of the work.
 - **Response by ACUSD:** None, per case law. If, for some reason, a top candidate does not meet all of the qualifications for a particular job description – and there are no other candidates who do so – the job is either ‘re-advertised’ or the Board is informed of such lack of qualifications. If the position involves a specific credential, the District is also required to inform the state and does so annually, if necessary.
 - * For case law, see end of report
- There is no documented evidence the former Executive Director of Maintenance, Operations and Transportation met the requirements for that position based on education, training or experience.
 - **Response by ACUSD:** The determination that this person did/did not meet requirements was not done in 2002/2003. Any records to that decision would not be available to grand jury.
- There is no documented evidence that managerial positions receive written performance evaluations on a regular basis.
 - **Response by ACUSD:** Disagree. Every managerial position is evaluated at least once every other year.
- Any personnel evaluation done cannot be used for discipline in the absence of a Progressive Discipline Policy.
 - **Response by ACUSD:** Disagree. For certificated county and district employees, other than administration, discipline procedures are covered in a contract agreement and, thus, can not be part of policy. For classified employees, a discipline policy is in place. For most management positions, classified or certificated, staff serves at the pleasure of the Board and evaluations, as well as other information, may then be used in any discipline matters.
- The Superintendent failed to adequately monitor the performance of the Executive Director of Maintenance, Operations and Transportation to ensure compliance with established policy and procedures.
 - **Response by ACUSD:** None, due to case law.
 - * For case law, see end of report.

- The failure to address the inadequacies in established procedures and to revise them led to the crisis in the transportation department and its shutdown.
 - **Response by ACUSD:** Disagree. CHP cited several factors, going back several years, in the matter of the transportation crisis, from the age of the busses to a string of ‘satisfactory’ inspections that created a false sense of security. Since two of the above findings dealt with a particular administrative position and there is no mention of evaluations involving other transportation employee positions, the conclusion might be that this is the source of the transportation problem – and there would not be agreement on that conclusion.

Recommendations:

- The Personnel Director should develop an accurate, up to date job description for all positions.
 - **Response by ACUSD:** Almost 50% of all district/county job descriptions have been revised and updated in the last 18 months. With a new Personnel Director hired in September 2003, the complete update would not take place until August 2004.
- The successful applicant for any position should meet the mandated qualifications for the job as set out in the job description.
 - **Response by ACUSD:** Done. Positions typically have mandated/required qualifications and desired qualifications. It is expected that the successful applicant meets all mandated qualifications with the above mentioned exception in a few cases involving teacher credentials to teach specific subject areas. In those cases, the state is notified and a waiver is requested.
- All employees within the ACUSD should be reviewed through evaluations, including management.
 - **Response by ACUSD:** Done
- ACUSD Personnel Director should inform the ACUSD Board of the failure by Department Heads to conduct evaluations.
 - **Response by ACUSD:** Will be done in June 2004 and regularly, thereafter.
- The ACUSD Superintendent working in concert with the Personnel Director should identify any personnel problems and bring them to the attention of the Board of Trustees.
 - **Response by ACUSD:** This is currently being done in Closed Session on a regular basis.
- Once informed of a problem the Board should direct the Superintendent to take the necessary actions to correct the situation.
 - **Response by ACUSD:** This is currently being done in Closed Session on a regular basis.
- Managers and Supervisors should receive performance evaluations a minimum of once a year.
- The Superintendent should more closely monitor subordinate employee performance to ensure compliance with established policy and procedures.
 - **Response by ACUSD:** This is currently being done.

Transportation Department

Findings:

- Supervision of employees is essential at all levels of the department for maximum efficiency and effectiveness.
 - **Response by ACUSD:** AGREE
- The lack of supervision has led to buses not being maintained; paperwork not being filled out nor properly filed and the inability to correct the deficiencies.
 - **Response by ACUSD:** AGREE
- The maintenance facility physical plant is below standard and in poor condition for providing proper maintenance.
 - **Response by ACUSD:** AGREE
- There are an inadequate number of bus drivers (26) and qualified mechanics (3).
 - **Response by ACUSD:** PARTIALLY DISAGREE. The numbers cited should be more than sufficient for the routes currently being operated.
- There is little paperwork to show that the bus drivers routinely performed their required daily safety inspections on their bus or completed the checklist prior to departure.
- Mechanics spend time in the field making repairs.
 - **Response by ACUSD:** AGREE
- Replacing older school buses with newer school buses would result in improved safety, fuel cost savings and lower maintenance.
 - **Response by ACUSD:** AGREE
- Buses manufactured after 1987 are safer for passengers in the event of an accident.
 - **Response by ACUSD:** AGREE
- There is incomplete documentation verifying that periodic vehicle inspections, maintenance and service, and repairs have been completed as required by policy and mandated by state law.
 - **Response by ACUSD:** DISAGREE. Current documentation covers all of the above and is up-to-date.

Recommendations:

- Increase the number of mechanics and bus drivers employed in order to be able to properly operate and maintain the bus fleet. Create full time bus driving positions for those that want them to increase job performance and satisfaction. This could be accomplished by eliminating middle management positions.
 - **Response by ACUSD:** There are only two management positions in transportation, both seen as critical: director and shop coordinator. Creating full-time positions is a notable goal, as is adding additional mechanics (a position was added last year). However, transportation expenses – and the encroachment on the general fund – make this very difficult. The District is looking at ways to find funding for the above.
- Improve maintenance record keeping and documentation.
 - **Response by ACUSD:** Done, as evidenced by August 2003 CHP terminal inspection.
- Develop a purchase plan and budget to allow for a new maintenance facility. This may be accomplished with the appropriation of funds from the Bond money.

- **Response by ACUSD:** Plan is being developed, budget is set. Drawings for a new facility are almost complete and the location will be determined shortly. Work is expected to begin, summer 2004.
- Set up a schedule for bus purchases and use the available lottery money to purchase new or late model used buses on a regular basis.
 - **Response by ACUSD:** Schedule established (September 2003)
- Retire buses in the fleet that do not conform to the Federal Safety Standards.
 - **Response by ACUSD:** Part of above schedule.
- Implement a computerized system that tracks when vehicle inspections are due, what maintenance and repairs are scheduled, and identifies when the items are completed.
 - **Response by ACUSD:** Will be completed by February 2003.
- Design and implement a tracking system within the Transportation Department to ensure timely completion and filing of mandated documentation.
 - **Response by ACUSD:** Will be completed by February 2003.

***Comment by the 2003-2004 Grand Jury:** An interview with the current Transportation Director and her staff on January 27, 2004, at the bus facilities covered many of the prior problems of the Transportation Department. The efforts and progress of the Transportation Department are listed as follows:*

- ✓ *The current program shows evidence of an inspection checklist which is filled out daily by the bus mechanics. It includes service schedules being conducted by mileage, make, model, and year of vehicle.*
- ✓ *A computerized tracking system can configure any type of service for each vehicle and modify it according to need.*
- ✓ *In-service training hours, driver files, and working hours are kept current. A mandatory safety meeting is held monthly.*
- ✓ *An organizational chart was made. Accountability is supervised by the Transportation Director and Fleet Manager.*
- ✓ *Transportation Department re-organization has resulted in a more fluid work environment and individuals are held accountable for the requirements of their job.*
- ✓ *Presently, there are three spare buses; the oldest is a 1977 model. All buses currently in use were said to be in compliance with California safety standards.*
- ✓ *Mechanics are present at the bus terminal from eight a.m. until six p.m.*
- ✓ *The Jackson Yard/Facility and Sutter Creek Yard/Facility have been cleaned and re-organized.*
- ✓ *Three additional school routes were added to meet the needs of the community.*
- ✓ *Procedures, policies, documentation, and programs are being modified or created to keep the department in compliance with all state and federal laws/regulations.*
- ✓ *Future plans include: continued monthly meetings to discuss issues and seek resolutions to problems, setting up a vehicle replacement schedule, establishing a School Bus Safety Program to educate Kindergarten through second grade students on safe riding practices, and offering a wide variety of workshops on safety issues.*

The Grand Jury is impressed with the efforts and progress the Transportation Department has displayed in reaching compliance and addressing the Jury's concerns.

Safety Policy

Findings:

- Failure to have an Illness and Injury Prevention Program exposes the district to financial liability in the form of fines and penalties.
 - **Response by ACUSD:** AGREE

Recommendations:

- The Director of Personnel, in consultation with the Superintendent and approved by the Board of Trustees, should immediately develop and implement a district-wide Illness and Injury Prevention Program as mandated by law.
 - **Response by ACUSD:** DISAGREE. The District has had a program in place (previous revision, 3/5/2002) and is currently doing another revision with assistance from Tuolumne JPA consultants (written document to be completed by 9/17/03, followed by training and implementation.
- A safety manager should be designated to implement and oversee the Illness and Injury Prevention Program.
 - **Response by ACUSD:** AGREE. The current IIPP already designates the District Safety Officer by name and position and the responsibilities.

MAINTENANCE DEPARTMENT

Findings:

- Six of Nine schools visited were properly following the work order policy.
 - **Response by ACUSD:** AGREE? It would be helpful to know which six (or three) are being identified.
- The other three were sending all three copies of the work order to the Maintenance Office. They were not keeping a copy for their records.
 - **Response by ACUSD:** SEE ABOVE
- Failure to follow the work order procedure makes it impossible to determine if necessary maintenance has been done.
 - **Response by ACUSD:** AGREE

Recommendations:

- District policy should be revised to show tracking of work orders and to provide follow up. It should also clarify the policy to include which color-coded copy goes where when submitting a work order.
 - **Response by ACUSD:** New system has been implemented.
- Create a uniform record keeping system for work orders for each school. There should be no variations between school sites in the record keeping process.
 - **Response by ACUSD:** There are binders at each site for work orders. Work orders are also logged by site into the Maintenance Department computer system.
- Train school personnel in how to use the work order system.
 - **Response by ACUSD:** Director or designee will conduct trainings, including those at secretaries meetings and principal meetings, by November 1.

Comment by the 2003-2004 Grand Jury: *During interviews with the School Superintendent on January 30, 2004, and the Maintenance Director on January 20, 2004, it was confirmed that the record keeping system is regularly updated and personnel trainings were routinely conducted.*

Loss Prevention Survey

Findings:

- The director has failed year after year to correct on going violations of state regulations.
 - **Response by ACUSD:** PARTIALLY DISAGREE, (there have been four different directors in last six years; a fifth director has just started in the position).
- The violations found in the January 2003 Loss Prevention Survey were similar in nature as the ones in November 1999. It appears the school district is using the Loss Prevention Survey to do their inspections for safety and liability just as the transportation department was using the CHP inspections on the buses for their vehicle maintenance.
 - **Response by ACUSD:** AGREE, although not certain about the analogy or comparison with CHP bus inspections stated in this finding.
- There is no direction in the Maintenance Department. The department has no preventative maintenance plan.
 - **Response by ACUSD:** It is beyond the scope of the Loss Prevention Survey to analyze the administrative structure of the Maintenance Department. However, there is agreement that there is no preventative maintenance plan for maintenance-related tools and equipment.
- The lack of proper record keeping makes it impossible to know what work has been completed.
 - **Response by ACUSD:** AGREE
- In the absence of proper supervision and record keeping conditions deteriorate and pose a risk or serious injury to all who come to a facility.
 - **Response by ACUSD:** AGREE that the absence of proper supervision could pose a risk of injury.

Recommendations:

- Assign district personnel to inspect the fire extinguishers in the school district on a monthly basis as required by law.
 - **Response by ACUSD:** Done
- Revise maintenance policy to insure that there is follow up on work orders submitted and safety violations noted.
 - **Response by ACUSD:** New system has been implemented over the summer.
- Hire a new Maintenance department head as soon as possible and insure that the new supervisor improves communication between the department and the school sites and the department and the District office.
 - **Response by ACUSD:** Done.

Preventative Maintenance

Findings:

- The district has no Preventative Maintenance program.
 - **Response by ACUSD:** AGREE
- At Ione Elementary school rooms 1, 6, 7, and 8 were noted in the 2000 Loss Prevention Survey and had not been corrected. Room 1 at Plymouth Elementary School was noted in the 2000 Loss Prevention Survey and had not been corrected.
 - **Response by ACUSD:** AGREE
- The 2002-2003 Grand Jury observed there was evidence of major roof leaks, stained ceiling tiles and signs of mold and mildew growth in rooms 1, 2, 5, 7, 8, 13 and the kindergarten room at the Ione Elementary school. These problems were observed in rooms 1, 2, 4, 8, and in the secretary's office at the Plymouth Elementary School. These observations were made in early March of 2003.
 - **Response by ACUSD:** AGREE.
- The absence of a preventative maintenance program has allowed conditions to deteriorate that pose a risk of serious injury to those who use or visit the facility.
 - **Response by ACUSD:** AGREE
- The non-custodial maintenance operation is very understaffed.
 - **Response by ACUSD:** DISAGREE. Past staffing surveys with other districts indicate that the District has similar staffing ratios by comparison.

Recommendations:

- Replace ceiling tiles that have mold and mildew growth immediately.
 - **Response by ACUSD:** Plymouth done this summer. Ione will be inspected; necessary replacements will be done by December 1.
- Repair roof leaks and repaint the stained area so new leaks can be identified.
 - **Response by ACUSD:** Half of Plymouth's roofing was repaired in 2002-2003; remaining areas will be completed by November 1. Facilities Director will inspect and take action at Ione Elementary by March 1.
- Use bond money to make needed repairs in order to avoid serious injury and financial liability.
- Develop and implement a preventative maintenance program.
 - **Response by ACUSD:** Will be in place by March 1.
- Hire additional maintenance staff.
 - **Response by ACUSD:** At this time the District is not in any financial position to add positions or hours. Maintenance staffing levels are consistent with comparable districts.

Comment by the 2003-2004 Grand Jury: The Grand Jury visited Plymouth Elementary School, Sutter Creek Elementary, and Amador High School on January 20, 2004. It was confirmed that at Plymouth Elementary a new energy efficient roof had been installed, and in classrooms 1-8 there was new lighting. New tiles on the ceiling and motion sensors were in each classroom. The walls had been repainted, and additional outlets have been installed. A rebate from PG&E will help defray the cost of the new roof. Lower utility bills due to the energy efficient roof will off-set the initial cost of the roof.

At Sutter Creek Elementary School, the bathrooms have been refurbished. New water fountains and exterior lighting have been placed throughout the school. The electrical circuitry has been upgraded.

SUMMARY by ACUSD

The District and Board appreciate the efforts put in by the 2002-2003 Grand Jury. The additional study done by the Grand Jury in regard to Disaster Preparedness was also greatly appreciated. Clearly, there are disagreements that we have regarding where the Grand Jury went in certain areas. Some of the same concerns were expressed in the previous year. Ironically, one of the things the District asked to have investigated in 2001-2002 – the operations in funding of a charter school located in Amador County, under the auspices of the San Juan Unified School District – would be within the parameters noted in “Calaveras vs. Leach”. On the other hand, it is the District/Board’s belief that in a number of instances the Grand Jury has ventured into areas that are either unauthorized or unwarranted, according to case law. Despite this, the Board has attempted to respond in any case to the Grand Jury’s findings or recommendations, though it was not obligated to do so in several instances. If the Grand Jury does have cause to believe that school district officials are guilty of a crime or of misconduct in office, then this would be within its parameters. However, if it is not prepared to go down that path, it should not attempt to act as a supervising administrative agency other than to examine the books and records permitted by law.

*** CASE LAW as listed by the ACUSD in their response to the 2002-2003 Grand Jury Report.**

In “Board of Trustees of Calaveras Unified School District vs. Russell Leach” (1968) it was determined that grand juries had some limits in their investigative powers. These limits still stand as case law. The following are some of the critical findings of that case.

The California grand jury is endowed with broad powers as an inquisitorial and judicial body, but it is enjoined to exercise those powers with mature discretion. It is not to engage in “fishing expeditions”, that is, initiate investigations not specifically enjoined upon it without probable cause, nor is it to attempt to act as a supervising administrative agency controlling the discretionary activities of public officers.

School districts are agencies of the state for the local operation of the state school system, and their board members are state officers. A grand jury investigation outside of certain parameters (financial affairs which affect the assessing and taxing powers of the district or possible public offenses and misconduct of employees) constitutes an unauthorized and unwarranted interference with the affairs of a school board, as well as a breach of confidence under which school personnel files are established and maintained.

A grand jury may at any time examine the books and records of any special purpose assessing or taxing district located wholly or partly in the county. The grand jury is not permitted to investigate a school district unless the object of the investigation is authorized by Government Code sections 917 and 919.

In 1995 State Attorney General Daniel Lundgren reinforced the above in Opinion 95-113 when he opined that procedural considerations are to be carefully distinguished from substantive concerns on whether a grand jury may investigate and report upon the substance of a school district's decisions. This jurisdiction is limited to considering certain procedures and not the "merit, wisdom or expediency of substantive policy determination".

The... responses attempt to cover all of the findings and recommendations, even those that do not seem to fall under the grand jury domain. In a few such matters, such as Personnel decisions and matters, the District will refer to the above case law.

Comment by the 2003-2004 Grand Jury: *The agency's responses were timely in accordance with Penal Code 933 and complied with the requirements of Penal Code 933.05. The Grand Jury recognizes both the need for more improvements and the vast progress that the Amador County Unified School District has already made in such a short amount of time.*

City of Plymouth Follow Up Report

Introduction

The 2002-2003 Grand Jury elected to review and evaluate the City of Plymouth pursuant to Penal Code 925(a) which grants the Grand Jury investigatory powers to examine the books and records of an incorporated city located in the county and report upon the operations, accounts and records of the officers, departments, functions and the method or system of performing the duties of any such city.

City Council

Findings:

- Historically, there was no single person at the top of a chain of command, responsible for administering city government activities.
- It was the consensus of the city employees and officials interviewed that the Vice Mayor routinely demanded that priority be given to her directions to employees.
- Receiving direction from various council members caused confusion and created a difficult work environment for city employees.
- City Council members and city employees who were questioned about the new City Administrator position welcomed the appointment.
- The City Council reorganized in early 2003. Each member now has a responsibility for a particular area of city operations, which is intended to improve council knowledge about the city and to enable members to coordinate more effectively with fellow council members and the city administrator.
- The new City Administrator is on contract only to the City of Plymouth and is not a full-time city employee. As of May 1, 2003, no ordinance had been enacted to provide for the City Administrator to be a city employee.
 - **Response from the City of Plymouth:** Response to Findings was not submitted.

Recommendations:

- City Council members should give directions to city employees only in the event of an emergency.
 - **Response by the City of Plymouth:** The City Council no longer gives direction to city employees except when there is an emergency and the City Administrator can't be reached.
- City Council members should conduct city business through the City Administrator.
 - **Response by the City of Plymouth:** The City Administrator is in contact with the city on a daily basis even though he is only contracted for three days a week.
- The City Administrator should prepare an organizational chart of all city departments and all positions, by title, and distribute a copy to each city employee.
 - **Response by the City of Plymouth:** An organizational chart was prepared and adopted by the City Council (copy enclosed). The City Administrator holds regular weekly meetings with employees to discuss any concerns that they may have and if any problems are brought up they are dealt with by the Administrator.

- The City Administrator should assure that each employee's job description is updated, connecting that position to the next two levels of supervision and assure that each employee receives a copy of his/her chain of command.
 - **Response by the City of Plymouth:** The City Administrator has reviewed the job descriptions of the employees and has discussed with employees their responsibilities and duties.
- The City Council should hold a public hearing, followed by a regular meeting to decide whether the citizens would be better served by continuing to contract for a City Administrator, or by enacting the necessary ordinance to make the position a formal part of the city's government structure.
 - **Response by the City of Plymouth:** The City Council directed City Attorney to prepare the necessary documents to amend the city's municipal code to adopt a City Manager form of government and declare the powers and duties of the City Administrator. Ordinance 2003-05 and Ordinance 2003-06 were introduced at a regular meeting held on the 8th of May, 2003 and second reading and adoption was held on the 12th day of June 2003 (copies enclosed).

Organization

Findings:

- The City Clerk required more space and privacy so that interruptions by matters that could be handled by other employees will not occur.
- The other city employees also need more room for themselves and their equipment.
 - **Response by the City of Plymouth:** Disagree partially with Findings.

Recommendations:

- A portion of the large meeting room should be partitioned off allowing the City Clerk and City Administrator the work area and privacy they require.
 - **Response by the City of Plymouth:** Recommendations have been implemented partially. The City Council recognizes the office space problem and has moved one office position out of the Clerk's office and relocated to the water plant. The desk for planning is used one day a week for a contract planner and is then available for use by the City Administrator the balance of the time. The City Administrator is looking into the possibility of relocating the Sheriff's substation into another portion of the City Hall to allow the City Clerk and City Administrator to move into that office.
- A section of the partitioned area should be set aside for books, documents, etc., required for daily reference.
 - **Response by the City of Plymouth:** A partition is going to be purchased and placed in front of the City Clerk's desk to block public view, and once the second clerk returns to work the cross training will begin.
- The City Clerk should delegate more responsibility and provide cross training in office procedures to other employees.
 - **Response by the City of Plymouth:** City Clerk has been directed by the City Administrator to delegate work to the other clerk.

Comment by the 2003-2004 Grand Jury: *Although the City of Plymouth responded to the Grand Jury's recommendations pursuant to Penal Code 933.05(b) and submitted the report within the legal timeframe pursuant to Penal Code 933(c), the responses to the findings, as required by Penal Code 933.05(a), were absent from their report. Notwithstanding, with the limited resources of the City of Plymouth, they have acknowledged and implemented actions based on the 2002-2003 Grand Jury's recommendations.*

**The Office of Emergency Services and County-Wide
Disaster Preparedness
Follow Up Report**

Introduction:

The 2002-2003 Grand Jury has chosen to examine the Office of Emergency Services and other agencies responsible for disaster preparedness in Amador County, pursuant to Penal Code section 925(a).

Finding:

- The Coordinator for OES is active in developing plans and holds a yearly disaster training exercise. The Coordinator is very dedicated and is doing an outstanding job.
 - **Response from the Sheriff:** The Sheriff agrees with the finding.
- Amador County does not have the need or resources to support a HAZMAT Team at this time.
 - **Response from the Sheriff:** The Sheriff agrees with the findings.
- A decontamination (DECON) team's training and equipment is at a lower level than that of a HAZMAT team.
 - **Response from the Sheriff:** The Sheriff agrees with the findings.
- The DECON team would assist the HAZMAT team in response to a HAZMAT incident.
 - **Response from the Sheriff:** The Sheriff agrees with the findings.
- The DECON unit would assist in the decontamination of victims of radiation or other types of contaminants.
 - **Response from the Sheriff:** The Sheriff agrees with the findings.
- The County is receiving State and Federal Grants for purchase of needed equipment to support a decontamination team.
 - **Response from the Sheriff:** The Sheriff agrees with the findings.

Recommendation:

- The County should continue to acquire needed equipment and provide the required training for personnel in order to form a DECON team.
 - **Response by the Sheriff:** This recommendation has been implemented. Through various federal grants the Amador County Office of Emergency Services has and will continue to acquire necessary equipment and training for a DECON Team. This is an on-going process.

Finding:

- The present EOC does not provide enough room for the OES to function efficiently in the event of an emergency or disaster.
 - **Response from the Sheriff:** The Sheriff agrees with the findings.

Recommendation:

- Move the EOC to larger quarters. Establishing an adequate Emergency Operation Center should have the highest priority for the Board of Supervisors.
 - **Response from the Sheriff:** The Sheriff does not have the budgetary authority to implement this recommendation. This issue has been reported in the past in previous Grand Jury reports. A larger EOC would allow personnel to function

more efficiently. However, given the current budget situation, the County of Amador is facing the possibility of laying off employees and discontinuing some services. The Sheriff believes building an appropriately sized and equipped EOC is important. The Sheriff does not currently have sufficient funding allocated to proceed with such a project. The Board of Supervisors must provide the funding for such a capital improvement project.

- When the Office of Emergency Service came under the Sheriff's Office there was no funding to provide an adequate facility and there is still no available funding at the county level. We continue to utilize our squad room. We have proposed to remodel a portion of the old hospital and have requested funding through Congressman Ose's office. Additionally, the State of California Office of Emergency Services recently conducted an evaluation of emergency operation centers statewide as an assessment for future grant funding.

Amador County Operational Area Organization – Amador Disaster Council

The Operational Area Organization's mission is to develop and maintain the capability to respond to and recover from emergencies and disasters

Findings:

- The quarterly Meeting is also part of the Disaster Council's semi-annual required meeting.
 - **Response from the Sheriff:** The Sheriff agrees with the findings.
- Attendance by city representatives to the quarterly meetings has been sporadic. A representative of one city has not attended the past four meetings; another city representative had attended only one of the past four meetings.
 - **Response from the Sheriff:** The Sheriff agrees with the findings.

Recommendations:

- Combine the Operational Area Organization and the Disaster Council into one board.
 - **Response by the Sheriff:** The Sheriff agrees with the recommendation, but lacks the direct authority to dictate such a consolidation. The Sheriff has endeavored to implement this recommendation by making such a proposal to both entities. During a meeting held on April 20, 2000 the Operational Area members present voted to consolidate the two organizations into the Disaster Council Joint Powers Authority. It is unknown why a Joint Powers Authority was formed. However, at this time, we believe it is unnecessary. We are working on the termination of the JPA and re-organizing as a disaster council.
- The cities and special districts should become more involved in the proceedings of the Amador Operational Area Organization.
 - **Response by the Sheriff:** The Sheriff agrees with the recommendation. The recommendation will not be implemented because it is unreasonable. The Amador County Office of Emergency Services has no authority to command them to attend. However, the Sheriff agrees that the cities and special districts should become more involved in the proceedings. All of the cities and special districts are notified of the meetings and encouraged to participate.

- The cities should have a designated representative who will regularly attend the quarterly meetings.
 - **Response by the Sheriff:** The Sheriff agrees with the recommendation. The Sheriff will not implement the recommendation because it is unreasonable. The California Government Code commands that cities select members to sit on various commissions, committees, joint powers authorities, etc. Members were selected to sit on the Disaster Council; however, they often do not attend meetings. Again, the Amador County Office of Emergency Services has no authority to command them to attend. However, every effort is made to encourage them to do so.

Findings:

- The OES has had a countywide disaster training exercise the past two years.
- The exercises have been attended by countywide agencies, utilities and volunteer organizations that would respond to emergencies and disasters.
- The disaster exercises are well organized and are providing the various groups the necessary training to respond to emergencies or disasters.
- The exercises provide training for emergency personnel using the “Standardized Emergency Management System” (SEMS) with the use of the “Incident Command System” (ICS).
- The Amador Operational Area Organization does an effective job of promoting public awareness in disaster preparedness.
 - **Response from the Sheriff:** The Sheriff agrees with the finding.

Findings:

- The OES website has extensive information on disaster preparedness.
 - **Response from the Sheriff:** The Sheriff agrees with the findings.

Recommendations:

- Continue to increase public awareness and encourage the cities and special districts to promote and encourage disaster preparedness.
 - **Response from the Sheriff:** The Sheriff agrees with the finding. The Sheriff believes one of the important parts of disaster preparedness is education and public awareness. We take every opportunity available to increase public awareness.
- Increase the outreach programs to make the public aware of the information that is available for disaster preparedness.
 - **Response from the Sheriff:** The Sheriff agrees with the finding. The recommendation has been implemented. As stated above, we take every opportunity available to increase public awareness.
- Host public forums on homeland security and emergency plans.
 - **Response from the Sheriff:** The Sheriff disagrees with the recommendation. The recommendation will not be implemented because it is not warranted. While the Sheriff agrees that a public forum would provide a tremendous opportunity to educate the public on disaster preparedness, he is doubtful that the event would be well attended. Public forums presented in Amador County on other subjects have been poorly attended in the past. Public education and

awareness on homeland security and emergency plans has been and will continue to be integrated into disaster preparedness venues of all kinds.

Findings:

- The OES is working to improve response to potential emergencies, disasters and acts of terrorism.
- OES conducts the annual county-wide disaster exercises.
- OES uses opportunities to participate in other exercises, such as the annual Statewide Medical and Health Disaster Exercise.
 - **Response from the Sheriff:** The Sheriff agrees with the findings.

Annual Countywide Disaster Exercise

The County OES annually plans, coordinates and conducts a county wide large-scale disaster exercise that that involves a multi-agency response.

Findings:

- One hundred and ten participants from 20 county departments and 34 other government and private agencies participated in the exercise.
 - **Response by the Sheriff:** The Sheriff agrees with the findings.
- The after-exercise critiques by participants stated that the exercise was informative and provide necessary training to respond to an emergency.
 - **Response by the Sheriff:** The Sheriff agrees with the findings.
- Most attendees had positive comments about the training exercise.
 - **Response by the Sheriff:** The Sheriff agrees with the findings.
- The tabletop exercise was held at the American Legion Hall because the EOC is too small to accommodate the participants of the exercise.
 - **Response by the Sheriff:** The Sheriff agrees with the findings.

Recommendation:

- An adequate facility for the EOC should be found.
 - **Response by the Sheriff:** The Sheriff agrees with the finding. See the earlier response to this recommendation.

Finding:

- The table for the operations sections was too large. The noise from all the participants seated at the same table made it difficult to communicate and coordinate response activities.
 - **Response by the Sheriff:** The Sheriff agrees with the findings.

Recommendation:

- Use separate tables for the various groups to facilitate planning discussions.
 - **Response by the Sheriff:** The Sheriff agrees with the recommendation. The recommendation will be implemented in future exercises to the extent it is appropriate. This issue was pointed out in our after action report. This seems to be a balancing act. By keeping the groups together, communication is easier in terms of easy access, but can create more noise. Separating the different groups

reduces the noise, but hampers ease of communication. In the recent Bio-terrorism exercise we moved the groups to separate rooms, which made management of the group conversation easy. Communication between groups was compromised.

Findings:

- Some of the participants were confused about the stages of the exercise scenario.
 - **Response by the Sheriff:** The Sheriff agrees with the findings.
- Several Agency representatives did not attend the pre-exercise meeting.
 - **Response by the Sheriff:** The Sheriff agrees with the findings.
- Some participants were not familiar with the County EOC organization or the SEMS method of response
 - **Response by the Sheriff:** The Sheriff agrees with the findings.

Recommendations:

- The pre-exercise plan needs to be reviewed as a group prior to the exercise to ensure that all participants are familiar with the exercise plan.
 - **Response by the Sheriff:** The Sheriff agrees with the finding. This recommendation has been implemented. This was noted in the after action report. The OES Coordinator reviewed the exercise with the group at the recent Bio-Terrorism exercise.
- The date of the pre-exercise meeting should be held closer to the date of the exercise.
 - **Response by the Sheriff:** The Sheriff agrees with the recommendation. To the extent practical, the recommendation will be implemented in future exercises. While having the meeting closer to the date of the exercise may assist in keeping some issues fresher in the minds of the participants, it may be detrimental to participants in terms of having sufficient time to prepare for the exercise. Also, scheduling of the facility to hold the exercise may also play a role in the date the exercise was held. These are all issues that we recognized in our after action report.
- All participants should attend the pre-exercise meeting.
 - **Response by the Sheriff:** The Sheriff disagrees with the recommendation. The recommendation will not be implemented because it is unreasonable. The Amador County Office of Emergency Services can only ask for participation and give sufficient time for participants to schedule their attendance. We have no authority to command their participation. Additionally, expecting 100% attendance is not realistic. Even in actual emergencies you can never expect everyone to show up due to illnesses, vacations, etc.
- The OES Coordinator should make a short presentation on SEMS prior to the beginning of the exercise.
 - **Response by the Sheriff:** The Sheriff agrees with the recommendation. This recommendation was implemented before the recommendation was made. This was also noted in the after action report. The OES Coordinator does make such a presentation as a reminder of the SEMS protocols when it is appropriate.

2002 Statewide Medical and Health Disaster (“Dirty Bomb”) Exercise

On November 14, 2002 the State of California Emergency Medical Services Authority conducted the 2002 Statewide Medical and Health Disaster (“Dirty Bomb”) Exercise.

Finding:

- During this exercise, the hospital staff performed effectively and efficiently; their extensive training is very evident.
 - **Response by the Sheriff:** The Sheriff agrees with the finding.

Recommendations:

- None

Findings:

- In the event of a real occurrence, there would be a decontamination center on the disaster site to handle such matters.
 - **Response by the Sheriff:** The Sheriff agrees with the findings.
- Through a \$4,000.00 grant, the county purchased a new “pop-up” decontamination shower.
 - **Response by the Sheriff:** The Sheriff disagrees in part with the findings. The Office of Emergency Services was awarded a federal grant in the amount of \$87,824. With some of those funds one “pop-up” decontamination shower was purchased for the county and one was purchased for the hospital. The showers cost \$4,000 each.

Recommendation:

- The County should continue to acquire the necessary equipment and provide the training needed to form a DECON team.
 - **Response from the Sheriff:** This recommendation has been implemented. The Office of Emergency Services continues to pursue funding to purchase equipment and fund training that is ongoing.

Members of the Amador County Operational Area Organization

The following cities and districts, which are participants of the Amador County Operational Area Organization (Joint Powers Agreement), were separately investigated as to their emergency and disaster preparedness.

Amador County Unified School District:

On February 4, 2003 members of the Grand Jury visited the Amador County Unified School District (ACUSD) to discuss and view emergency evacuation documents in the event of an emergency or disaster.

Jackson Junior High School

Findings:

- The school office is very small and busy.
 - **Response by ACUSD:** AGREE
- Principal quickly able to locate emergency plan
 - **Response by ACUSD:** AGREE

- A SEMS lists and evacuation map is posted in each classroom
 - **Response by ACUSD:** AGREE
- Evacuation drills are conducted each month
 - **No response given.**
- No material related to emergency planning was visible.
 - **Response by ACUSD:** AGREE
- Plan was not always kept on site as it was being worked on at home.
 - **Response by ACUSD:** AGREE
- The evacuation map was very light and difficult to read.
 - **Response by ACUSD:** AGREE
- In the principal's absence there is no person in command.
 - **Response by ACUSD:** AGREE

Recommendations:

- Material relating to emergency planning to be clearly visible in office.
 - **Response by ACUSD:** Done
- Emergency plan remains in designated place in the school.
 - **Response by ACUSD:** Done
- Replace evacuation maps with clear, legible evacuation maps.
 - **Response by ACUSD:** 9-25-2003
- Designate an alternate to be in command in principal's absence.
 - **Response by ACUSD:** Done
 - **Response from the Sheriff:** In as much as the findings and recommendations in this section of the Grand Jury Report concern another county department or agency, the Sheriff does not feel it appropriate to respond. However, the Amador County Office of Emergency Services has neither the authority to command the school district's compliance nor the financial resources available to assist them in this endeavor.

Comment by 2003-2004 Grand Jury: The 2003-2004 Grand Jury visited Jackson Jr. High on January 20, 2004, and found that the school satisfied the Grand Jury's recommendations pending the posting of a clear and legible evacuation map in the school office.

Ione Elementary

Findings:

- The County disaster plan and evacuation plan were clearly visible in the Principal's office.
 - **Response by ACUSD:** AGREE
- Each classroom is equipped with a box containing a description of the SEMS procedure and instructions.
 - **Response by ACUSD:** AGREE
- Red and green cards are used to assist students in following directions.
 - **Response by ACUSD:** AGREE
- EnGenius phones are used for those yard duty and in the office.
 - **Response by ACUSD:** AGREE

- The EnGenius Phone system is a 2-way radio integrated with a very long-range cordless phone system.
 - **Response by ACUSD:** AGREE
- There is a listing for all emergency phone numbers, utility shut off valves and the location of fire extinguishers and fire alarms posted in each classroom.
 - **Response by ACUSD:** AGREE
- Evacuation instructions, maps and instructions for “lock down” are posted in each classroom.
 - **Response by ACUSD:** AGREE
- The classroom box has a “buddy” chart indicating who is in charge for each room, a roll list showing students in their usual groupings and badges for teachers and aides to wear identifying who is in charge of student release, evacuation and damage assessment.
 - **Response by ACUSD:** AGREE
- The Ione Elementary School has planned and is prepared for emergencies and evacuation.
 - **Response by ACUSD:** AGREE

Recommendations:

- None

Plymouth Elementary School

Findings:

- The District handbook was easily accessed in the Principal’s office.
 - **Response by ACUSD:** AGREE
- Drills are conducted monthly.
 - **Response by ACUSD:** AGREE
- Bells are used to convey an emergency.
 - **Response by ACUSD:** AGREE
- A designated teacher is in charge in the Principal’s absence.
 - **Response by ACUSD:** AGREE
- There is no intercom system to communicate between the office and the yard.
 - **Response by ACUSD:** AGREE

Recommendations:

- An intercom system should be installed or an EnGenius phone system should be obtained.
 - **Response from the Sheriff:** In as much as the findings and recommendations in this section of the Grand Jury Report concern another county department or agency, the Sheriff does not feel it appropriate to respond. However, the Amador County Office of Emergency Services has neither the authority to command the school district’s compliance nor the financial resources available to assist them in this endeavor.

Comment by the 2003-2004 Grand Jury: Plymouth Elementary School was visited on January 20, 2004 and at that point there was still no intercom system or EnGenius phone system in place.

Jackson Elementary School

Findings:

- A clear map of the evacuation plan was visible in the Principal's office and in several other locations in the school.
- Emergency numbers were posted both outside and inside the Principal's office.
- The EnGenius phone system is used.
- Drills are conducted twice a month.
- Red and green directional cards are used.
- A "buddy" system similar to that at Ione Elementary School is in place.
- During a drill all students have to be accounted for.
- During a drill if a student is missing, an instructional aide stays with the class while the teacher looks for the student.
- The Principal and staff have a good understanding of the SEMS.
 - **Response by ACUSD: AGREEMENT** with all findings.

Recommendations:

- None

Ione Junior High School

Findings:

- The bulletin board in the main office did not have a visible evacuation plan.
- A printed binder and detailed maps and description of evacuation procedures are located in every classroom.
- Drills are performed every month.
- There is a new phone system that includes an inter-com and voice mail. There is instant access to all rooms.
- In the absence of the Principal, the campus supervisor or another teacher is in charge.
- In the event of an actual emergency, all office records and medical records of the students would be carried with teachers and staff to safe locations.
- The emergency evacuation plan was not displayed.
 - **Response by ACUSD: AGREEMENT** with all findings.

Recommendations:

- Material relating to emergency planning should be clearly visible in the school office.
 - **Response by ACUSD:** Done in the school office.
 - **Response from the Sheriff:** In as much as the findings and recommendations in this section of the Grand Jury Report concern another county department or agency, the Sheriff does not feel it appropriate to respond. However, the Amador County Office of Emergency Services has neither the authority to command the school district's compliance nor the financial resources available to assist them in this endeavor.

Sutter Creek Elementary/Primary Schools

Findings:

- The evacuation and safety procedures are in the classrooms and the Principals office.
- The Principal and the teachers are assigned certain classrooms for evacuation and safety in both the primary school and the elementary school.
- Both schools regularly conduct safety drills.
- Teachers and Principal meet once a week for safety issues.
 - **Response by ACUSD:** AGREEMENT with all findings.

Recommendations:

- None

Comment by the 2003-2004 Grand Jury: The recommendations presented to the Amador County School District were satisfied except for the immediate means of communication between the office and the teachers within their classrooms at Plymouth Elementary School

The Grand Jury visited Amador High School in response to a citizen's complaint that evacuation plans were not being followed. Although maps were clearly visible in the classrooms, a quick survey of students revealed that evacuation drills have not been conducted in at least two years. Those freshmen and sophomores surveyed had not experienced any evacuation drills while attending Amador High School. Seniors remembered having one such drill during their freshmen year. Several teachers were also surveyed and could not recall when the last time an evacuation drill had been conducted, except that it had been several years. The Grand Jury is concerned for the safety of all students. An emergency at Amador High School would be compounded by the students' lack of understanding of proper procedure in case of such an event.

According to the California Education Codes Section 32000-32004 wherein it states "Every person and public officer managing, controlling, or in charge of any public, private, or parochial school...shall cause the fire alarm signal to be sounded not less than twice yearly at the secondary level." (Section 32001)

According to Education Codes Section 35295-35297 "It is necessary for all public or private elementary and high schools to develop school disaster plans and specifically an earthquake emergency procedure system so that students and staff will act instinctively and correctly when an earthquake disaster strikes."

It is the understanding of this Grand Jury that the earthquake emergency procedure is also amended to include an Intruder Alert lock-down procedure in which doors and windows of all classrooms are shut and locked.

Upon receiving this news, the School District Superintendent has taken steps to correct the matter. Leadership meetings and memorandums have addressed fire drill safety, citing (5 CCR550) in which "Principals shall hold fire drills at least once a month in all elementary and middle schools and at least twice each year in all high schools." The Superintendent has also inquired into special needs students' assistance programs in case of emergencies. The Grand Jury appreciates the timely responses by the Superintendent concerning the safety of the students.

The Grand Jury acknowledges the Superintendent's responses comply with the requirements of the California Penal Code 933.05 for timeliness and structure.

Cities of Amador County Disaster Preparedness

Introduction:

The 2002-2003 Grand Jury elected to review and evaluate the various cities pursuant to Penal Code 925(a) which grants the Grand Jury investigatory powers to examine the books and records of an incorporated city located in the county and report upon the operations, accounts and records of the officers, departments, functions and the method or system of performing the duties of any such city.

City of Jackson

Finding:

- The City emergency operation plan should be updated and reorganized.
 - **Response by the City of Jackson:** Agree

Recommendation:

- Organize the emergency operation plan into individual plans for various emergencies.
 - **Response by the City of Jackson:** The recommendation has not yet been implemented, but will be implemented within the next six months. The City has received cooperation from the County OES Coordinator for plan development and use of a consultant to assist with this project.
 - **Response from the Sheriff:** In as much as the findings and recommendations in this section of the Grand Jury Report concern another county department or agency, the Sheriff does not feel it appropriate to respond. However, the Amador County Office of Emergency Services has neither the authority to command the city's compliance nor the financial resources available to assist them in this endeavor.

Comment by the 2003-2004 Grand Jury: As of November 2003, the Jackson City Chief of Police possessed an updated City Emergency Operation Plan and noted that the plan will continue to be updated as needed.

Finding:

- The City communication unit is located in the Jackson police facility and is operated by the police dispatchers.
 - **Response by the City of Jackson:** Agree

Recommendation:

- None
 - **Response by the City of Jackson:** n/a

Finding:

- The City command center will initiate communications with the schools and parents in the event of an emergency.

- **Response by the City of Jackson:** Disagree partially. Though the City will initiate communications with the schools, the schools are responsible for initiating communications with parents.

Recommendation:

- Complete the various site layout plans of each school.
 - **Response by the City of Jackson:** The recommendation has been implemented. All school site layouts are complete and the information is included in the “beat book” in each patrol car. In addition, similar information has been obtained for the major mobile home parks and apartment complexes within the City.
 - **Response from the Sheriff:** In as much as the findings and recommendations in this section of the Grand Jury Report concern another county department or agency, the Sheriff does not feel it appropriate to respond. However, the Amador County Office of Emergency Services has neither the authority to command the city’s compliance nor the financial resources available to assist them in this endeavor.

Finding:

- City employees other than police have not been given training in SEMS/ICS.
 - **Response by the City of Jackson:** Disagree partially. The entire Jackson Volunteer Fire Department is trained in the SEMS/ICS response protocol, as well as the City Manager. Additional training is necessary for non-public safety employees.

Recommendation:

- Train all city employees in disaster procedures.
 - **Response by the City of Jackson:** Other department personnel who will be involved with emergency responses will be trained in the SEMS/ICS protocol as training becomes available locally.
 - **Response from the Sheriff:** In as much as the findings and recommendations in this section of the Grand Jury Report concern another county department or agency, the Sheriff does not feel it appropriate to respond. However, the Amador County Office of Emergency Services has neither the authority to command the city’s compliance nor the financial resources available to assist them in this endeavor.

Finding:

- Paid staff would aid the volunteer fireman to shorten response time to emergencies.
 - **Response by the City of Jackson:** Agree (Note: The initial agreement with AFD for paid staff is no longer in effect, however, the City of Jackson is continuing to work with AFD and other fire agencies in the County to increase full-time staffing.)

Recommendation:

- None
 - **Response by the City of Jackson:** n/a

Finding:

- The City of Jackson is equipping several police cars with Geiger counters from OES funds.
 - **Response by the City of Jackson:** Disagree. A conclusion was reached by City and OES staff that it is not cost effective to equip police cars with this \$2,000 instrument. The County OES office has three Geiger counters available for City use (stored within city limits).
 - **Response from the Sheriff:** The Sheriff disagrees with the findings. In the past, the only reason to possess a Geiger counter was due to the Rancho Seco Nuclear Power Plant. Since Rancho Seco's closure there has been no use or need for such a device until the recent acts of terrorism. The Amador County Office of Emergency Services has purchased three Geiger counters with federal grant funds. This equipment is currently in the possession of the Amador County Office of Emergency Services and is available to any county or city agency upon request. The City of Jackson was not one of the agencies that requested funding for Geiger counters. With recent grant funding, we are purchasing a fourth Geiger counter designed to be used during the decontamination process.

Recommendation:

- None
 - **Response by the City of Jackson:** n/a

Finding:

- The City of Jackson representative to the Amador Operational Area Organization (AOAO) attended all four quarterly meetings last year.
 - **Response by the City of Jackson:** Agree

Recommendation: None

- **Response by the City of Jackson:** n/a

Comment by the 2003-2004 Grand Jury: The City's response was received on July 26, 2003, by the 2003-2004 Grand Jury and complies with the requirements of the California Penal Code 933.05 for timeliness and structure.

City of Sutter Creek**Findings:**

- The City Administrator favors attendance at OES sponsored drills.
- The City of Sutter Creek would rely upon the leadership of more major players in a disaster such as the fire departments, Highway Patrol or the Red Cross.
- Preparation for flood or fire is a top priority.
- City follows the SEMS/ICS.
- The Incident Commander would be the first person on the scene.

Recommendations:

- A City representative should regularly attend the Amador Operational Area Organization quarterly meetings.

- The City should keep updated with the County OES.
 - **Response from the City of Sutter Creek:** The City of Sutter Creek has reviewed the Grand Jury report dated June 20, 2003 and agrees with the Grand Jury's recommendation that: 1) A City representative should regularly attend the Amador Operational Area Organization quarterly meetings; and 2) The City should keep updated with the County OES. As noted in the report, the City has participated in the last OES disaster drill and has attended three of the past four quarterly meetings of the Amador Operational Area. The City will continue to demonstrate its support for the mission of disaster preparedness.
 - **Response from the Sheriff:** In as much as the findings and recommendations in this section of the Grand Jury Report concern another county department or agency, the Sheriff does not feel it appropriate to respond. However, the Amador County Office of Emergency Services has neither the authority to command the city's compliance nor the financial resources available to assist them in this endeavor.

City of Plymouth

Finding:

- A representative from Plymouth did attend the Amador Operational Area Organization January 2003 quarterly meeting.

Recommendations:

- A City representative should regularly attend the Amador Operational Area Organization quarterly meetings.
- The City should locate and update the city plan for emergency situations.
- The City should develop and implement emergency evacuation plans.
- The City should keep updated with the County OES.
- The City should train all city employees in disaster procedures.
 - **Response from the Sheriff:** In as much as the findings and recommendations in this section of the Grand Jury Report concern another county department or agency, the Sheriff does not feel it appropriate to respond. However, the Amador County Office of Emergency Services has neither the authority to command the city's compliance nor the financial resources available to assist them in this endeavor.

City of Ione:

Findings:

- The City of Ione representative's attendance to the Amador Operation Area Organization quarterly meetings has been inconsistent.
- In an emergency hand crews can be drawn from Preston and Mule Creek facilities for aid.
- Jackson Valley Fire District and Ione Fire Department drill together to improve their response to flood, fire and other emergencies.
 - **No response from the City of Ione**

Recommendation:

- A City representative should regularly attend the Amador Operational Area Organization quarterly meetings.
 - **No response from the City of Ione**
 - **Response from the Sheriff:** In as much as the findings and recommendations in this section of the Grand Jury Report concern another county department or agency, the Sheriff does not feel it appropriate to respond. However, the Amador County Office of Emergency Services has neither the authority to command the city's compliance nor the financial resources available to assist them in this endeavor.

Comment by the 2003-2004 Grand Jury: The Ione City Council is in violation of Penal Code 933.05 by not responding to the 2002-2003 Grand Jury Report.

City of Amador City:

The Grand Jury did not interview a representative from the City of Amador City for this report.

Finding:

- Amador City is well represented at the Amador Operation Area Organization.
 - **No response by the City of Amador**
 - **Response by the Sheriff:** The Sheriff agrees with the finding.

Recommendations:

- None

County of Amador Fire Protection Districts

Information was obtained from interviews with the Sutter Creek Fire Protection District (SCFPD), Jackson Valley Fire Protection District (JVFPD) and Amador Fire Protection District (AFPD). At the time of this report, in Amador County there, are no full time employed fire personnel in the fire protection districts or city fire departments. The City of Ione Fire Department has a 1/2 time paid Fire Chief. Each fire protection district or city fire department should employ one fulltime employee.

Comment by the 2003-2004 Grand Jury: No response was sought by the 2002-2003 Grand Jury from the following agencies: The Jackson Valley Fire Protection District, Sutter Creek Fire Protection District, Amador County Fire Protection District, Radio Amateur Civil Emergency Services, Amador Fire Safe Council, Mule Creek State Prison, and Sutter Amador Hospital. These findings are for public information. The 2003-2004 Grand Jury would like to thank the Sheriff for his careful and considerate responses.

Jackson Valley Fire Protection District:**Findings:**

- The Chief stated that the exercise was a valuable learning experience.
- The Chief rated the exercise as excellent.

- The JVFPD trains their members to prepare for disasters and emergencies that the District responds to.
- The JVFPD members are trained in SEMS/ICS.

Response by the Sheriff: The Sheriff agrees with the findings.

Finding:

- JVFPD has mapped and identified the residences of the district and has distributed evacuation routes to the residents.
 - **Response by the Sheriff:** The Sheriff agrees with the finding.

Recommendations:

- None

Sutter Creek Fire Protection District
Amador County Fire Protection District:

Findings:

- The SCFPD and ACFPD Chiefs frequently liaison with the OES coordinator to keep updated on emergency response procedures.
- SCFPD and ACFPD respond to emergencies using SEMS/ICS.
 - **Response by the Sheriff:** The Sheriff agrees with the findings.

Recommendations:

- None
 - **Response from the Sheriff:** The Sheriff agrees with the finding. Neither SCFPD nor ACFPD respond when directed by the OES Coordinator to emergencies and disasters. The California Division of Forestry dispatches personnel and equipment from these districts to emergencies within Amador County. Their response to disasters outside of Amador County is through the State of California Office of Emergency Services pursuant to formal mutual aid protocols.

Volunteer Organizations:

Amador County includes volunteer organizations in its Emergency Operation Plan.

Radio Amateur Civil Emergency Services:

Finding:

- The club can provide 30 operators working 12-hour shifts and with repeaters on Mount Zion can reach from Bear River to Modesto. They further have contact with radio clubs in all of the surrounding counties.
 - **Response by the Sheriff:** The Sheriff agrees with the finding.

Recommendations:

- None

Amador Fire Safe Council:

Findings:

- This is a very dedicated group who work to identify high fire risk areas as related to population centers, to identify ridges for fuel modification projects to prevent the spread of catastrophic wildfires, to develop human and animal evacuation plans, to identify water sources and determine the need for new water sources, to upgrade road and home address signs to help in emergency responses, to continue public outreach and education as related to fire safety, to assist the elderly to fire safe their property and to develop a landowner defensible space handbook.
- The Council works in conjunction with Cal Trans, CDF, US Forest Service, CHP, volunteer firefighters, Counties of El Dorado and Tuolumne as well as private water trucks and bulldozers when needed to control fires.
- Although they are not part of the OES, they are prepared to help in any way in an emergency or disaster.
 - **Response by the Sheriff:** The Sheriff agrees with the finding.

Recommendations:

- None

Mutual Aid Organizations:

Mule Creek State Prison:

Findings:

- Mule Creek has a very detailed set of plans for emergencies; many of the plans are confidential because the plans also contain other information about the safety and security of the institution.
- Mule Creek can provide additional communications, personnel, fire suppression equipment, ground transportation, and medical assistants.
 - **Response by the Sheriff:** The Sheriff agrees with the finding.

Recommendations:

- None

Local Supporting Plan

Sutter Amador Hospital

Findings:

- SAH is currently seeing patients within 15 minutes upon arrival at ER, determined by the type of injury by a triage nurse.
- A medical mutual aid agreement (JPA) was created to provide responses to Multi-Casualty Incidents (MCI). SAH is a member of the Region IV MCI.
- If a MCI occurs calls go out to the Region IV network, for doctors, nurses and transportation to move patients with serious injuries to trauma units and critical care facilities.

- **Response by the Sheriff:** The Sheriff agrees with the finding.

Recommendations:

- None

Response Required:

The Amador County Grand Jury requires a response to this report per California Penal Code 933.05.

The following County agencies are required to respond to this report: Amador Office of Emergency Services; Amador County Board of Supervisors; Amador County Unified School District; City of Jackson; City of Sutter Creek; City of Plymouth; and the City of Ione.

***Comment by the 2003-2004 Grand Jury:** The Amador County Sheriff responded to the Office of Emergency Services (OES) report on behalf of the Amador Office of Emergency Services over which he presides. The Amador County Board of Supervisors and the City of Ione were in violation of Penal Code 933.05 by not responding to the 2002-2003 Grand Jury's OES Report concerning disaster preparedness in Amador County. All other agencies responded in a timely manner according to Penal Code 933, and complied with the requirements of Penal Code 933.05.*

River Pines Public Utilities District Follow Up Report

Introduction:

The Grand Jury elected to review and evaluate the River Pines Public Utility District pursuant to Penal Code 925.

District Finance

Findings:

- The District has raised rates to customers to cover the increased operating costs.
- The District is borrowing money to make up shortfalls in income.
 - **No Response given by River Pines PUD**

Recommendations:

- The District should obtain grants, loans or consider further rate increases to finance the needed capital improvements.
 - **Response by River Pines Public Utility District (RPPUD):** Grant proposals continue to be processed and submitted by National Grant Services (a professional grant and project management organization).

Record Keeping

Findings:

- The records were well-organized and accessible.
- The reports required by the regulatory agencies are currently maintained as required.
 - **No Response given by River Pines PUD**

Recommendation:

- None

Water System

Findings:

- The river as a source of water is limited to the flow (15cfs) of the river.
- The water is available from the river usually between the months of December to May. This period of time may be longer or shorter depending on the length of the rainy season.
 - **No Response given by River Pines PUD**

Recommendation:

- The District needs to develop a reliable alternate source of potable water that meets the requirements for safe drinking water.
 - **Response from RPPUD:** Now that the State Revolving Fund (SRF) grant has been funded and the bids have been submitted, it is our hope that the filtration project on Well 6R will be completed sometime this fall. This will allow us to have a source of water that will not require a Boil Water Order.

- The District is collaborating with the Central Sierra Resource Conservation and Development Council in a second phase grant application which will address watershed impacts and water quality. The main goal of this grant is to address identified “areas of concern” which are surface water quality issues related to land use activities, storm water runoff, discharge from mines, timber management practices, agriculture, urbanization, elevated temperature caused by water management practices and waste discharge.
- Our goals and anticipated outcomes include improved water supply reliability, water quality, and ecosystem quality.
- We will utilize the grant funds for monitoring and assessment, problem evaluation, strategy development and implementation. Another crucial element for grant expenditures is the coordination efforts with a variety of public, private and special interest groups to achieve our above mentioned goals.

Finding:

- When the “Slow Sand Filtering System” needs to be serviced, the water treatment plant is out of service for a period of several weeks.
 - **No Response given by River Pines PUD**

Recommendation:

- Modify river water treatment plant “Slow Sand Filter System” to minimize the out of service time.
 - **Response from RPPUD:** With the new filtration system on Well 6R, the District will be in a position to rely on this well for most of the community’s drinking water. However, a grant proposal has been submitted to add an additional chamber to the Slow Sand Filter which will allow for the system to operate while service is being performed.

Finding:

- The plant would be out of service in the event of a power failure.
 - **No Response given by River Pines PUD**

Recommendation:

- The District should obtain a portable standby generator that could be used at the river treatment plant and at the well sites.
 - **Response from RPPUD:** This District is in possession of a portable generator that is used at various well sites when power is down. We also have an agreement with the Amador Water Agency to assist us with their equipment should the need arise.

Finding:

- The water from Well No. 6R needs to be treated to meet the State Regional Quality Control Board requirements.
 - **No Response given by River Pines PUD**

Recommendations:

- Expedite processing the grant application.
 - **Response from RPPUD:** We have been funded for this grant, and begun the bidding process.
- Construct the planned treatment facilities for Well No. 6R.
 - **Response from RPPUD:** The bids have been received and at the next Board meeting on Wednesday, September 10, 2003, the bid will be awarded. It is hoped that construction will be completed by December.

Findings:

- If the reservoirs are at their capacity the District would have a two and half day supply of water in the event of a system failure such as a pump or power failure. Well No. 2 does have a standby generator, but pumps only 25 gallons per minute. Therefore, Well No. 2 would only provide 70% of required water needs.
 - **No Response given by River Pines PUD**

Recommendation:

- The District needs to increase the storage facilities for treated water.
 - **Response from RPPUD:** National Grant Services is actively pursuing this. At this time there is no funding available for this project.

Finding:

- The older service lines are in poor condition and need to be replaced.
 - **No Response given by River Pines PUD**

Recommendation:

- The District should replace old and inadequate lines.
 - **Response from RPPUD:** At this time all lines meet the state guideline for water. We are however submitting a grant proposal under Prop 50 to study the problem and develop a plan for gradual replacement of the total system.

Sewer Collection and Treatment Facilities**Finding:**

- The condition of the collection system was not examined as it is not within the capacity of this investigation to determine the condition of the system.
- The warning system is a visual warning (red light) at each station.
 - **No Response given by River Pines PUD**

Recommendation:

- Retrofit the sewer lift stations with a phone dialup or radio alert system to warn operators of a station failure.
 - **Response from RPPUD:** The District has installed alarms at the lift stations to notify us of any problems.

Findings:

- The treatment plant is operating within guidelines and regulations of the State Regional Quality Control Board.
- Weed control within the treatment plant is accomplished with two goats.
 - **No Response given by River Pines PUD**

Recommendations:

- None.
 - **Response from RPPUD:** We have hopefully addressed this report in its entirety. Since this is our first response I hope that we are in compliance to the rules and regulations required in this document. Should, however, you have any questions please do not hesitate to call on us for clarification; our phone number is listed on our letterhead.

Comment by the 2003-2004 Grand Jury: *The River Pines Public Utility District's responses were received by the 2003-2004 Grand Jury on October 8, 2003, from the Board Chairperson. The responses were timely according to Penal Code 933.05(c) however, the responses were not in compliance with the requirements of California Penal Code 933.05(a) wherein the responding entity shall respond in agreement or disagreement wholly or in part with the findings.*

The RPPUD was contacted, and through subsequent interviews, it was found that the grants for Well No. 6R have been funded. The filtration project was placed on hold due to the fact that although the filtration system would solve the current filtration problems, it will be out of compliance in the year 2005 along with the water systems of the rest of the state.

The Stockton Division of the Department of Health Services (DHS) determined that it would prefer to allow a Boil Water Order to continue until future appropriate filtration systems are available. These new filtration systems, which are capable of achieving at least 2.0 logs of Cryptosporidium removal, are in development and were to be presented in November 2003.

Until the Stockton Division of the DHS approves a filtration system befitting the River Pines Public Utility District, the Boil Water Order will continue. The Stockton District has announced that if the RPPUD Board or the citizens of River Pines have questions regarding the suspension of the installation of the filtration system or the SRF project, they should call Dave Remick at the Stockton Division of the DHS at (209) 948-3878.

Grand Jury Citizen Complaint Form

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

Date: _____

Read other side of page before filling out this form

1. This complaint is against:

Name, Title: _____

Organization: _____

Address: _____

Phone: _____

2. My complaint against the above is:

3. Before filling out this form I have contacted:

4. Complainant:

Name: _____

Address: _____

Phone: _____

5. I request the following action:

The information in this form is true, correct, and complete to the best of my knowledge.

(Signature)

All communications to the Grand jury are confidential
Grand Jury Citizen Complaint Form

Citizen Complaints:

The Grand Jury is empowered to investigate complaints from citizens, civic groups, government employees, and others, about the workings of local governments, prisons/jails, some private non-profit organizations, certain schools and school districts, and other organizations, and the conduct of their officers and employees. The Grand Jury is the guardian of public trust in local government and the proper use of public funds.

Confidentiality:

In all its proceedings and investigations the Grand Jury is sworn to maintain complete secrecy. The members of the Grand Jury apply the same objective standard of conduct and responsibility to all persons and entities, and are not influenced by sentiment, conjecture, sympathy, public feelings, passion, or prejudice.

Complaint Process:

The Grand Jury investigates complaints presented to it in any form, but is desirous that this form is used whenever possible. Please identify the specific problem and describe the circumstances. Present your complaint with all available evidence and submit copies of all available documents. The Grand Jury will acknowledge receipt of your complaint. Mail this complaint form to:

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

Instructions for completing form:

1. **This complaint is against:** Give as much information as possible to locate the person or organization.
2. **My complaint against the above is:** Describe the problem in your own words. Be concise, provide dates, times, and names of individuals involved. Cite specific instances as opposed to broad statements. Attach photographs, correspondence, or documentation that supports the complaint. If a longer explanation is necessary attach extra sheets and show the number on the last line of the first sheet (i.e. 2 additional sheets attached.)
3. **Before filling out this form I have contacted:** Attempt to correct the problem before contacting the Grand Jury and explain what you have done in that regard so that we do not repeat the same steps you have taken.
4. **Complainant:** Please tell us how we may contact you for further information, if necessary. Your confidentiality will be rigorously protected.
5. **I request the following action:** The Grand Jury will acknowledge receipt of your complaint and may advise you whether or not an investigation will be undertaken. If the Grand Jury feels your issue is not within its jurisdiction we will so advise you.

Grand Jury Glossary

To increase the public's awareness of the codes, regulations, and laws that permeate the Grand Jury's functions, the 2003-2004 Grand Jury has assembled the following excerpts from law books and legislation acts.

The Brown Act:

Throughout California's history, local legislative bodies have played a vital role in bringing participatory democracy to the citizens of the state. Local legislative bodies, such as boards, councils and commissions, are created in recognition of the fact that several minds are better than one, and that through debate and discussion, the best ideas will emerge. The law which guarantees the public's right to attend and participate in meetings of local legislative bodies is commonly known as the "Brown Act." The Brown Act is contained in Section 54950 of the Government Code. The Brown Act Preamble states, "Public commissions, boards, councils and other legislative bodies of local government agencies exist to aid in the conduct of the people's business. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created.

Brown Act Violations: Serial Meetings:

The issue of serial meetings stands at the vortex of two significant public policies: first, the constitutional right of citizens to address grievances and communicate with their elected representatives; and second, the Act's policy favoring public deliberation by multi-member boards, commissions and councils. The purpose of the serial meeting prohibition is not to prevent citizens from communicating with their elected representatives, but rather to prevent public bodies from circumventing the requirement for open and public deliberation of issues.

The Act expressly prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken.

Typically, a serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a majority of the body's members. The statutory definition also applies to situations in which technological devices are used to connect people at the same time who are in different locations.

California Code of Regulations:

The California Code of Regulations (CCR) are regulations that have been formally adopted by state agencies, reviewed and approved by the Office of Administrative Law, and filed with the Secretary of State. The CCR consists of 28 titles and contains the regulations of approximately 200 regulatory agencies. A regulation is a rule adopted by a state regulatory agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure. Legally adopted regulations filed with the Secretary of State have the force of law.

California Codes: Welfare and Institutions Code Sections 5150-5151

5150. When any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, designated members of a mobile crisis team provided by Section 5651.7, or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

5150.1. No peace officer seeking to transport, or having transported, a person to a designated facility for assessment under Section 5150, shall be instructed by mental health personnel to take the person to, or keep the person at, a jail solely because of the unavailability of an acute bed, nor shall the peace officer be forbidden to transport the person directly to the designated facility. No mental health employee from any county, state, city, or any private agency providing Short-Doyle psychiatric emergency services shall interfere with a peace officer performing duties under Section 5150 by preventing the peace officer from entering a designated facility with the person to be assessed, nor shall any employee of such an agency require the peace officer to remove the person without assessment as a condition of allowing the peace officer to depart.

"Peace officer" for the purposes of this section also means a jailer seeking to transport or transporting a person in custody to a designated facility for assessment consistent with Section 4011.6 or 4011.8 of the Penal Code and Section 5150.

5150.2. In each county whenever a peace officer has transported a person to a designated facility for assessment under Section 5150, that officer shall be detained no longer than the time necessary to complete documentation of the factual basis of the detention under Section 5150 and a safe and orderly transfer of physical custody of the person. The documentation shall include detailed information regarding the factual circumstances and observations constituting probable cause for the peace officer to believe that the individual required psychiatric evaluation under the standards of Section 5105.

Each county shall establish disposition procedures and guidelines with local law enforcement agencies as necessary to relate to persons not admitted for evaluation and treatment and who decline alternative mental health services and to relate to the safe and orderly transfer of physical custody of persons under Section 5150, including those who have a criminal detention pending.

5151. If the facility for 72-hour treatment and evaluation admits the person, it may detain him or her for evaluation and treatment for a period not to exceed 72 hours. Saturdays, Sundays, and holidays may be excluded from the 72-hour period if the Department of Mental Health certifies for each facility that evaluation and treatment services cannot reasonably be made available on those days. The certification by the department is subject to renewal every two years. The department shall adopt regulations defining criteria for determining whether a facility can reasonably be expected to make evaluation and treatment services available on Saturdays, Sundays, and holidays.

Prior to admitting a person to the facility for 72-hour treatment and evaluation pursuant to Section 5150, the professional person in charge of the facility or his or her designee shall assess the individual in person to determine the appropriateness of the involuntary detention.

If in the judgment of the professional person in charge of the facility providing evaluation and treatment, or his or her designee, the person can be properly served without being detained, he or she shall be provided evaluation, crisis intervention, or other inpatient or outpatient services on a voluntary basis.

Nothing in this section shall be interpreted to prevent a peace officer from delivering individuals to a designated facility for assessment under Section 5150. Furthermore, the preadmission assessment requirement of this section shall not be interpreted to require peace officers to perform any additional duties other than those specified in Sections 5150.1 and 5150.2.

California Codes: Welfare and Institutions Code Sections 5170-5170.1

5170. When any person is a danger to others, or to himself, or gravely disabled as a result of inebriation, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or other person designated by the county may, upon reasonable cause, take, or cause to be taken, the person into civil protective custody and place him in a facility designated by the county and approved by the State Department of Alcohol and Drug Abuse as a facility for 72-hour treatment and evaluation of inebriates.

5170.1. A 72-hour treatment and evaluation facility shall include one or more of the following:

- (1) A screening, evaluation, and referral facility which may be accomplished by a mobile crisis unit, first aid station or ambulatory detoxification unit;
- (2) A detoxification facility for alcoholic and acutely intoxicated persons.
- (3) An alcohol recovery house.

California Constitution - Article 34 Public Housing Project Law (Vote of the People):

Section 1. No low rent housing project shall hereafter be developed, constructed, or acquired in any manner by any state public body until, a majority of the qualified electors of the city, town or county, as the case may be, in which it is proposed to develop, construct, or acquire the same, voting upon such issue, approve such project by voting in favor thereof at an election to be held for that purpose, or at any general or special election.

For the purposes of this Article the term "low rent housing project" shall mean any development composed of urban or rural dwellings, apartments or other living accommodations for persons of low income, financed in whole or in part by the Federal Government or a state public body or to which the Federal Government or a state public body extends assistance by supplying all or part of the labor, by guaranteeing the payment of liens, or otherwise. For the purposes of this Article only there shall be excluded from the term "low rent housing project" any such project where there shall be in existence on the effective date hereof, a contract for financial assistance between any state public body and the Federal Government in respect to such project.

For the purposes of this Article only "persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the state public body developing, constructing, or acquiring the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

For the purposes of this Article the term "state public body" shall mean this State, or any city, city and county, county, district, authority, agency, or any other subdivision or public body of this State.

For the purposes of this Article the term "Federal Government" shall mean the United States of America, or any agency or instrumentality, corporate or otherwise, of the United States of America.

California Environment Quality Act (CEQA):

The basic goal of the California Environmental Quality Act (CEQA) is to develop and maintain a high-quality environment now and in the future. While the specific goals of CEQA are for California's public agencies to:

- 1) Identify the significant environmental effects of their actions; and, either
- 2) Avoid those significant environmental effects, where feasible; or
- 3) Mitigate those significant environmental effects, where feasible.

CEQA applies to "projects" proposed to be undertaken or requiring approval by State and local government agencies. "Projects" are activities which have the potential to have a physical impact on the environment and may include the enactment of zoning ordinances, the issuance of conditional use permits and the approval of tentative subdivision maps.

Where a project requires approvals from more than one public agency, CEQA requires one of these public agencies to serve as the "lead agency."

A "lead agency" must complete the environmental review process required by CEQA. The most basic steps of the environmental review process are:

- 1) Determine if the activity is a "project" subject to CEQA;
- 2) determine if the "project" is exempt from CEQA;
- 3) Perform an Initial Study to identify the environmental impacts of the project and determine whether the identified impacts are "significant". Based on its findings of "significance", the lead agency prepares one of the following environmental review documents:
 - Negative Declaration if it finds no "significant" impacts;
 - Mitigated Negative Declaration if it finds "significant" impacts but revises the project to avoid or mitigate those significant impacts;
 - Environmental Impact Report (EIR) if it finds "significant" impacts.

While there is no ironclad definition of "significance", the State CEQA Guidelines provides criteria to lead agencies in determining whether a project may have significant effects in Article 5.

The purpose of an EIR is to provide State and local agencies and the general public with detailed information on the potentially significant environmental effects which a proposed project is likely to have and to list ways which the significant environmental effects may be minimized and indicate alternatives to the project.

Source: <http://ceres.ca.gov/ceqa/>

California Penal Code Section 925:

The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers

of the districts. The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. The grand jury may enter into a joint contract with the board of supervisors to employ the services of an expert as provided for in Section 926.

California Penal Code Section 925(a):

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

The grand jury may investigate and report upon the needs of all joint powers agencies in the county, including the abolition or creation of agencies and the equipment of, or the method or system of performing the duties of, the several agencies. It shall cause a copy of any such report to be transmitted to the governing body of any affected agency.

California Penal Code Section 928:

Every grand jury may investigate and report upon the needs of all county officers in the county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices. Such investigation and report shall be conducted selectively each year. The grand jury shall cause a copy of such report to be transmitted to each member of the board of supervisors of the county.

California Penal Code Section 933 (b):

One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the county clerk and remain on file in the office of the county clerk. The county clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

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:

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

- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame from implementation.
 - (3) 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.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a County agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

California Penal Code Section 933.5:

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

California Penal Code Section 933.6:

A grand jury may at any time examine the books and records of any nonprofit corporation established by or operated on behalf of a public entity the books and records of which it is authorized by law to examine, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such nonprofit corporation.

3rd District Court of Appeals:

The California Courts of Appeal were established by constitutional amendment in 1904. The Third Appellate District is one of the three original courts of appeal established by constitutional amendment in 1904. Its jurisdiction stretches over 23 counties: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo and Yuba.

The role of the California Courts of Appeal is to review the appealable orders or judgments from a superior court. Issues brought to a Court of Appeal for review commonly include claims such as an incorrect ruling on admissibility of evidence, incorrect application of a law

or regulation, unconstitutionality of a law or regulation, improper jury instructions, and insufficient evidence to support the verdict.

Source: A Visitors' Guide to the California Courts of Appeal, www.courtinfo.ca.gov.

Superior Court Facility Supplement

Introduction

The 2003-2004 Grand Jury elected to review and evaluate the proposed location of the new court facilities mandated for Amador County pursuant to California Penal Code 925(a).

Background

The Courthouse complex at 108 Court Street in Jackson was originally constructed in 1862 and is owned by Amador County. Due to the legal requirements of the Americans with Disabilities Act (ADA) the facility is out of compliance. The costs to bring this facility into compliance to meet the ADA requirements are prohibitive. The Courthouse is an unreinforced masonry structure and does not meet the current seismic safety standards. Senate Bill 1732 mandates that all counties of California deed their Court facilities (buildings and parking lots) to the State at no charge. The State cannot accept the existing facilities due to the ADA and other structural problems; therefore, new facilities must be provided.

Method of Evaluation

Members of the Grand Jury conducted interviews, reviewed documents, and toured facilities.

Persons Interviewed

County Supervisor
County Administrative Officer
Under-Sheriff
Superior Court Administrator
Deputy Director for the General Services Administration

Documents Reviewed

Layout for renovation of the Begovich Building to serve as the new Court of Amador County.

Facts:

- The State of California requires Amador County to provide a three courtroom facility of at least 20,000 square feet of floor space.
- The new court facility must be finished by 2007 in order to keep the County maintenance costs capped.
- A plan to remodel the old hospital building at 810 Court Street to accommodate a new court complex was considered.
- The old hospital building site is located next to the Sheriff's Office, County Detention Facility and the Amador County District Attorney's offices.
- The old hospital building was determined to be hazardous due to seismic structural problems.
- The old hospital building was rejected by the State as unsuitable for the court complex.
- A recent "space needs" study indicates that additional space of 27,000 to 32,000 square feet is needed to accommodate future growth for the County buildings.
- The existing Begovich Building is 20,000 square feet in size and would meet the minimum needs of the courts.

- The existing Begovich Building is located across Argonaut Lane from the Argonaut High School, the State Preschool facilities, and a special needs school.
- The old hospital building is being demolished in order to clear the site for new construction.
- Seventeen additional acres are available for purchase at the current County Administration site to allow for necessary expansion.
- To meet the State court needs and provide new space for the County Administration, the current County plan is to build a new County Administration Building at the old hospital site and remodel the existing Begovich Building for the Superior Court Building.

Findings:

- The County Administration Building (Begovich Building) at 500 Argonaut Lane is too small for the County's current needs.
- It is more cost effective to remodel and add space to the existing County Administration Offices on Argonaut Lane in order to meet the current and future space needs rather than build a new facility.
- To meet the 2007 financial incentives, it is favorable to build one court complex rather than renovate the Begovich Building for court use and build a new Administration Center at the old hospital site.
- The conversion of the old County Administration facilities for the courts use introduces a criminal element into the neighborhood adjacent to the high school and the State Preschool.
- It is advantageous to locate the new court facility next to the County Detention Facility and District Attorney's offices for security and convenience.

Recommendations:

- Build a new court building at the old hospital site at 810 Court Street
- Remodel and expand the Begovich Building to accommodate the growing needs of the County Administration.

Response Required:

A response is required from Amador County Board of Supervisors in accordance with California Penal Code 933.05.