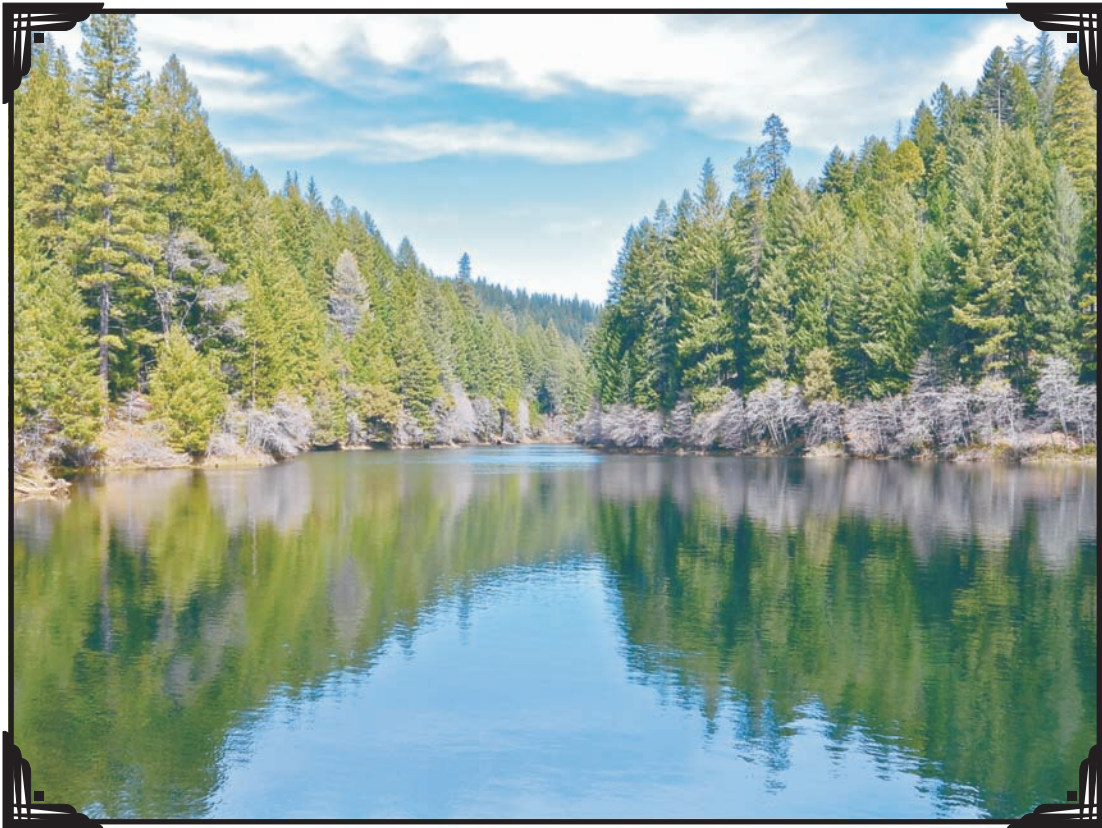




AMADOR COUNTY CIVIL GRAND JURY

FINAL REPORT



JUNE 2013

COVER: LOCATION TIGER CREEK RESERVOIR
PHOTO BY W. CRANE 2013





AMADOR COUNTY

Grand Jury

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

June 21, 2013

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

Dear Judge Harlan,

I am very proud to present to you the final report of the 2012-2013 Amador County Grand Jury. This report contains investigations and recommendations based on what the Grand Jury believes are important issues to the residents of Amador County.

The Grand Jury understands the economic struggles County departments and agencies have gone through in the past several years. We commend staff for trying to provide the best services they can offer to our residents. Conclusions in this report were evaluated against the ability of the County departments and agencies to accomplish the recommendations and I feel we have only recommended that which is doable.

We believe we completed our mandated responsibilities regarding those complaints and suggestions submitted to us by County residents. I know that all members of the Grand Jury worked together putting in extensive hours in interviews, document reviews, and thorough analyses of the facts obtained in a fair and unbiased manner.

I want to personally thank my fellow Grand Jurors for their dedication, hard work, professionalism, and humor. The cooperation and extensive efforts of these people helped produce a final report that is thorough and well documented.

The Grand Jury would also like to extend our appreciation to Jennifer Magee of the County Counsel's Office for her legal assistance in all of our questions. We would like to thank Heather Gardella, your assistant, for her help and coordination efforts. Lastly, we would like to thank you for your support, words of encouragement, and direction throughout the year. This helped us stay focused and on task.

Respectfully submitted,

A handwritten signature in blue ink that reads "M Bourgeois". The signature is written in a cursive style and is placed on a light-colored rectangular background.

Marianne Bourgeois, Foreperson
Amador County Grand Jury 2012-2013



Superior Court of the State of California
County of Amador

CHAMBERS OF
SUSAN C. HARLAN
JUDGE

500 Argonaut Lane
Jackson, CA 95642

June 12, 2013

Marianne Bourgeois, Foreperson
Amador County Grand Jury
PO Box 249
Jackson, CA 95642

Re: Amador Grand Jury 2012-2013

Dear Foreperson Marianne Bourgeois, Foreperson Pro Tem Jeremy Edwards,
Recording Secretary Rebecca Korematsu, Correspondence Secretary Patti Alderson,
Richard Johnson Jr., Audra Crocker, Alan Ross, Mark Tonn, Mike Murray, Heidi
Howard, Jane Parmenter, Danny Smith, Douglas Bellamy, Stephen Branco, Wallace
Crane, Laretta McComb, Paul Molinelli Jr., Kathleen Dunne, and Julie Traxler:

It has been a pleasure to work with you over the past year in connection with your service on the Amador 2012-2013 Grand Jury. You are an impressive group of individuals with the ability to learn quickly and produce an insightful report in a professional manner. Ms. Bourgeois, your excellent leadership as foreperson is well noted over the past year. On behalf of the residents of Amador County, thank you for the generous donation of your time and commitment to the grand jury. Your work will ensure improvement and confidence in our local government.

Wishing each of you a well earned retirement from your yearlong duties.

Sincerely,

Judge Susan C. Harlan

Judge J.S. Hermanson



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NOTICE TO RESPONDENTS

Response Requirements:

The legal requirements for responses to the Grand jury findings and recommendations are contained in California Penal Code (PC) §933.05. Each respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel before responding. For assistance to all respondents, PC §933.05 is summarized as follows:

Responding to Findings:

The responding person or entity must respond in 1 of 2 ways:

- That you agree with the finding
- That you disagree wholly or partially with the finding. The response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

Reporting Action in Response to Recommendations:

Recommendations by the Grand Jury require action. The responding person or entity must report action and all recommendations in 1 of 4 ways:

- The recommendation has been implemented, including a summary of the implemented action.
- The recommendation has not been implemented, but will be implemented in the future. This response should include a timeframe for implementation.
- The recommendation required further analysis. The law requires a detailed explanation of the analysis or study and the timeframe not to exceed 6 months. In this response, 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.

Final Report Response Format

The following standard format is to be used when responding to the Grand Jury's report. It is used by all agencies when responding to grand jury reports.

Responding Agency **Response by** _____ (Governing Body, Department Head)

Finding #1 (State the finding as written in the grand jury report)

State your detailed response to the finding. Attach any supporting documentation.

Recommendation #1 (State the recommendation as written in the grand jury report)

State your detailed response to the finding. Response should include progress on your planned action. Attach any supporting documentation.

Follow the same procedures for each finding and recommendation as written in the grand jury report for this agency.

History of the Grand Jury

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

In Amador County, the grand jury is impaneled annually and is comprised of 19 members. The Superior Court Judge appoints a foreperson who presides at all full jury proceedings and is responsible for directing the business of the grand jury. Grand jurors are officers of the court, but work as an independent body. It is critical to the effectiveness and credibility of the grand jury that all members function without influence from outside parties.

The grand jury serves as the "watchdog" of all branches of the county and city governments. It is not answerable to administrations, politicians or legislators. The grand jury represents the public and the public interest. The grand jury may examine all aspects of county and city government and special districts to ensure the best interests of its citizens are being served. The grand jury reviews and evaluates procedures, methods and systems utilized by county government to determine whether more efficient and economical programs may be employed. All complaints to the grand jury are confidential, as are all grand jury proceedings.

The grand jury is authorized to:

- inspect and audit county books, records, and financial expenditures to ensure public funds are properly accounted for and legally spent
- inspect and report on the performance of financial records for special districts or commissions in the county
- inquire into the conditions of jails and detention facilities within the county
- investigate and report on charges of willful misconduct in office of public officials or employees
- investigate and report on "questionable business practices" of public agencies
- investigates citizen complaints that fall under the grand jury's jurisdiction

All grand jury finding and recommendations are issued in a written report at the end of each fiscal year. Each report must be approved by at least 12 members of the grand jury. Within 90 days following issuance of a report, officials responsible for the matters addressed in the report are required to respond in writing. The new grand jury reviews the responses of the affected public agencies. Grand jury reports become public record and are available for viewing on the website at: www.amadorcourt.org/grandjury/grandjury.html



2012-2013 Grand Jurors

Patti Alderson

Wally Crane

Jeremy Edwards

Rebecca Korematsu

Mike Murray

Danny Smith

Doug Bellamy

Audra Crocker

Heidi Howard

Carol McComb

Jane Parmenter

Mark Tonn

Marianne Bourgeois

Steve Branco

Katie Dunne

Rick Johnson Jr

Paul Molinelli Jr

Alan Ross

Julie Traxler

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