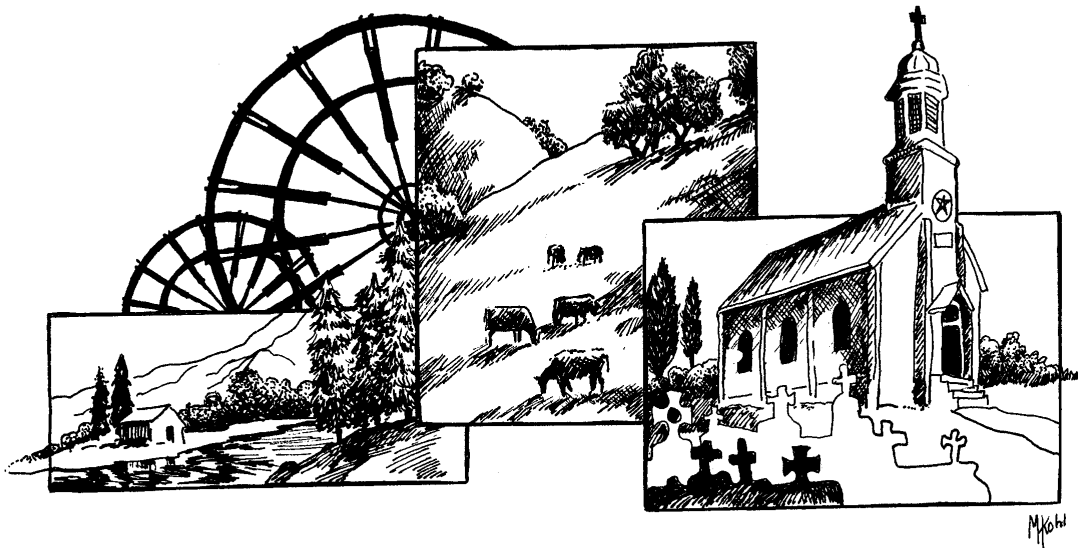


Amador County Grand Jury Report



2002/2003

Introduction

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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.

Superior Court of the State of California
County of Amador



CHAMBERS OF
DAVID S. RICHMOND
PRESIDING JUDGE

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

June 4, 2003

William Price, Foreman
Amador County Grand Jury
P.O. Box 249
Jackson, CA 95642

Dear Mr. Price and Members of the 2002-2003 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.

Thank you again for all your hard work.

Sincerely,

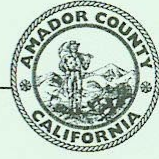
A handwritten signature in cursive script that reads "David S. Richmond".

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

DSR/pc

GRAND JURY

P. O. BOX 249 • JACKSON, CA 95642



June 18, 2003

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

Dear Judge Richmond,

The Amador County Grand Jury presents its final report for 2002/2003.

We chose to evaluate the operations of a wide variety of local government agencies: Countywide departments, cities, special districts and joint powers agreements. Several themes appeared to be of significance to the citizens this past year, and formed the basis of our elective investigations: 1) The management of water supply in developing rural areas of the county; 2) County-wide disaster preparedness in a post 9/11 world; 3) Management issues that have resulted in unsafe busses and school facilities for our public school children; 4) Issues involved in the potential sale of the county-owned landfill.

The Grand Jury is empowered to investigate citizen complaints about the operations of local-level elective bodies and public agencies. Eighteen such complaints were received. The Jury conducted preliminary inquiries into all of them; some were found to be better handled by the agencies in question, and were forwarded; some others were outside our jurisdiction. A few complaints received late in our term were not pursued due to time constraints, and were placed in suspense for possible consideration by next year's Jury. In response to citizen complaints, we investigated the personnel and financial operations of the City of Plymouth, certain operations of the Westover (County) Airport, and the response of the Amador County Unified School District to last year's Grand Jury Report.

The Penal Code requires a Grand Jury to inquire into the conditions of confinement of inmates of all detention facilities in the county. We evaluated inmate services through tours of the Amador County Detention Facility (Jail), Mule Creek State Prison, Preston Youth Correctional Facility, and Pine Grove Youth Conservation Camp.

Our members have expressed a range of reactions to our year of service: Respect for the professionalism of so many public employees at all levels of government in the county; frustration with the continued existence of a "Good Old Boy" system that dilutes the effectiveness of some agencies; increased awareness of the struggles of a small, rural area to respond to modern needs while maintaining some elements of a quieter, safer lifestyle.

To a person, our members were profoundly impressed with the role of the Grand Jury in exercising citizens' rights to look into the hidden corners of local government, conduct inquiries and report findings without fear of reprisals. The Grand Jury system is truly democracy in action.

The members of this Grand Jury came together as nineteen strangers of varied ages, interests and professions. All are equals; there is no chain of command. Decisions must be agreed upon by at least twelve members. To function effectively, members must develop mutual respect and consideration for each other, and they must do it quickly. We spent more hours than any of us would have expected attending meetings, conducting interviews, reviewing documents and writing reports. We speak with one voice as we submit to you our final report.

Sincerely,


William Price
Foreperson

2002-2003 AMADOR COUNTY GRAND JURY

Harold Anderson
Nancy Bailey
Robert Burdick
Joni Cain*
Daniel Davidge
Joan Garner
Michelle Hamilton
Frances Headley
Rusty Jett
Juanita Kirkpatrick*
Molly Kohlschreiber
Jack Lewis
Grace Littrell
Patricia Messemore
Kathie Moore
William Price
David Schmidt
Jim Shipley
Marlin Smith
Andrea Whitlock*
Mark Wuelfing

* We would like to acknowledge those members of the Grand Jury who could not complete their term.

Acknowledgements

The 2002-2003 Grand Jury would like to acknowledge the assistance of the following individuals without whose assistance we could not have had a successful year: Judge David Richmond, his secretary, Peggy Crain and the Grand Jury secretary, Mary Kraft; County Counsel John Hahn and District Attorney Todd Riebe for their counsel on matters both legal and practical.

For their generous help in providing the Jury comfortable and secure meeting space, we send our thanks to: Mike Kriletich, Chief Probation Officer, Jon Hopkins, Deputy Director of General Services Administration, and Carolyn Scalabrino, Administrative Secretary of Department of Agriculture/Weights and Measures.

We take special note of the assistance given by Dennis Grady, Solid Waste Technician for the Waste Management Department, who was very helpful about the operation and history of the landfill; and Elli Schneider, Secretary to the Superintendent, Amador County Unified School District, for her efficient and responsive service.

We appreciate the advice of the Amador Ledger-Dispatch, particularly Jeff Carlisle, as well as Barry Duncan and members of the staff of Mother Lode Printing who patiently listened to and calmly answered all questions no matter how silly; and finally our artist and fellow Grand Juror, Molly Kohlschreiber, who designed our cover artwork.

Notice to Respondents

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.

Budgetary or Personnel Recommendations:

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

Advance Release of Grand Jury Report Disclosure Prohibited Prior to Public Release:

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

Time to Respond, Where and To Whom to Respond:

Depending on the type of Respondent, Penal Code Section 933.05 provides for two different response times and to whom you must respond:

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

2002-2003 Grand Jury Reports

County Government

Amador County Airport – Westover Field

Introduction:

The Grand Jury has chosen to examine the Amador County Airport – Westover Field pursuant to Penal Code section 925(a).

The Grand Jury received a citizen's complaint regarding the county's alleged disregard of county code regulations on the county owned Westover Airport. The complaint specifically named a renter (hereafter known as Tenant) of hangar #6 and another renter (Lessee) of hangar #10.

Background:

Amador County Airport – Westover Field is a general aviation airport with hangars, fuel and aircraft maintenance services. The Amador County General Services Administration Office (GSA) oversees the operation of the county airport. The County contracts with a concessionaire to act as the Airport Manager and to oversee the day-to-day operation of The Airport.

Method of Evaluation:

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

Persons Interviewed:

Westover Airport Manager
Amador County Code Enforcement Officer
Chairman of the County Board of Supervisors
Amador County Counsel
Amador County Director of the General Services Administration
Citizen Complainant
Amador County Building Inspector
Amador County Chief Building Inspector
California Highway Patrol Officer, Jackson office
Lessee of Hangar # E10
Occupant of Hangar # 6
Secretaries for the Board of Supervisors

Documents Examined:

Airport Managers job description
Citizen's Complaint
Complaint of May 8, 2001
Contract of Airport Manager
Westover Field Rules and Regulations chapter 12.44 section 12.44.070 "Commercial Activity"

Sites Visited:

Amador County Airport – Westover Field
Westover Field Airport hangar # 6-exterior only
Westover Field Airport hangar # E10-exterior only

Facts:

- The County has contracted with an “Airport Concessionaire” (Airport Manager) whose responsibility is to oversee the management and organization of the airport operations.
- The County’s contract with The Concessionaire in part states, “County and Concessionaire shall periodically inspect and inventory the facilities and equipment belonging to the County located at Westover Field”.
- The Airport Manager states that he does not have keys to many of the County owned airport facilities and does not want them due to the liability.
- Unlicensed vehicles and trailers are parked on The Airport property.
- Substantial amounts of debris, scrap parts of airplanes and machinery littered the area beside County owned hangar #6.
- An occupied mobile home is located directly behind hangar #6.

Findings:

- A large amount of the debris and junk is located near hangar #6.
- The mobile home located behind hanger #6 is owned by and is the residence of the Tenant.

Recommendations:

- The Airport Manager and a representative of the county should regularly inspect the airport as required in the concessionaire Contract with Amador County.
- All unauthorized trailers; machinery, vehicles and debris should be removed from the airport property.
- GSA should develop a policy for the parking of unattended vehicles (also known as “airport cars”) on airport property.

Facts:

- Tenant pays rent on hangars #3 and #6, where he operates an aircraft repair service.
- Tenant has been located at Westover Field since 1989.

Findings:

- Amador County has 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.
- Presently the Tenant does not have current liability insurance showing the county as an additional insured.

Recommendations:

- Amador County General Services Administration should immediately enter into a lease agreement with the occupants of all the hangars at Westover Airport.
- 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.

Facts:

- The mobile home at the rear of hanger #6 is owned and occupied by the Tenant.
- The previous airport manager allegedly made a verbal agreement allowing the Tenant to live on the premises in exchange for his acting as security watchman for the airport. There is no evidence that the Board of Supervisors approved this agreement.
- On March 6, 2001, the Amador Code Enforcement Officer received a complaint regarding an alleged illegally occupied mobile home behind hangar #6.
- On March 8, 2001, the Code Enforcement Officer, at the direction of the an Airport Committee Member/Amador County Supervisor, was directed to ascertain if the mobile home installation at the airport meets the health and safety codes of Amador County.
- The Chief Building Inspector upon attempting to locate the trailer and verify the complaint found that all the gates to the airport were locked. He was confronted by an unnamed man who denied him access and stated that the trailer “is being moved anyway” from the airport property. This was reported to the Director of the Land Use Agency who ordered that the case be dropped due to the fact that the mobile home was to be moved.
- In approximately July or August of 2002, the CHP received a request from Amador Sheriff’s Office to investigate a complaint from the airport manager about unlicensed vehicles at the airport. The responding CHP officer interviewed the Tenant, who told the officer that seventy five per cent of the time he lives in Oregon, but travels back and forth to Amador County on business. The CHP Officer stated no action was taken because it is the county’s responsibility to define the legality of vehicles parked on county property.
- On April 16, 2003, the Amador County Building Inspector found several code violations concerning the mobile home located behind hangar #6; noting “travel trailer hooked up without permit, electrical hookup not to code and sewer connection leaking on the ground”.

Findings:

- The mobile home was not “moved away” and none of the former complaints were ever acted upon.

- The hook ups to the mobile home located behind hanger #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 seventy five per cent of the time.

Recommendations:

- Remove the mobile home from county property or rectify the code violations.
- The GSA should provide airport security, if needed.

Facts:

- The Amador County Building Department has inspected hangar #10. The report states that the interior of hangar #10 has been altered to include the addition of a loft and stairs.
- The modifications were constructed without proper building permits in violation of county codes.
- All hangars are either county owned or privately owned on leased county ground.

Findings:

- Interior alterations and additions have been constructed to both lessee owned and County owned hangars.
- Hangar #6 was not inspected, but the Tenant told the inspectors that he is willing to cooperate with the Building Department.

Recommendations:

- The Amador County General Services Administration and the Airport Manager should inspect all buildings on county airport property for modifications or alterations.
- 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 Required:

The Amador County Grand Jury requires a response to this report from the following officials/agency heads per California Penal Code 933.05.

Director of Amador County Land Use Agency

Board of Supervisors

Amador County General Services Administration

Amador County Building Department

Amador County Sanitary Landfill (Buena Vista Landfill)

Introduction:

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

Background:

The Amador County Sanitary Landfill has been in operation since 1973. Day to day operations of the landfill and the Materials Recovery Facility (MRF) are currently taken care of by Amador Disposal Service, Inc. (ADS), a wholly owned subsidiary of Waste Connections, Inc.. The Amador County Sanitary Landfill is a valuable asset for the county. The citizens of Amador County need an affordable place to dispose of garbage. The landfill has the potential to pay for itself. In the last ten years the landfill and the Waste Management Department has been moved from one department to another. The Waste Management Department was under the General Services Administration and moved to the Public Works Agency in November 2001. There has been a lack of direction and planning which has caused the landfill to be neglected. Currently the Amador County is looking at two options for the Amador County Sanitary Landfill and the disposal of waste. Those options are selling or keeping the landfill. If the county keeps the landfill it can construct phase 4 and continue operations, allow ADS to expand the landfill or close the landfill and use the MRF as a transfer station.

Method of Evaluation:

Members of the Grand Jury conducted interviews, reviewed documents, internet sites and toured the Amador County Sanitary Landfill.

Persons Interviewed:

Members of the Board of Supervisors
County Administrative Officer
Assistant County Counsel
Director of Public Works
Solid Waste Technician
Citizens
District Manager, Waste Connections, Inc.
President, Aces Waste Services, Inc.

Documents Examined:

1987 Solid Waste Water Quality Assessment Test Report (SWAT)
1988 Buena Vista Landfill Verification Monitoring Program Report
1991 Remediation of Leachate Plume: Buena Vista Landfill – Canonic Environmental
1992 Draft Report Revised Monitoring Programs Buena Vista Landfill- Vector Engineering, Inc.

1992 Buena Vista Landfill Environmental Impact Report (Volumes 1 and 2)
Report of Disposal Site Information – December 2002 (Revised 2/6/03)
Quarter Monitoring Report for Fourth Quarter 2001 Buena Vista Landfill
Annual 2001 Monitoring Report Buena Vista Landfill
1991-1992 Amador Grand Jury Final Report
Buena Vista Landfill Real Estate Purchase Agreement between Howard Properties and
County of Amador
Contract and Addendums for Operation and Maintenance of Amador County Solid Waste
Sanitary Landfill
Materials Recovery Facility (MRF) Agreement and Addendums
Administrative Civil Liability Complaint Number 5-00-521 – Regional Water Quality
Control Board, Central Valley Region
Administrative Civil Liability Complaint Order Number 5-00-253 - Regional Water
Quality Control Board, Central Valley Region
Tentative Waste Discharge Requirements (WDR) Revision and Cease and Desist Order
Buena Vista Landfill – Dated April 12, 2002
County of Amador Final Budgets – 1988/1989 through 2002/2003
Various Documents from Amador County, Intelliwaste, Inc., Jacobson Helgoth Consultants
and ADS.

Internet Sites:

California Integrated Waste Management Board – <http://www.ciwmb.ca.gov/>
California State Water Resources Control Board - <http://www.swrcb.ca.gov/index.html>
California Government Codes - <http://www.leginfo.ca.gov/calaw.html>
Waste Connections, Inc. - <http://www.wcnx.org/>
Amador County - <http://www.co.amador.ca.us/>

Amador County's Management of the Buena Vista Landfill

Facts:

- The landfill is managed under the Waste Management Department, which is under the Public Works Agency. There is one employee in the Waste Management Department, a solid waste technician.
- The Waste Management Department has been moved between the Public Works Agency and the General Services Administration and back to the Public Works Agency. The Waste Management Department has been a department on its own and combined in the Air/Waste Management Department. These changes have been made over the last ten years.
- Public Works Agency took over management of the Waste Management Department in November of 2001 from the General Services Administration.
- The Public Works Director is a Registered Civil Engineer. An engineering background is necessary when dealing with the California Integrated Waste Management Board (CIWMB) and the California State Water Resources Control Board (CSWRCB) and meeting laws and regulations.

- The landfill and waste management issues are also overseen by a Waste Management Committee headed up by two Amador County Supervisors.
- The State Water Resources Control Board fined Amador County for \$25,000.00 on November 2, 2000. The county was late with ground water monitoring reports ranging from 91 days late to 348 days late to the Regional Water Quality Control Board (RWQCB). When the reports were sent to the RWQCB they were incomplete.
- The Waste Management Department was under the General Services Administration at the time of the fine.
- Each phase of the landfill has a site life estimate based on capacity and expected annual disposal amount. An example would be a phase with 500,000 ton capacity with a dump rate of 50,000 tons per year. The expected life of the phase would be ten years.
- The landfill is a business that requires planning for future expenses.
- A gas extraction system is being installed on phase 1. It was known that phase 1 would need a gas extraction system in 1995. The cost of the gas extraction system is \$597,099.22 plus \$50,000.00 for over seeing the construction.

Findings:

- The county is reactive rather than proactive in meeting state regulatory requirements and then needs to file for extensions which cause undue attention by state agencies and the public. This causes confusion and concern.
- 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.
- 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.
- There has been no work done on the solid waste facility permits or WDRs for phase 4.
- 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. The county was using 1990 as the baseline, which would have made the county inline 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.

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.
- Use tipping fees to pay salary and benefits of the Waste Management Director.

Environmental

Facts:

- The landfill sits on a geologic formation called the Ione Formation. The Ione Formation is primarily made up of clays, which have a very low permeability (the ability of water to move through).
- Phase 1 consists of a cavity carved out of over 50 feet of clay, which left 25 feet of clay under it. It was lined with another two feet of clay brought in from the Indian Hill Clay Plant.
- Phase 1 of the landfill was built according to the regulations for landfill construction in 1973.
- There has been movement of leachate, out of Phase 1 caused by the formation of methane gas.
- Leachate is a liquid formed by rainwater dissolving materials out of the disposed waste.
- A trench was dug and a collection system installed on the west side of Phase 1 to capture leachate being pushed out of Phase 1 by the methane gas. The leachate is collected and pumped to an evaporation pond.
- A gas extraction system is being installed to remove the methane gas from Phase 1.
- There are sixteen monitoring wells around the landfill, which monitor the water at different levels. The water drawn from these wells is sent to a laboratory to be tested for contaminants which indicate the presence of leachate escaping from the landfill.

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.
- The Amador County Sanitary Landfill is currently maintained and operated in compliance with state and federal laws.
- “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.
- Amador County’s control over what goes into the landfill will insure the environment will not be sacrificed for profits.

Recommendations:

- None.

October 1, 2002 Rate Increase.

Amador County gave permission to ACES Waste Services, Inc. (ACES) to take a large part of the garbage they collect to the Kiefer Landfill in Sacramento County to conserve capacity at the Amador County Solid Waste Sanitary Landfill. ADS sent a proposal to the county requesting a rate increase to make up lost revenue from ACES hauling waste to the Kiefer Landfill. ACES began hauling waste to the Kiefer Landfill on September 1, 2002. ADS requested an increase of \$8.05 to landfill tipping fees which would require an increase to the MRF tipping fees and to the franchise haulers; which ADS is also a franchise hauler.

Facts:

- The Contract and Addendums for Operation and Maintenance of Amador County Solid Waste Sanitary Landfill states the county may request an audit of ADS's financial records when ADS requests an increase in tipping fees.
- The Contract and Addendums for Operation and Maintenance of Amador County Solid Waste Sanitary Landfill states ADS shall keep detailed financial records of all landfill operations and those records shall be separate and independent from all other operations. Annually ADS is to send a balance sheet and income statement verified by an accountant to the county.
- The county has not received or requested financial records from ADS for the landfill in over seven years.
- Prior to October 1, 2002 tipping fees at the Buena Vista Landfill were \$25.00 per ton.
- The landfill tipping fees split between ADS and the county was \$15.75 (63%) for ADS and \$9.25 (37%) for the county.
- The Board of Supervisors approved the fee increases to \$34.00 per ton on September 17, 2002 with the stipulation ADS and ACES provide audits of their financial records. The increase would take effect on October 1, 2002 and remain as long as the audits justified the fee increases.
- The split for the landfill tipping fees between ADS and the county is \$24.75 (73%) to ADS and \$9.25 (27%) to the county. ADS received \$0.95 more than they requested.
- ADS provided their audit in November 2002 after two letters from the Amador County Administrative Agency. The Board of Supervisors was not able to determine if the audit did or did not justify the increase ADS was requesting.
- The Board of Supervisors hired a consultant, Intelliwaste, Inc. to review the audits for \$16,500.00. The Board of Supervisors approved the proposal on January 28, 2003. According to the proposal, the reports were to be completed no later than March 31, 2003. As of May 8, 2003, the results of the review of the audits have not been completed.
- According to the Amador County Administrative Officer the report is late due to ADS having to separate out financial records between the landfill operations, the MRF operations and their franchise waste hauling which includes operations in Amador County and Calaveras County.

- The proposal by ADS to raise the landfill tipping fees estimated landfill tonnage to be 24,403 tons after ACES started to take waste to Kiefer Landfill. This was down 12,474 tons from the 36,877 tons received at the landfill in the last twelve months (August 2001 – July 2002). The provision stated-if landfill tonnage was greater than 25,000 tons and less than 37,000 tons, the county would receive all the tipping fees as protection from windfall profits. If the tonnage exceeded 37,000 tons then ADS would receive \$15.75 per ton.
- Tipping fees rates and landfill capacity are major considerations when analyzing the value of a landfill.

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.
- 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.
- ADS has not kept separate financial records for the landfill, the MRF and its solid waste hauler franchise.
- Raising the landfill tipping fees makes the landfill more attractive to a potential buyer.

Recommendation:

- 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.

Options for the Amador County Sanitary Landfill.

County Sells the Buena Vista Landfill.

Facts:

- Currently the landfill is taking in approximately 68 tons of waste per day which comes to 24,403 tons per year. Prior to ACES taking their waste to the Kiefer Landfill, the daily average rate was approximately 113 tons per day based on 358 operating days per year.
- The landfill is permitted for 810 tons per day.
- The county is currently funding an Environmental Impact Report for the proposed sale of the landfill at a cost of \$150,000 although the county government officials claim they have not decided to sell the landfill.
- The county purchased the land for the landfill for \$852,957 from the Howard Estate. Escrow closed on 1-20-1994.

- The County Administrative Agency and the County Counsel's Office are handling the majority of the current landfill issues and the County Administrative Officer and the County Counsel were chosen by the Board of Supervisors to handle negotiations for the sale of the landfill which can be held in closed sessions under the Brown Act.
- The county is seen as an owner/operator and a generator of municipal solid waste (MSW) and municipal sewage sludge (MSS) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund).
- The Supreme Court ruling in the *United States v. Bestfoods* protects parent corporations from the actions of its subsidiary. There is nothing in CERCLA which allows the corporate veil to be pierced.

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).
- 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.
- 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.
- 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.
- There are waste management companies interested in the possible purchase of the landfill.
- Franchise haulers would not be required to use the landfill if it were purchased.

Recommendations:

The county retains ownership of the landfill.

County Keeps the Landfill.

The county has at least three options if the ownership of the landfill is retained. The county could invest in constructing another phase, have ADS construct the next phase and be responsible for permitting and operation, or close the landfill and haul waste out of the county.

County Re-Permits the Landfill and Builds the Next Phase and Continues Operations.

Facts:

- Would allow the county to continue to receive a split of tipping fees and generate revenue to cover costs associated with the landfill.
- One proposal and estimate offered by a county official would be to permit and construct Phase 4 of the landfill at an estimated cost of \$2,800,000.00 and the cost to close it would be approximately \$1,600,000.00 for a capacity of 850,000 tons. Another proposal is for a capacity of 500,000 tons. The greater the capacity the lower the cost per ton for construction costs.
- Professional and Specialized Services, environmental monitoring, regulatory liaison and consulting services, cost the county \$591,626.30 in 2000-2001 and \$896,295.22 in 2001-2002.
- Total operating expenses for the Waste Management Department for the last ten years, fiscal years 1992/1993 through 2001/2002, average \$668,714 a year. The 1993/1994 fiscal year was the highest at \$1,625,363.78 and the 1997/1998 fiscal year had the lowest total operating expenses with \$278,403.12. The approved budget for total operating expenses for 2002/2003 is \$1,288,960.

Findings:

- It takes 200 tons per day of waste for a landfill operation to reach an economy of scale (operate efficiently).
- County continues to have control over the landfill, which benefits environmental concerns for the area.
- 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.
- As prices go up illegal dumping through out the county becomes a greater problem.
- The county would be responsible for the cost of permitting, regulatory liaison, environmental monitoring, closure and post closure costs as they are now.
- The Amador County Board of Supervisors has chosen not to fund this option.

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.
- Use a bond issue to finance construction if funds are not available.
- Use tipping fees to payoff the bond.

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	<u>\$ 1.34</u>	
Total County Tipping Fee		<u>\$17.45</u>
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)	\$ 0.89	
State Franchise Tax Board Fee	<u>\$ 1.34</u>	
Total County Tipping Fee		<u>\$16.79</u>
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. 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.

Close the Landfill and Haul Waste Out of County

Facts:

- The county must continue to maintain and monitor existing phases. Professional and Specialized Services have averaged \$467,908 per year for the last ten years.
- Aces Waste Services, Inc. has negotiated a contract with Sacramento County to haul waste to The Kiefer Landfill and will continue to pay Amador County \$5 per ton through May 2003.

- It will cost \$804,000 to cap and close phases 2 and 3. A fund exists to meet this cost with the county making installments to cover the costs to cap and close the phases 2 and 3. This fund is required under the solid waste facility permit granted by the CIWMB.
- Current tipping fees for the MRF are \$57.86, which gives ADS a net after landfill tipping fees (\$34.00) of \$23.86 per ton.

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.
- The MRF is used to sort waste into recyclables and for disposal into the landfill. Not all waste received at the gate go 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 operation of the landfill, ADS has exclusive rights to sell any salvageable items.
- If the county closed the landfill the MRF would be used as a transfer station.
- This will be the option if the Board of Supervisors does not act soon. It is the default option.

Recommendations:

- Not recommended.

Allow ADS to Expand the Landfill:

The information contained in this is taken from a proposal from the county on possible options for the landfill. Most of this would require negotiations and bids for the best deal for the county.

Facts:

- ADS would fund all construction, capping, and closure of Phase 4 and needed Phases in the future. ADS would fund regulatory liaison, environmental monitoring and perform all routine land management.
- ADS would pay the county one-dollar per ton royalty. The county states this would generate \$150,000.00 to the county per year. To generate that much per year, the landfill would need to be taking in on average 400 tons of waste per day, which is currently four times the amount generated in the county.
- The county would retain liability of prior Phases and the cost of regulatory monitoring.

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.
- ADS would fund the majority of the costs of the permits.
- ADS would limit out of county waste to fifteen truck-loads per day and would prevent the trucks from traveling through Ione.
- By allowing ADS to continue operations this would permit the landfill to remain in operation.

- Once a landfill closes it is very hard to resume operations because of state agencies and regulations.
- Under this proposal the county would have a difficult time covering costs for meeting post closure monitoring.

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.
- Set aside funds to construct the next phase, phase 5.

Response Required:

California Penal Code 933.05 requires a response within 90 days.

Criminal Justice

**California Youth Authority
Pine Grove Youth Conservation Camp**

Introduction:

Penal Code Section 919(b) mandates that the Grand Jury annually review all prisons and jails within the County.

Background:

Pine Grove Youth Conservation Camp (PGYCC) was established in 1945 in a joint agency agreement between the California Youth Authority (CYA) and the California Division of Forestry (CDF). The facility operates on an annual budget of two million dollars for CYA and nine hundred thousand dollars for CDF. The camp has a staff of 31, including 18 peace officers and 3 part-time employees.

This 80-bed facility currently houses 68 wards whose ages range from 18 to 24 years. Their average stay at the camp is 480 days. No ward is selected who has been convicted of arson, any sex offense or who is a flight risk.

The wards are assigned to one of four fire crews, a community-service crew or camp crew. Wards are paid from \$1.40 to \$3.50 per day for regular work but receive \$1.00 per hour while fighting fires. Crews are dispatched to fires throughout California. Wards work for public and non-profit agencies, on projects such as fire trails, snow clearance, food distribution, grounds maintenance of public buildings and historical landmarks, cemeteries, and weed abatement of roadways.

Evening school attendance is mandatory, until a high school diploma or GED is obtained. Correspondence college courses are available at the ward's own expense. Each ward must also participate in a minimum of four small group counseling sessions per month, plus individual counseling sessions which include topics such as work ethics, job-seeking skills, anger management, drug abuse, gang activities, and parenting skills.

Methodology:

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

Persons interviewed:

Camp Superintendent
Assistant Camp Superintendent
CDF Division Chief
Youth Counselor
Camp Cook
Parole Agent

Documents examined:

Budget Summary
Organization chart
Conservation camp operation
Camp master projects list
Special incident package
Operations manual
Multi-hazard emergency plan
CYA Staff News
CYA Today Newspaper

Facts:

- Wards of the PGYCC provided 99,096 hours of public service to the county of Amador, last year and they logged 69,961 hours on the fire line.
- They donated \$1632.00 last year to victim's funds.
- The camp serves as a landing field for Med-Evac units.
- The dining hall and infrastructure can support food services to feed 800 people per day in the event of a major disaster.
- The wards collect, assemble and distribute 4000 Christmas boughs in the county each year.
- The camp staff hosts quarterly meetings with the Pine Grove Citizens Advisory Committee.

Findings:

- The Pine Grove Youth Conservation Camp is very community oriented and provides many valuable services to the surrounding cities and to the county.
 - The facility was clean and orderly and the staff cordial and knowledgeable.
- The Pine Grove Youth Conservation Camp is a very real asset to the County.

Recommendations:

- None

Response Required:

- None

AMADOR COUNTY DETENTION CENTER

Introduction:

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

Background:

The Amador County Detention Center (Jail), directed by the Sheriff, serves as the sole incarceration site for both pre-trial and sentenced male and female inmates. With the exception of the Jail Commander, the custodial staff is comprised of professional Correctional Officers who have the responsibility of overseeing both maximum and minimum security inmates 24 hours a day, 7 days a week. They are required to transport inmates to and from court, to medical facilities and to supervise work details outside the Jail.

Method of Review:

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

Persons Interviewed:

Under-sheriff
Jail Commander
Command Room Correctional Officers
Jail Nurse

Documents Reviewed:

Fiscal Year Budget 2002-2003
Jail Organization Chart
Jail Incident Log
Food Temperature Reports
Inmate Grievance Forms
Log of Daily Average Population Released Early Due to Overcrowding
Board of Corrections Biennial (every 2 years) Inspection Report
Jail Staffing Plan

Administration:

Facts:

- The Amador County Sheriff has ultimate responsibility for the overall supervision of the Jail.
- The Jail Commander (Captain) supervises daily Jail operations.
- The Captain's office is very small and overcrowded.

- The Captain is responsible for all Jail administrative duties and most of the paper work involved.

Findings:

- The administrative offices are well organized. As a result, the materials we requested were located in a very timely manner.
- To make it more conducive for the Captain to meet with personnel or conduct interviews his office should be enlarged.
- The Captain needs assistance in handling administrative duties.

Recommendations:

- Increase the size of the Captain's office when the expansion of the Jail occurs.
- Hire a Correctional Manager, holding a position between a Senior Correctional Officer and a Captain, to alleviate some of the Captain's responsibilities.

Operations:

Facts:

- The California Board of Corrections conducts biennial inspections of all local detention facilities as required by Title 15 and 24 of the California Code of Regulations. The inspection covers over 60 requirements of law ranging from administrative policy, operations, treatment of the inmates and condition of the facility.
- The Incident Log is used to record all incidents which result in physical harm or serious threat of physical harm to an employee, inmate or other person and is maintained by the Captain.

Finding:

- All documents reviewed were up to date.

Recommendation:

- None.

Staffing:

Facts:

- Section 1027 of the biennial inspection by the Board of Corrections conducted on February 27, 2003, Penal Code 6031, indicates that "the number of personnel has been a non-compliance issue for the last several inspection cycles."
- A staffing analysis developed in 2002 outlined the number of personnel (30) needed to safely and securely operate the Jail.
- As of February 27, 2003 there are vacancies for 5 female Correctional Officers.
- Overtime is required to maintain proper staffing.
- Video arraignments between the Jail and the Court House will commence on March 3, 2003, which will ease some staffing concerns and transportation issues.

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.

Recommendation:

- Request that the Board of Supervisors revisit the budget to ascertain if adjustments can be made which would allow for hiring the needed personnel.

Inmate Housing:**Facts:**

- The Jail has adequate housing for 76 inmates (65 male, 11 female). There have been as many as 91 inmates at one time, which cause extreme overcrowding.
- When the Jail reaches maximum capacity an early release program goes into effect for inmates who have committed less serious offenses.
- The Jail population fluctuates daily.

Findings:

- The increased population in Amador County and the surrounding areas may be responsible for the overcrowding situation in the Jail.
- With the increase in inmates there is also an increase in visitors.
- A home monitoring system could alleviate some of the overcrowding.

Recommendations:

- Establish a start date to begin construction of the Jail addition.
- Implement an electronic home monitoring system for eligible inmates, who meet the criteria, which will reduce Jail overcrowding.

Food Services:

Facts:

- Food service is contracted with the Stanislaus County Jail where individual meals are prepared, placed on trays, sealed and flash frozen. The meals are transported to the Jail in a refrigerated van and stored in a freezer until ready for use. At that time, meals are thawed and reheated.
- All meals are planned by a nutritionist.
- Inmates are served 3 meals per day, 2 of which are hot. The temperature of the hot food (165 degrees) is taken at each meal and logged to insure it is served in accordance with regulations.
- Special dietary and religious needs are accommodated.
- The Amador County Health Department inspects the food facility twice a year.

Findings:

- Inmate meals are adequate and nutritionally sound.
- The meal storage room and the reheating room are currently very crowded.

Recommendation:

- Complete the remodel of the re-therm (reheating of food to the appropriate temperature) area and kitchen.

Inmate Medical Services:

Facts:

- Amador County contracts with the California Forensic Medical Group, Inc. (CFMG) for inmate medical services.
- The contracted physician is required to be on site 1 day a week and is on call 24 hours.
- The CFMG provides a registered nurse who is on site part-time, 5 days a week.
- Each inmate detained for more than 2 days is required to have a complete health evaluation which includes Communicable Disease Screening and TB Assessment. This evaluation must occur within 7 to 14 days after admittance.
- The Jail has policies and procedures for Non-Medical Sick Call and Emergency Medical and Medication Management, which is located in the Jail Manual.
- Mental health care for inmates is provided 2 hours a week. Crisis counseling is available 7 days a week, 24 hours a day.
- The only orthopedic physician in Amador County will not serve the Jail. Inmates requiring this service must be transported outside the County.
- Injuries that require an orthopedic doctor tend to be the most common.
- Providing transportation out of the County is very costly and involves safety issues.

Findings:

- 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, any follow up care required.

Recommendations:

- Attempt further negotiations with the orthopedic physician in Amador County.

Response required:

A response to this report is required by the Board of Supervisors and the Amador County Sheriff pursuant to California Penal Code 933.05.

Mule Creek State Prison

Introduction:

Penal Code section 919(b) mandates that the Grand Jury annually review all prisons and jails in the County. The Grand Jury toured Mule Creek State Prison.

Main Facility

Mule Creek State Prison (MCSP) is a medium to high security prison covering 866 acres. There is an electrified perimeter fence situated between double perimeter fences. There are three inmate housing areas within the secure perimeter and one is high-security. Medium-security facilities combined average 2250 inmates. One of the housing units is designed as Administrative Segregation, which has the capacity of housing 200 inmates. The high-security facility averages 1160 inmates. To accommodate overcrowding MCSP converted its gymnasiums into dormitories. The prison has a maximum capacity of 3888 inmates.

When the Grand Jury visited MCSP the inmate population was 3,623. There were 1174 inmates serving life sentences and 113 inmates serving life without the possibility of parole. MCSP currently has a total of 972 employees, of which, 618 are correctional Peace Officer personnel. The current Budget is \$65 million.

Minimum Support Facility

The Minimum Support Facility is located outside of the secure perimeter fence. The inmates in the minimum support facility have been identified as low risk and are housed in an environment that offers minimal physical restrictions. There are no violent offenders or sex offenders among the inmates in this facility. The maximum capacity for the Minimum Support Facility is 400 inmates.

There are three community work crews. While on work assignments in the community, each community crew is supervised by one officer. The crews generally have 12 inmate workers. Local law enforcement provides backup. The crews work for tax-based organizations only, such as city, county or state agencies. All work is low skill, i.e., cleanup, weed abatement, painting, etc. The crews also provide emergency response to the county for floods when authorized. .

A Fourth work crew is assigned to the California Training Center in Galt and is supervised by three officers who are responsible for transporting and supervising the inmates while off institutional grounds. It consists of approximately 60 inmates. They are the support for the California Training Center's grounds. Their work assignments consist of landscaping, maintenance, culinary, janitorial, etc.

There are also "On grounds" inmate crews who provide the same types of support services to the Institution.

Method of Evaluation:

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

Persons Interviewed:

Warden
Administrative Assistant
Correctional Officers
Teachers
Counselors
Inmate Appeal Staff
Personnel
Personnel assignments
In-Service Training Department
Watch Office
Main Control

Documents Examined:

Institution Profile (dated 10-18-02)
Inmate Costs (dated 10-18-02)
MCSP Overview (dated 2-02)
Physical Layout Map

Employee Safety:**Facts:**

- There is a variable staff to inmate ratio determined by the security level of a facility. The higher the security level the more staff assigned to the facility.
- The California Department of Corrections Operations Manual mandates all staff to wear a whistle for use in the event of an emergency. The sounding of the whistle alerts other staff members of the emergency and its location.
- Staff are also required to wear personal alarm devices in designated areas. Activation of the personal alarm during an emergency sounds a loud alarm and turns on a flashing blue light directing response staff to the area. An alarm is also activated in the Main Security Control room and the location of the emergency is then broadcast through the institutional radio and public address systems.

Findings:

- Custody officer positions were all filled at the time of the tour.
- During the tour and subsequent interviews, staff were randomly selected to verify that they were in compliance and were wearing their whistles. All staff viewed were in compliance.
- During the tour and subsequent interviews, staff were wearing their state issued personal alarm devices.
- Emergency Operations and Alarm Response classes are included in annual in-service training provided to all staff members.

Recommendation:

- None

Staff Accountability:

Facts:

- The Identix System is a computerized fingerprint identification system that stores data on employees who have entered and exited the secure perimeter.
- It is mandatory that all employees use the Identix System when entering and exiting the secure perimeter. This system is located at the two entrances into the secure perimeter, the Front entrance Building and the Vehicle entrance (sally port).
- The Identix System prints a report of personnel tracking within 30 to 60 minutes after each shift change.
- Every employee on institutional grounds can be accounted for within 30 to 45 minutes.
- Measures are immediately taken to locate a staff member if the employee is overdue for departure.
- It is also mandatory for all employees to sign in and out on all shifts.

Findings:

- Keeping track of staff who enter the secure perimeter is high priority to the institution.
- Upon entering and exiting the secure perimeter staff were observed using the Identix system.
- Supervising staff members review the staffing rosters to ensure staff have signed in or out when reporting or leaving their assignments. If there is a discrepancy the supervisor takes immediate measures to account for that employee.

Recommendation:

- None.

Institution Security:

Facts:

- The front entrance and the vehicle sally port are the only access into the secured perimeter.
- The front entrance and the vehicle sally port are each staffed by a correctional officer 16 hours a day and covered by the Outside Patrol Sergeant during the night shift.
- The front entrance and the vehicle sally port are each overseen by a 24 hour perimeter tower staffed by armed correctional officers. The correctional officers in the towers control the gates electronically.
- The Entrance Officer: Ensures each employee uses the Identix System, examines each staff member's identification cards to ensure authenticity, searches items being brought in or out of the institution, processes official visitors to the institution and directs outside companies to various areas of the Institution.
- The Vehicle Sally Port Officer: Positively identifies the individual(s) that are operating and occupying the vehicle and ensures they sign in and out. The officer also ensures employees use the Identix System when entering or exiting the secure perimeter through the vehicle sally port. The officer ensures inmate identification through the verification of

authorized inmate gate passes. Inmates are also identified and the officer reviews and ensures there is appropriate documentation and inmate gate passes are authorized and complete.

- Inmates are also processed through the vehicle sally port by vehicle or controlled escort.
- Every vehicle that is processed through the vehicle sally port is thoroughly searched inside and outside.

Finding:

- There are comprehensive procedures in place to ensure a high level of security at the institution.

Recommendations:

- None.

Institutional Services:

Education:

Facts:

- The Education Department at MCSP is a fully accredited school through the Western Association of Schools and Colleges.
- MCSP offers a variety of vocational training programs and academic courses for inmates.
- Both vocational and academic programs are competency based permitting each inmate to progress according to his individual ability.
- These classes provide individual and group instruction intended to improve literacy and vocational skills.
- Several vocational and academic classes were visited by members of the Grand Jury.

Findings:

- Inmates are given the opportunity to learn useful skills that could increase their employability once they parole.
- The inmates were observed working productively at vocational tasks and academic studies.
- The Teachers and Vocational Instructors are doing an effective job of providing meaningful work and studies.

Recommendation:

- None

Information Distribution:

Facts:

- Information is provided on a closed circuit video system by the Media Center supervised by a Television Specialist. The information consists of up coming changes in policies, which programs are operating normally or have been restricted, changes affecting inmate visiting, rule reminders and current events in the facilities, etc.
- The Warden or the Administrative Assistant approves the information prior to its being displayed on this closed circuit video system.
- Inmates with personal televisions and all dayroom televisions can receive this information on screen.

Finding:

- Up-to-date information shared throughout the institution is a valuable means to control rumors and reduce tension among inmates. This enhances safety for staff and inmates.

Recommendation:

- None

Medical and Mental Health Services:

Facts:

- There are inmates housed at MCSP that have been identified as being developmentally disabled, with mental illnesses and inmates with less severe physical disabilities that do not have an impact on their housing needs. These inmates are tracked and their mental and medical needs are met.
- A new Mental Health Services building is in the process of being built to accommodate the needs of the inmates assigned to the Mental Health Delivery System.
- MCSP is staffed with various medical personnel to serve the needs of the inmate population. These employees include medical doctors, nurses, medical technical assistants, dentists, psychiatrists, psychologists, licensed clinical social workers, pharmacists, dietitian, laboratory technicians and radiologists, etc. There are specialty clinics that include services for optometry, podiatry, physical therapy and others.
- Each facility has a medical and dental clinic. Inmates are charged a \$5.00 co-payment for non-emergency medical and dental services.
- The Main infirmary has an emergency room, which is equipped and maintained at all times to receive inmates with urgent medical issues. Other inmate medical emergencies or severe health conditions are transported to outside hospitals or other prisons that can accommodate their medical needs. The Main Infirmary is in the process of being renovated for expansion.

Finding:

- MCSP has extensive medical and mental health services for the treatment of inmates. The services offered are free of cost to the inmates (except non-emergency medical and

dental services).

Recommendation:

- None

Response Required:

None.

Preston Youth Correctional Facility

Introduction:

Penal Code Section 919(b) mandates that the Grand Jury annually review all prisons and jails within the County.

Background:

Juveniles committed by juvenile and criminal courts to the California Youth Authority (CYA) are sent to Preston Youth Correctional Facility (PYCF) for treatment and training. The CYA is the largest youth corrections agency in the nation, housing some 5,700 young men and women in eleven institutions and four camps throughout the state, with approximately 4,200 more on parole.

PYCF was one of the first two state youthful offender facilities (Reform schools) mandated by the state in 1890 to remove juvenile offenders from adult prisons. The historic landmark "Preston Castle" opened June 13, 1894; many more structures and facilities have been built over the years. PYCF has historically been a role model for innovations in juvenile corrections nationwide.

Fourteen living units provide housing, five with rooms which are either single bunked or double bunked, and nine open dormitories. Three of the dormitories have been closed due to declining population. Six specialized treatment programs are offered.

Method of Evaluation:

Members of the Grand Jury conducted interviews and toured the Preston Youth Correctional Facility.

Persons interviewed:

Superintendent
Assistant Superintendent
Chief of Security
Training Officer
Senior Youth Correctional Counselors
Youth Correctional Counselors
Youth Correctional Officers
Principal of Education
Kitchen Staff
Stationary Engineer
Wards
Inmates

Documents Examined:
Welfare and Institution Codes

Internet Sites:
California Department of the Youth Authority: <http://www.cya.ca.gov>
California Senate: <http://www.sen.ca.gov>
Fresno Bee: <http://www.fresnobee.com>

Demographics:

Facts:

- PYCF houses male offenders, most between 17 and 19 years of age. The CYA can house offenders up to their 25th birthday.
- The offenders are wards of the state or are inmates, juveniles tried as adults.
- At the time of the Grand Jury's first visit in November 2002 to PYCF the population was 560. The population was 511 on a subsequent visit in April 2003.
- PYCF has closed three living units in the last 12 months with the most recent occurring on April 1, 2003.
- Section 912 of the California Welfare and Institution Code (W & I Code), amended in 1997, states the counties of California will pay a sliding scale percentage of the per capita cost to house a ward in the CYA ranging from 50% to 100% depending on the seriousness of the crime. For many years prior to this the cost to the counties for a ward committed to the CYA was around \$300 per year.
- The ward per capita cost for 2002/2003 is \$49,200. The cost to counties for a ward committed to the CYA can be \$24,600 to \$49,200 per year.

Findings:

- The 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.
- PYCF has provided community service and economic stability to Ione and Amador County for over one hundred years.

Recommendation:

- None

Treatment Programs:**Facts:**

- There is one living unit that offers a formalized program for wards and inmates with substance abuse problems or the potential for substance abuse problems.
- There is an Intensive Treatment Program and a Specialized Counseling Program to assist wards with severe emotional problems.
- Wards in these treatment programs are housed in single bunked rooms.

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.

Recommendation:

- None

Educational and Vocational Programs:**Facts:**

- The school at PYCF provides 67% academic classes and 33% vocational training. The academic classes concentrate on wards earning a high school diploma, GED or passing the California High School Proficiency Examination (CHSPE).
- There is also a correspondence college program for those wards with a high school diploma or GED.
- The teacher to student ratio is one to seventeen.

- Vocational training includes auto shop, computer graphics, graphic arts, culinary arts, restaurant service, general shop (orientation), janitorial and masonry.
- The Ponderosa Fire Training Center, adjacent to the main institution, teaches physical fitness, teamwork, and fire science and safety to wards eligible for placement in Youth Conservation Camps. Ponderosa also has a community service work crew that does work for non-profit and public agencies.

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.

Recommendation:

- None

Main Kitchen:

Facts:

- The main kitchen at PYCF was built in 1898 and is one of the oldest in the CYA and is a historical landmark.
- All wards at PYCF are served two hot meals and one sack lunch per day, for a total of over 1500 meals per day served.
- Wards work in the kitchen doing meal preparation and cleanup and are supervised by kitchen staff and a Youth Correctional Officer.

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.

Recommendation:

- Place “caution wet floor” signs around any floors that are wet.

Response Required:

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

Amador County Unified School District

Amador County Unified School District

Introduction:

The 2002-2003 Grand Jury elected to review and evaluate the Amador County School District (ACUSD) pursuant to Penal Code 933.5. Previous Grand Jury Reports have noted deficiencies in the Transportation Department and the vertical communication between the various departments and the Administration, including the School Board. These problems led to the District being sued by the Amador County District Attorney (DA), which resulted in the suspension of bus service in the District for a month. The operation of unsafe buses could result in serious injuries to students and the general public. Such injuries would expose the District to legal liability, which could result in financial ruin for the District. Prior Grand Jury Reports have also noted that the District had failed to address safety issues set out in the Loss Prevention Survey done by their insurance carrier. These items if left unrepaired could easily lead to serious injury to students and others using school facilities. Compensating such injuries would strain the District's already tight financial position. Further, a bond issue was passed to make improvements to the District infrastructure. The use of these funds in part to correct the safety issues set out in the Loss Prevention Survey could make the District not only safer but also fiscally more responsible by taking care of maintenance problems when they are small. Maintenance procedures in the Transportation Department and throughout the District were examined to determine why these safety issues remained unresolved

Method of Evaluation:

Members of the 2002-2003 Grand Jury conducted interviews, reviewed documents, and visited sites. For a complete list, please see Appendix 1 and 2.

ACUSD Board of Trustees:

Background:

On January 22, 2002, a parent called the California Highway Patrol (CHP), reporting a School District bus parked along a route with its rear axle lying beside it. On January 13, 2003 the Amador County Unified School District shut down its entire bus service for regular school students after meeting with CHP officials and the County District Attorney. The CHP had documented a four-year history of continuing violations of state bus safety requirements; they said it was the worst record they had ever seen anywhere in California. The bus terminal received four failing ratings during these years; the Highway Patrol had noted over 800 violations in the transportation operation in that period. The CHP had earlier taken their concerns and their documentation to the District Attorney, who initiated legal action to force the school district to correct the problems. The bus fleet remained out of service for a month and a half, while numerous repairs were made. Many parents attended Board meetings and two town hall meetings to express how concerned they were that their children would be safe on the busses. The District Attorney decided to work with the District in fashioning a Consent Decree, which laid out a course of corrective actions over a period of 14 months.

The Grand Jury decided to try to trace the origins of the problem. The Jury wanted the widest possible perspective on the issue, so the investigation included interviews with members of the Board of Trustees, the Superintendent, the Interim Director of Transportation, supervisors, bus drivers and mechanics.

The Amador County Public Schools Board Handbook, which is used for Trustees' training and reference, opens with the Role of the Board:

"The Governing Board is elected by the community to provide leadership and citizen oversight of the district's schools. The Board shall work with the Superintendent to fulfill its major roles, which include:

1. Setting a direction for the district.
2. Providing a basic organizational structure for the district by establishing policies.
3. Ensuring accountability.
4. Providing community leadership on behalf of the district and public education."

Eight Board members and former members were interviewed individually for this investigation; they will all be referred to as "Trustees" in this report.

Providing Leadership:

Facts:

- All the Trustees stated they were aware of long-standing problems with the bus fleet, making such statements as, "Transportation has been a problem for a long time;" At the same time, Trustees have expressed shock and surprise at the seriousness of the problems presented by the CHP and the DA.
- The CHP's failing of the bus terminal and "red tagging" of busses twice during 2002 were fully reported in the local newspaper, as well as on radio and television stations.
- The District has considered several potential solutions to the problems of the bus service, but has never followed through on any of them. These included using a regular replacement schedule for the busses, shutting down the fleet for maintenance during the summer vacation months, and privately contracting for bus services.
- Several trustees stated the district had never paid enough attention to lower-level staff throughout the district, including bus drivers and maintenance staff. Classified employees have never received raises at all proportionate to teaching staff. Bus driver and custodial positions used to be combined into full-time jobs; but now, bus driver positions are now part-time, working split shifts. Retention of drivers has become a problem.
- Trustees have not personally visited the Transportation or Maintenance Departments. One noted in a public meeting that he had ridden a bus route once.

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 busses, which led the CHP to fail the bus terminal and red-tag the busses in 2002.
- 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.

- The Board has neglected bus and maintenance staff--salaries have not kept up, working conditions are difficult; as a result, retention of bus drivers is difficult.

Recommendation:

- 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.
- 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.

Working with the Superintendent:

Facts:

- A Trustee observed that the district has had five Superintendents in eight years, adding, “It has been one failure after another.” The most frequent complaints were that Superintendents have a tendency to withhold important information, and have not adequately informed Trustees of major issues. This includes his control of the Board agendas and meeting minutes, and failing to provide Trustees with specifically requested information.
- The Superintendent and the Personnel Director make all the personnel decisions without prior input with the Board.
- Several Trustees expressed strong support for the current Superintendent. But, they believed he minimized the problems with the bus service until the District Attorney and the California Highway Patrol addressed the Board. Another Trustee believes subordinates have withheld important information from the Superintendent regarding the transportation operation.
- One Trustee said he felt the current Superintendent is preoccupied with the education component of the district, and has not given enough attention to support services, such as transportation, building maintenance, school yards, etc.

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.
- The current Superintendent enjoys more support from the Board than did his recent predecessors.
- The Trustees have a passive attitude in working with the Superintendent, allowing him/her control of information, hiring, budgets, and union relations.
- The frequent turnover of Superintendents adversely affects his/her ability to establish effective working relationships with Trustees.

Recommendations:

- The Trustees should be more assertive in requiring staff to keep them informed of important issues.
- The Trustees should require accountability from the Superintendent.

- The Trustees should follow established procedures to provide direction to the Superintendent.

Ensuring Accountability:

Facts:

- In the past, some Superintendents hired friends and acquaintances for district jobs, regardless of qualifications.
- Six of the eight Trustees said the Director of Transportation did not possess the formal qualifications for the job and there is no documentary evidence that the Director did possess the necessary qualifications.
- There is a lack of performance accountability of personnel.

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.
- 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.
- There is no evidence of the Trustees having done anything to ensure effective personnel accountability.

Recommendations:

- The Trustees should follow the standards, guidelines and procedures laid out in the Amador County Public School Board Handbook.
- The Board of Trustees should require performance standards, annual evaluations, and accountability to ensure that all staff are meeting job expectations.
- 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.

Administration and Supervision:

Facts:

- The Director of Personnel recommends to the ACUSD Board a successful candidate for employment.
- The Director of Personnel maintains employee evaluations and reports to the ACUSD Superintendent.
- The ACUSD Superintendent makes the final decision on a candidate's qualifications for employment and has final authority with the Board of Trustee's approval.
- District policy requires certain classified managerial positions receive performance evaluations every two years.
- Evaluations are not used in determining retention, pay raises, promotions or discipline of an employee.

- The Board has developed policies for discipline and performance but they did not include a progressive discipline policy.

Findings:

- The ACUSD Superintendent is responsible for maintaining policy and procedures.
- 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.
- 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.
- There is no documented evidence that managerial positions receive written performance evaluations on a regular basis.
- Any personnel evaluation done cannot be used for discipline in the absence of a Progressive Discipline Policy.
- 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.
- The failure to address the inadequacies in established procedures and to revise them led to the crisis in the transportation department and its shutdown.

Recommendations:

- The Personnel Director should develop an accurate, up to date job description for all positions.
- The successful applicant for any position should meet the mandated qualifications for the job as set out in the job description.
- All employees within the ACUSD should be reviewed through evaluations, including management. .
- ACUSD Personnel Director should inform the ACUSD Board of the failure by Department Heads to conduct evaluations.
- 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.
- Once informed of a problem the Board should direct the Superintendent to take the necessary actions to correct the situation.
- 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.

Transportation Department:

Background:

The ACUSD Transportation Department provides bus transportation for Amador County students residing in various communities within the county. Prior Grand Juries dating back over five years have identified numerous problems within the Transportation Department that were not effectively corrected. Providing bus transportation service in the future will

depend on the efficiency and effectiveness of the Transportation Department and the appropriate supervision of all employees.

Function:

For the 2002/2003 school years the ACUSD Transportation Department had 31 buses and supplied school bus drivers for transporting students to and from school, and mechanics to maintain the buses in a safe and functional condition. The office staff maintains the office answering telephones, monitoring schedules, driver absences and other clerical assignments.

Facts:

- The ACUSD Board suspended bus transportation during 1/03.
- As mandated by state law, the California Highway Patrol (CHP) annually inspects the Maintenance Facility.
- The CHP also periodically inspects the buses and the bus maintenance records.
- Over the past four years, the CHP inspectors have cited numerous maintenance and safety violations on the buses. Several buses were red-tagged (placed out of service).
- State Law requires the District prepare and properly maintain accurate vehicle maintenance records in order to be able to evaluate the fleet.
- The Department has no training or certification records.
- Bus drivers are daily required to perform and sign a Safety Inspection check-list on their bus prior to departure.
- District maintenance records are of poor quality or are non-existent.
- Currently there are 3 mechanics providing maintenance for 31 buses.
- The fleet of buses dates back to 1968.
- 8 new buses were purchased in 2002 utilizing state lottery money.
- State lottery funds are a stable source of financing.
- Buses manufactured in 1977 or earlier do not comply with Federal Safety Standards.
- In 1999, the transportation department budget was cut by \$600,000.
- Budget cuts to the transportation department have directly affected the department's ability to operate while at the same time maintaining the required level of paperwork. .
- Current policy and procedures mandate that records of required daily vehicle inspections, periodic vehicle inspections and completed repairs be documented and maintained on file.

Findings:

- Supervision of employees is essential at all levels of the department for maximum efficiency and effectiveness.
- 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.
- The maintenance facility physical plant is below standard and in poor condition for providing proper maintenance.
- There are an inadequate number of bus drivers (26) and qualified mechanics (3).
- There is little paperwork to show that the bus drivers routinely performed their required daily safety inspection on their bus or completed the checklist prior to departure.
- Mechanics spend time in the field making repairs.

- Replacing older school buses with newer school buses would result in improved safety, fuel cost savings and lower maintenance.
- Buses manufactured after 1987 are safer for passengers in the event of an accident.
- 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.

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.
- Improve maintenance record keeping and documentation.
- 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.
- 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.
- Retire buses in the fleet that do not conform to the Federal Safety Standards.
- Implement a computerized system that tracks when vehicle inspections are due, what maintenance and repairs are scheduled, and identifies when the items are completed.
- Design and implement a tracking system within the Transportation Department to ensure timely completion and filing of mandated documentation.

Safety Policy:

Facts:

- Workers Compensation and Liability issues are referred to the Tuolumne Joint Power Agency (JPA) Director.
- California State Law requires all employers to have a written and implemented Illness and Injury Prevention program as mandated by SB 198 and as monitored by California Occupational Safety and Health Administration (CAL OSHA).
- The District does not have a fully compliant Illness and Injury Prevention program or a designated safety manager.

Findings:

- Failure to have an Illness and Injury Prevention Program exposes the district to financial liability in the form of fines and penalties.

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.
- A safety manager should be designated to implement and oversee the Illness and Injury Prevention Program.

Maintenance Department:

The Maintenance Department is responsible for maintaining and refurbishing of district buildings and grounds, and is responsible for preventing fire, safety and health hazards. The department is headed by a director who is supervises the maintenance personnel.

Background:

The Maintenance and the Transportation Departments were combined in May of 2001. The departments were separated again on March 12, 2003 due to the problems in the Transportation Department. The Director of Facilities and Operations is currently vacant and the district is in the process of hiring a new director. The job description for the prior position of Director of Maintenance, Operations and Transportation states the director is responsible for supervising, training and evaluating the performance of assigned staff. The last time the Custodial/Grounds Manager was evaluated was in May 2000.

Work Orders:

Facts:

- The Maintenance Department has a work order policy. A work order can be submitted by any district employee to request repairs or correct a safety, fire or health hazard.
- Prior to filling out a work order form, the problem is brought to the attention of the site maintenance worker I. If the maintenance worker is unable to correct the problem he fills out a work order; it is signed by the maintenance worker and the site supervisor (a principal at a school). To expedite the work order it can be faxed to the Maintenance Office and two copies of the original work order are sent to the Maintenance Office. One copy is to be kept by the sending site.
- The work order is logged by the Maintenance Secretary and given to the Maintenance Worker IV. The Maintenance Worker IV assigns the work order to a Maintenance Worker II or a Maintenance Worker III if he decides it doesn't require approval for funds by the Superintendent or he believes the Maintenance Worker I can do the repair. When the work has been completed the work order is returned to the Maintenance Worker IV who gives it the Maintenance Secretary to be entered into the log as completed. A copy is sent back to the sending site.
- The sending site logs the returned copy of the work order along with the original copy.

Findings:

- Six of Nine schools visited were properly following the work order policy.
- 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.
- Failure to follow the work order procedure makes it impossible to determine if necessary maintenance has been done.

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.
- 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.

- Train school personnel in how to use the work order system.

Loss Prevention Survey

Facts:

- The job description for the Director of Maintenance, Operations and Transportation stated the director “shall work to establish adequate procedures and controls for the efficient, safe, and fiscally sound maintenance, upkeep and refurbishing of District buildings and grounds...”
- Annually a Loss Prevention Survey is done as a requirement for the Tuolumne Joint Power Authority (JPA) as a part of the Relief loss prevention requirements.
- The Loss Prevention Survey does not inspect all the buildings or rooms at a school or district site.
- There has been a Loss Prevention report done in 2000, 2002 (special review) and 2003. As an example of some of the safety violations, in the 2000 survey, fire extinguishers, material safety data sheets (MSDS) and chemical inventories were noted as being in violation of state regulations. The fire extinguishers were in violation for not being present, not being inspected and certified and either not mounted or not mounted at the proper height. The MSDS sheets and chemical inventories were in violation for not being present in all areas where chemicals are stored.
- Prior Grand Jury reports have noted that safety violations reported in the Loss Prevention Surveys were not corrected.
- The last three Loss Prevention Survey investigations were all conducted in the month of November, by the same person.
- District records show some items in the previous Loss Prevention surveys were signed off as corrected but still exist.
- The 2003 Loss Prevention Survey showed twenty-seven violations relating to fire extinguishers through out the district.
- There were seven violations of the MSDS and eight violations of the required chemical inventories through out the district.

Findings:

- The director has failed year after year to correct on going violations of state regulations.
- 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.
- There is no direction in the Maintenance Department. The department has no preventative maintenance plan.
- The lack of proper record keeping makes it impossible to know what work has been completed.
- In the absence of proper supervision and record keeping conditions deteriorate and pose a risk of serious injury to all who come to a facility.

Recommendations:

- Assign district personnel to inspect the fire extinguishers in the school district on a monthly basis as required by law.
- Revise maintenance policy to insure that there is follow up on work orders submitted and safety violations noted.
- 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.

Preventive Maintenance:**Facts:**

- Buildings at Ione Elementary, Plymouth Elementary and the Jackson Jr. High School are in various stages of disrepair. The disrepair is due to exposure to the elements and water damage due to rain.
- The 2000 Loss Prevention Survey noted numerous rooms at Ione Elementary, Plymouth Elementary and Jackson Elementary had evidence of major roof leaks. The ceiling tiles were stained and there were signs of mold and mildew growth. It should be noted that nearly all the schools in the county had rooms with these problems. The three schools above had the most rooms with these problems. See Appendix 3.
- The 2003 Loss Prevention Survey also noted evidence of major roof leaks and signs of mold and mildew growth in school classrooms.
- Leaking roofs and the growth of mold and mildew are considered “serious property/liability risks” in the Loss Prevention Survey. These problems can cause poor indoor air quality (IAQ).
- The United States Environmental Protection Agency (EPA) states “schools that fail to respond promptly and effectively to poor IAQ run the risk of increased short-term health problems, such as fatigue and nausea, as well as long-term health problems like asthma.” The EPA goes on to say that delay of remediation of IAQ problems can be costly and exposes a school to liability claims and lawsuits.
- Recommendations of the 2001-2002 Grand Jury were for the school district to replace ceiling tiles that have mold and mildew growth immediately and to repair roof leaks and repaint the stained area so new leaks can be identified.
- The response of the Superintendent of Amador County Schools to the 2001-2002 Grand Jury Report recommendations was these items were “done”.
- Ione Elementary has an overhang that has been badly damaged by water and is in danger of collapse. Although reported to the Maintenance Department for repair in April of 2000 and again in July of 2000, the condition still exists.
- Only six maintenance staff are assigned to perform all non-custodial maintenance and repairs for the entire school district.

Findings:

- The district has no Preventative Maintenance program.
- 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. See Appendix 3.

- 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. See Appendix 3.
- 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.
- The non-custodial maintenance operation is very understaffed.

Recommendations:

- Replace ceiling tiles that have mold and mildew growth immediately.
- Repair roof leaks and repaint the stained area so new leaks can be identified.
- Use bond money to make needed repairs in order to avoid serious injury and financial liability.
- Develop and implement a preventative maintenance program.
- Hire additional maintenance staff.

Response Required:

The Amador County Grand Jury requires a response to this report within ninety days as required by Penal Code 933.05.

APPENDIX 1:

Persons Interviewed:

ACUSD Transportation Department Interim Director
ACUSD Transportation Department Assistant Manager
Joint Powers of Authorities (JPA) Director
Director of Personnel
Bus driver
Maintenance mechanic
ACUSD Superintendent of Schools
Present and past members of the Board of Trustees

Documents Examined:

ACUSD Transportation Department Comprehensive School Safety Plan
FICMAT Report
ACUSD Employee Evaluation form
ACUSD Board Handbook
Bus Driver's Daily Inspection report form
Bus Maintenance & Safety Inspection form
Job Descriptions:
Dispatcher Job
Senior Office Clerk
Director of Transportation (current)
Director of Transportation (previous)
Job Descriptions (continued):
Executive Director of Maintenance, Operations and Transportation
Assistant Manager Transportation Services
Assistant Manager Bus/Vehicle Maintenance
Bus Driver Trainer
Bus Driver
Car/Van Driver
Designated Behind the Wheel Bus Driver Trainer
Equipment Mechanic

Sites Visited:

ACUSD Transportation Department, Church St., Jackson, Ca.
ACUSD Administration Building

APPENDIX 2:

Persons Interviewed:

Custodial/Grounds Manager

Maintenance IV/Lead man

Secretary

Principals of:

Ione Elementary School Principal

Jackson Jr. High School Principal

Pine Grove Elementary School Principal

Pioneer Elementary School Principal

Plymouth Elementary School Principal

Sutter Creek Elementary School Principal

Custodians of:

Ione Elementary School

Jackson Jr. High School

Pine Grove Elementary School

Pioneer Elementary School

Plymouth Elementary School

Sutter Creek Elementary School

Jackson Elementary School

Documents Reviewed:

Job descriptions for management:

Director of Maintenance, Operation, and Transportation.

Director of Facilities and Operations

Custodial/Grounds manager

Job Descriptions for:

Grounds Equipment Operator

Maintenance, I, II, III and IV

Secretary

Warehouseman

2001 Loss Prevention Survey

2003 Loss Prevention Survey

Employee Policy & Procedures

Work Order Procedure

Sites Visited:

Argonaut High School grounds

Ione Elementary School grounds

Ione Junior High School grounds

Jackson Jr. High School grounds

Pine Grove Elementary School grounds

Pioneer Elementary School grounds

Plymouth Elementary School grounds
 Sutter Creek Elem. School grounds
 Jackson Elementary School grounds

APPENDIX 3:

Rooms with evidence of major roof leaks and the growth of mold and mildew are marked as noted in either the 2000 Loss Prevention Survey, the 2003 Loss Prevention Survey or observed by the 2002-2003 Grand Jury. A blank space in the “Grand Jury Visit” column means it was not visited and no comment can be made on the condition of the room.

School	R o o m	<u>Loss Prevention Survey</u>		Grand Jury Visit
		2000	2003	
	1	x		x
	2		x	x
	3		x	
	5			x
	6	x		x
	7	x		x
	8	x		x
	9	x		
	10	x		
	11		x	
	13			x
Plymouth Elementary	1	x		x
	2		x	x
	4		x	x
	6	x		
	8		x	x

City Government

CITY OF PLYMOUTH

Introduction:

The 2002-2003 Grand Jury elected to review and evaluate the City of Plymouth pursuant to Penal Code 925.

Background:

In response to four citizen complaints received in October 2002 the Grand Jury investigated the governing body, finances and operation of the City of Plymouth (City).

Method of Evaluation:

Members of the Grand Jury attended City Council meetings, conducted interviews and reviewed documents.

Persons Interviewed:

Private Citizens
City Clerk
City employees
Deputy Sheriffs
Ex-Mayor
Current Mayor
Ex-Council members
Current Council members
City Attorney
Former City employees

Documents Reviewed:

City budget
City financial statements
Independent auditor's report
City Council minutes
City Council agendas
California Code provisions for a General Law City
Employee job description

City Council:

Facts:

- Plymouth is a General Law City with five elected part-time Council members.
- The Mayor is elected by the Council, in accordance with California Government Code 34903.

- The Plymouth City Council (City Council) and the Vice-Mayor were the subject of several citizen complaints to the Grand Jury. The Vice-Mayor was also the subject of a recall election, to be held in May 2003.
- City officials acknowledged they were unable to provide the Grand Jury with an organizational chart of city departments and positions.
- City officials acknowledged they were unable to provide the Grand Jury with a written description of the management structure for city government.
- It has been a long-standing practice for any city council member to give directions and orders to any city employee whenever he or she deemed it necessary.
- On February 27, 2003 the City Council approved hiring a part-time City Administrator. A contract was required to make the position official.
- On March 27, 2003 the City Council signed a contract with the newly designated City Administrator establishing the position on a three-days-per-week basis.
- The Government Code requires that a city enact a local ordinance if it chooses to create a city administrator position.

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-fledged city employee. As of May 1, 2003, no ordinance had been enacted to provide for the city administrator to be a city employee.

Recommendations:

- City Council members should give directions to city employees only in the event of an emergency.
- City Council members should conduct city business through the City Administrator.
- 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.

- 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.
- 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.

Finances:

Facts:

- City financial records were reviewed and found to be organized and current.
- An independent auditor found no instances of noncompliance or any matters that indicated a lack of internal control over financial reporting and its operation.

Finding:

- The City Clerk maintains excellent financial records.

Recommendation:

- None.

Organization:

Facts:

- The City Clerk works in a confined space in the general office with other employees.
- The storage area for city records is inadequate.

Findings:

- The City Clerk requires 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.

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.
- A section of the partitioned area should be set aside for books, documents, etc. required for daily reference.
- The City Clerk should delegate more responsibility and provide cross training in office procedures to other employees.

Response Required:

The Amador Grand Jury requires a response per California Penal Code 933.05.

Special Districts

PINE GROVE COMMUNITY SERVICE DISTRICT

Introduction:

The Grand Jury has elected to review and evaluate the Pine Grove Community Service District pursuant to Penal Code 925a.

The unincorporated town of Pine Grove founded the Pine Grove Community Service District (PGCSD) to provide water to the residents. The PGCSD was chartered by the Board of Supervisors on August 17, 1965. The PGCSD services approximately three hundred and forty (340) customers.

The PGCSD follows guidelines and regulations set by the State and County. A board of five directors governs the Agency. The board appoints the Water Manager, who supervises the day-to-day operations of the Agency.

The PGCSD is a member of Central Amador Water Project (CAWP). CAWP is an organization of eight to ten (8-10) independent water districts. The Mokelumne River is the source of water for upcountry customers in the CAWP system; Pine Grove, Pine Acres, Sunset Heights, Fairway Pines, Jackson Pines, Pioneer, Gayla Manor, Ranch House Estates, County Service Areas 1 & 2, Ridgeway Pines, Rabb Park and Mace Meadows. The water is pumped from Tiger Creek to the Buckhorn tanks where it is treated and then stored. The water is distributed by a gravity fed system.

Method of Evaluation:

Members of the Grand Jury conducted interviews and reviewed documents. It should be noted that this review was limited to the administration of the Agency and not the physical plant or infrastructure.

Persons Interviewed:

Water Manager of the Pine Grove Community Service District
President of the Board of Directors

Documents Examined:

The list of ten (10) CAWP Water Districts and their Board of Members.
Amador Water Agency 2002 Annual Consumer Confidence Report.
Water Quality Emergency Notification Plan.
Water Quality Threat Condition Emergency Response Plan for the Homeland Security Advisory System.

Sites Visited:

Pine Grove Community Services District Office located at 19840 Hwy. 88, Pine Grove, Ca.

Water Supply

Facts:

- The PGCSO is capable of supplying 176,000 gallons of water daily.
- In 1998-99 the PGCSO purchased and installed a 425,000 gallon storage tank.

Finding:

- Water storage, at present, is adequate.

Recommendation:

- None

Operation and Maintenance

Facts:

- The Water Manager staffs the office on a part-time basis, and monitors the water quality.
- The Water Manager is responsible for maintenance of water lines, valves and replacement of meters.
- The PGCSO maintains approximately 80 water hydrants.
- The PGCSO has several ongoing projects, including Project A.
- Project A consists of installing a loop line for continued flow through the system in the event of a line break or emergency.

Finding:

- Project A is important for the continued supply of water to the customers. District is proceeding satisfactorily with the completion of Project A (loop line connection.)

Recommendation:

- None.

Water Rates

Facts:

- The PGCSO receives no County funds.
- Income is generated through service fees.

Finding:

- Water rates depend on the price charged the PGCSO by the Amador Water Agency.

Recommendation:

- None

Response Required:

None.

The Office of Emergency Services and County-Wide Disaster Preparedness

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).

Background:

In 1995 the Amador County Board of Supervisors added Ordinance 1396 to the Amador County Code. Chapter 2.64 states in part, "the declared purpose of this chapter is to provide for the preparation and carrying out of plans for the protection of persons and property within this county in the event of an emergency; to ensure the continuity of local government; to guarantee the direction of the management organization; and to coordinate the emergency functions of this county with all other public agencies, corporations, and affected private persons."

Chapter 2.64 creates a disaster council, which is chaired by the Chairman of the Amador County Board of Supervisors, and includes one representative from each of the five cities in Amador County, and the Emergency Services Coordinator.

Chapter 2.64 also establishes a countywide operational area. A Joint Powers Agreement (JPA) between the county, participating cities and certain special districts within the county implement this operational area concept.

The JPA consists of the following agencies:

County of Amador, Cities of Amador City, Ione, Jackson, Plymouth and Sutter Creek, Amador County Resource Conservation District, Amador Regional Sanitation Authority, Amador-Tuolumne Community Action Agency, Rabb Park Community Services, Sutter Creek Fire District, Jackson Valley Fire Protection District, Amador Fire Protection District, Amador County Unified School District and Sunset Heights Community Services District.

The Standardized Emergency Management System (SEMS) is the management system required by California Government Code § 8607 (a) Title 19 Division 2 Chapter 1 for managing responses to multi-agency and multi-jurisdiction emergencies in California. SEMS incorporates the use of the Incident Command System (ICS).

Function:

The Office of Emergency Services (OES) works in cooperation with law enforcement, fire services, emergency medical services, state agencies, federal agencies, utilities, private industry and volunteer groups to provide a coordinated response to emergencies and disasters. The OES employs a full time emergency

management coordinator. The coordinator is responsible for the management, planning, coordination and control of Amador County's emergency management program.

Method of Evaluation:

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

Persons Interviewed:

Office of Emergency Services Coordinator
Jackson City Manager
Amador Fire Safe Council Director and Manager
Sutter Creek Police Sergeant.
Radio Amateur Civil Emergency Services Representative
Amador County Sheriff
Jackson Valley Fire Protection District Chief
Amador County Community Action Agency Representative
Plymouth City Mayor
Amador County Public Works Public Agency Director
Mule Creek State Prison Public Information Officer
Sutter Amador Hospital Emergency Coordinator
Amador County Unified School District Superintendent
Ione Elementary School Principal
Ione Junior High School Principal
Jackson Junior High School Principal
Jackson Elementary School Principal
Plymouth Elementary School Principal
Sutter Creek City Administrator and Chief of Police
Ione Fire Department Chief
Amador Fire Protection District Chief
Sutter Creek Fire Protection District Chief

Documents Examined:

1996-97 Grand Jury report
Amador County Sheriffs Office of Emergency Services Web Site
Office of Emergency Services Web Site
Disaster Preparedness Information
Family Disaster Plan
Family Disaster Supply Kit
Disaster Preparedness for Pets and Large Animals
Earthquake Preparedness
Advice for Persons with Disabilities
Sheriffs Posse Program
Neighborhood Watch Program
Search and Rescue Program

Joint Powers Agreement 18 August 1998
Jackson Valley Flood Exercise Briefing
Government Code Section 8607-8607.2
Standardized Emergency Management System Organizational Chart
Emergency Response to Terrorism Job Aid
Mule Creek State Prison Emergency Operations Plan
Amador County Emergency Operations Plan
Amador County Ordinance Number 1386
Section II 2.64 of the Amador County Code
County Resolution 96-150 and 98.317
Government code 8550 and 8668 California Emergency Services Act.
Emergency Management Program Grant expenditures

Sites Visited:

Amador Fire Safe Council Office
City of Amador City
City of Ione
City of Jackson
City of Plymouth
City of Sutter Creek
Mule Creek State Prison
Sutter-Amador Hospital
Office of Emergency Services
Amador County Unified School District
Jackson Junior High School
Ione Elementary School
Sutter Creek Elementary School
Plymouth Elementary School
Jackson Elementary School
Ione Junior High School
Jackson Valley Fire Protection District
Public Works Department

Agencies associated with the OES:

American Legion Ambulance
California Department of Forestry
California Highway Patrol
Sutter-Amador Hospital

Mutual Aid Organizations:

Mule Creek State Prison
Preston Youth Correctional Facility
Pine Grove Youth Conservation Camp

Volunteer Organizations:

Radio Amateur Civil Emergency Service (R.A.C.E.S); Amador Fire Safe Council

Amador County Office of Emergency Services

Facts:

- The Amador County Office of Emergency Services (OES) is responsible for developing plans, procedures and operational capabilities to respond to any emergency situation that may affect Amador County.
- The OES develops and strengthens comprehensive emergency management programs for the County of Amador.

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.

Recommendations:

- None

Facts:

- Amador County does not have a HAZMAT (hazardous material) response team for responding to HAZMAT incidents in this County.
- Amador County has an agreement with Calaveras County for the Calaveras County HAZMAT team to respond to HAZMAT incidents in Amador County.
- The OES Coordinator is equipping and establishing a decontamination team.

Findings:

- Amador County does not have the need or resources to support a HAZMAT Team at this time.
- A decontamination (DECON) team's training and equipment is at a lower level than that of a HAZMAT team.
- The DECON team would assist the HAZMAT team in response to a hazmat incident.
- The DECON unit would assist in the decontamination of victims of radiation or other types of contaminants.
- The County is receiving State and Federal Grants for purchase of needed equipment to support a decontamination team.

Recommendation:

- The County should continue to acquire needed equipment and provide the required training for personnel in order to form a DECON team.

Facts:

- The Office of Emergency Services Emergency Operations Center (EOC) is presently located at 700 Court Street, Jackson, in the Amador County Sheriff's squad room.
- The Sheriff's Department squad room is used for the EOC.
- Upon the declaration of an emergency the EOC becomes the operational headquarters of command personnel for communication and coordination of field recovery operations.

Finding:

- The present EOC does not provide enough room for the OES to function efficiently in the event of an emergency or disaster.

Recommendation:

- Move the EOC to larger quarters. Establishing an adequate Emergency Operation Center should have the highest priority for the Board of Supervisors.

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.

Facts:

- The Board of Directors of the Amador Operational Area Organization is comprised of the same members as the Amador Disaster Council Board of Directors.
- The Amador Operational Area Organization meets quarterly.

Findings:

- The quarterly Meeting is also part of the Disaster Council's semi-annual required meeting.
- 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.

Recommendations:

- Combine the Operational Area Organization and the Disaster Council into one board.
- The cities and special districts should become more involved in the proceedings of the Amador Operational Area Organization.
- The cities should have a designated representative who will regularly attend the quarterly meetings.

Facts:

- The Amador County Operational Area Organization plans and conducts a yearly countywide disaster exercise.

Findings:

- The OES has had a county-wide disaster training exercise the past two years.
- The exercises have been attended by county wide 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.

Recommendations:

- None

Facts:

- The Amador Operational Area Organization disseminates information at county functions, to schools, the local media and on the internet.

Findings:

- The OES website has extensive information on disaster preparedness.

Recommendations:

- Continue to increase public awareness and encourage the cities and special districts to promote and encourage disaster preparedness.
- Increase the outreach programs to make the public aware of the information that is available for disaster preparedness.
- Host public forums on homeland security and emergency plans.

Facts:

- The Amador Operational Area Organization assesses and improves preparedness and response for acts of terrorism.

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.

Recommendations:

- None

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.

Facts:

- On May 23, 2002 the Amador County Sheriff's Office of Emergency Services, the Amador County Sheriff's Office and the California Department of Forestry and Fire Protection conducted the annual county-wide disaster exercise (Jackson Valley Flood).
- This exercise was a "**Table Top Exercise**", in which all participants met at the EOC to deal with a simulated disaster.
- The exercise was held in Sutter Hill at the American Legion facility.

Findings:

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

Recommendation:

- An adequate facility for the EOC should be found.

Fact:

- The participants were grouped at one table for the exercise.

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.

Recommendation:

- Use separate tables for the various groups to facilitate planning discussions.

Fact:

- There was a pre-exercise meeting held May 2, 2002 for the participants to review the exercise plan.

Findings:

- Some of the participants were confused about the stages of the exercise scenario.
- Several Agency representatives did not attend the pre-exercise meeting.
- Some participants were not familiar with the County EOC organization or the SEMS method of response

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.
- The date of the pre-exercise meeting should be held closer to the date of the exercise.
- All participants should attend the pre-exercise meeting.
- The OES Coordinator should make a short presentation on SEMS prior to the beginning of the exercise.

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.

Facts:

- The OES decided in conjunction with the “Dirty Bomb” exercise that the OES would conduct a tabletop exercise to determine the response capabilities in the event of an intentional release of radiological contaminants.
- The scenario for the exercise was a “Dirty Bomb” explosion at Argonaut High School in the City of Jackson.
- The tabletop exercise was held at the General Service Administration GSA office at 12200 Airport Road Sutter Hill.
- The following agencies participated in the tabletop exercise: Amador County (AC) Sheriff’s office, Jackson Police Dept., AC Environmental Health, Ione Police Dept, Ca. Highway Patrol, AC Public Health, AC Social Services, California Department of Forestry (CDF), Sutter Amador Hospital (SAH), American Legion Ambulance, Jackson Fire Dept., Radio Amateur Civil Emergency Services (R.A.C.E.S.) and Amador County Unified School District.
- Approximately seven doctors and nurses and two hospital members (medical team) were involved at the hospital ER entrance.
- Communications were through two-way radios and ham operators.
- The medical team was prepared to evaluate each victim and used a radiation detector to determine contaminated and non-contaminated patients.
- After receiving emergency treatment, patients were tagged and admitted to the hospital by administrative staff.
- Signs were posted at hospital entrances announcing the Disaster Drill.
- During this exercise, the hospital staff performed effectively and efficiently; their extensive training is very evident.

Finding:

- During this exercise, the hospital staff performed effectively and efficiently; their extensive training is very evident.

Recommendations:

- None

Facts:

- County OES and the State require minimum Class C protective gear for handling potential contaminated victims in this exercise scenario.
- Class C protection is one of four levels of clothing and respiratory protection, with A the highest level and D the lowest.
- Five to ten patients can be quickly decontaminated with the “pop-up” decon shower.

Findings:

- In the event of a real occurrence, there would be a decontamination center on the disaster site to handle such matters.
- Through a \$4,000.00 grant, the county purchased a new “pop-up” decontamination shower.

Recommendation:

- The County should continue to acquire the necessary equipment and provide the training needed to form a DECON team.

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.

Fact:

The Superintendent provided the following information about the District’s emergency plan:

There is an emergency evacuation plan booklet in each classroom. The schools follow the SEMS Command. There are primary and back up evacuation sites. There is a command post and alternate command posts for each school. Transportation will be conducted by school buses unless the student can or will be picked up by private vehicle. No student will be released to a private vehicle unless there is a signed release form on file by a parent or designated person. All teachers are provided with roll call documentation for their class and will conduct the roll call. Communication is currently conducted by phone, cell phones and radio. The District will look into the feasibility of purchasing ham radios. Police Departments will be on alert to direct traffic. A committee is being formed to determine

additional command posts. The ACUSD has a comprehensive evacuation plan in the event of an emergency or disaster.

In order to verify how well the individual sites are complying with the requirements of the ACUSD emergency plan, the Grand Jury visited six schools, which were felt to be a good cross-section of the district. The Grand Jury encourages all schools in the district to review and update their emergency plans; no responses are required from schools that were not visited.

Jackson Junior High School was visited on February 11, 2003.

Finding:

- The school office is very small and busy.
- The Principal was able to quickly locate the emergency plan.
- A SEMS list and evacuation map is posted in each classroom.
- Evacuations drills are conducted every month.
- No material relating to emergency planning was visible.
- The plan was not always kept on site as it was being worked on at home.
- The evacuation map was very light and difficult to read.
- In the Principal's absence there is no person in command.

Recommendations:

- Material relating to emergency planning to be clearly visible in the school office.
- The emergency plan remains in a designated place in the school at all times.
- Replace the evacuation maps with clear legible evacuation maps.
- Designate an alternate to be in command in the Principal's absence.

Ione Elementary School was visited on February 11, 2003.

Findings:

- The County disaster plan and the evacuation plan were clearly visible in the Principal's office.
- Each classroom is equipped with a box containing a description of the SEMS procedure and instructions.
- Red and green cards are used to assist students in following directions.
- EnGenius phones are used for those on yard duty and in the office.
- The EnGenius Phone system is a 2-way radio integrated with a very long range cordless phone system.
- 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.
- Evacuation instructions, maps and instructions for "lock down" are posted in each classroom.
- 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.
- The Ione Elementary School has planned and is prepared for emergencies and evacuation.

Recommendations:

- None

Plymouth Elementary School was visited on February 14, 2003.

Findings:

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

Recommendation:

- An intercom system should be installed or an EnGenius phone system should be obtained.

Jackson Elementary School was visited on February 11, 2003.

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.

Recommendations:

- None

Ione Junior High School was visited on February 21, 2003.

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.

Recommendation:

- Material relating to emergency planning should be clearly visible in the school office.

Sutter Creek Elementary/Primary School was visited on March 12, 2003.

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 of safety issues.

Recommendations:

- None

Cities of Amador County Disaster Preparedness

City of Jackson

Facts:

- The City Manager is responsible for activating the City of Jackson emergency operation plan.
- The City Manager has control over the emergency plan.
- The City has one general emergency plan that is used for all emergencies.

Finding:

- The City emergency operation plan should be updated and reorganized.

Recommendation:

- Organize the emergency operation plan into individual plans for various emergencies.

Facts:

- In an emergency the City uses the police department facilities as the command center.
- The City has a communications room that can communicate with other agencies and the OES.

Finding:

- The City communications unit is located in the Jackson police facility and is operated by the police dispatchers.

Recommendations:

- None

Fact:

- The City is in process of creating various site layout plans of each school to have on hand to identify the location of a particular incident.

Finding:

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

Recommendation:

- Complete the various site layout plans of each school.

Fact:

- Jackson city police have been trained using Standard Emergency Management System/Incident Command System (SEMS/ICS) for responding to emergencies.

Finding:

- City employees other than police have not been given training in SEMS/ICS

Recommendation:

- Train all city employees in disaster procedures.

Fact:

- The City of Jackson has recently entered into an agreement with the Amador County Fire Protection District to provide additional “paid” staff to man the fire-house in Jackson.

Finding:

- Paid staff would aid the volunteer fireman to shorten response time to emergencies.

Recommendations:

- None

Fact:

- There are no Geiger counters in the City’s patrol cars.

Finding:

- The City of Jackson is equipping several police cars with Geiger counters from OES funds.

Recommendations:

- None

Fact:

- The City of Jackson representative to the Amador Operation Area Organization (AOAO) attended all four quarterly meetings last year.

Finding:

- The City of Jackson is well represented at the AOAO.

Recommendations:

- None

City of Sutter Creek**Facts:**

- Sutter Creek's major role in an emergency would be to evacuate people, direct traffic and protect property.
- A City representative attended the OES disaster drill held May, 2002.
- The City of Sutter Creek representative attended three of the past four quarterly meetings of the Amador Operation Area Organization.

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.

City of Plymouth:**Facts:**

- The Mayor of Plymouth stated that the city had a plan for emergencies some time ago but did not know the contents or present location.
- The City failed to send a representative to the past four Amador Operational Area Organization quarterly meetings.

Findings:

- 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.

City of Ione:

Facts:

- Ione implemented a plan for flood control fifteen years ago.
- The city follows the County OES plan for all other emergencies.
- The plan for flood control has been updated with the OES Coordinator.
- The city representative missed three of the past four meetings.

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.

Recommendation:

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

City of Amador City:

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

Fact:

- According to OES records, a city representative of the City regularly attends the quarterly meetings of the Amador Operational Area Organization.

Finding:

- Amador City is well represented at the Amador Operation Area Organization.

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.

Jackson Valley Fire Protection District:

Fact:

- The JVFPD participated in the May 23, 2002 annual county-wide disaster exercise.

Findings:

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

Fact:

- The JVFPD is providing on going training to members of the JVFPD.

Findings:

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

Fact:

- JVFPD has a comprehensive evacuation plan for the district.

Finding:

- JVFPD has mapped and identified the residences of the district and has distributed evacuation routes to the residents.

Recommendations:

- None

Sutter Creek Fire Protection District Amador County Fire Protection District:

Fact:

- The Sutter Creek Fire Protection District (SCFPD) and Amador County Fire Protection District (ACFPD), as part of the Amador OES, respond when directed by OES Coordinator to emergencies and disasters.

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.

Recommendations:

- None

Volunteer Organizations:

Amador County includes volunteer organizations in its Emergency Operation Plan.

Radio Amateur Civil Emergency Services:

Fact:

- Under a memorandum of understanding with Amador County and in the event of an emergency or disaster, Radio Amateur Civil Emergency Service (R.A.C.E.S.) operates under the direction of the OES.
- R.A.C.E.S. mobilizes with a unit of 8 persons, each with a vehicle equipped with communication gear.
- R.A.C.E.S. provides communications to all parts of Amador County.

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.

Recommendations:

- None

Amador Fire Safe Council:

Facts:

- Amador Fire Safe Council under the Amador Resource Conservation District was established due to citizens' concerns about the high fire danger in Amador County.
- The Council has one paid employee, the Coordinator, with approximately 45 volunteers.
- Funding sources are from Secure Rural School Community Self Determination Grants and from Amador County.

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.

Recommendations:

- None

Mutual Aid Organizations:

Mule Creek State Prison:

Facts:

- Mule Creek State Prison became part of the OES emergency plan approximately three years ago. As part of the OES mutual aid they provide personnel and equipment support to the community.

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.

Recommendations:

- None

**Local Supporting Plan
Sutter Amador Hospital:**

Facts:

- Sutter Amador Hospital (SAH) conducts twelve or more emergency exercises annually through the SAH Emergency Preparedness coordinator, coordinating with the command center at the Sheriff's Office.
- ER patients could wait 1 to 2 hours for emergency care depending on the severity of the injury.

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.

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.

River Pines Public Utilities District

Introduction:

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

Background:

The River Pines Public Utility District (RPPUD) is located in north central Amador County. The District provides water and sewer services to 200 customers of the community of River Pines. RRUPD provides potable water and the collection and treatment of sewer effluent for its customers. The RPPUD personnel are doing an excellent job of managing the District considering their limited financial resources. RPPUD has a small customer base.

Method of Evaluation:

Members of the Grand Jury conducted interviews, reviewed documents and site visits.

Persons Interviewed:

Chairman of the District Board of Directors
Plant and Facilities Operator
Office Manager
District Accountant

Documents Examined:

Financial Records
Financial Statements
Reports required by State and County Agencies

Sites Visited:

M & M Bookkeeping
District Office
Water Treatment Plant
Sewer Treatment Facilities

District Finance:

Facts:

- The RPPUD experienced a budget shortfall for the fiscal year 2001 - 2002. The shortfall was \$21,552.00. The RPPUD has secured a loan to cover this shortfall and will amortize the loan over five years.

Findings:

- The district has raised rates to customers to cover the increased operating costs.

Recommendations:

- None

Fact:

- The limited customer base (200 customers) limits the District's source of funds needed to make capital improvements.

Finding:

- The District is borrowing money to make up shortfalls in income.

Recommendation:

- The District should obtain grants, loans or consider further rate increases to finance the needed capital improvements.

Record Keeping:

Fact:

- The District maintains records necessary to comply with all requirements of the regulatory agencies.

Finding:

- The records were well-organized and accessible.
- The reports required by the regulatory agencies are currently maintained as required.

Recommendation:

- None

Water System:

Facts:

- At the time of our tour the District was preparing to put the Consumnes River water treatment facilities into operation.
- When the river flow drops below 15 cubic feet per second (cfs) the District is required to cease drawing water from the river.
- The District has recently removed sediments in the riverbed that had been blocking the water intake.

Findings:

- The river as a source of water is limited to the flow (15 cfs) 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.

Recommendation:

- The District needs to develop a reliable alternate source of potable water that meets the requirements for safe drinking water.

Fact:

- The treatment plant utilizes the “Slow Sand Filtering System” to filter out the microscopic particles from the raw water. This system also treats and removes undesirable algae from the raw water. The processed water is then chlorinated and is ready for domestic use.

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.

Recommendation:

- Modify river water treatment plant “Slow Sand Filter System” to minimize the out of service time.

Fact:

- The treatment plant does not have standby power in the event of a power failure.

Finding:

- The plant would be out of service in the event of a power failure.

Recommendation:

- The District should obtain a portable standby generator that could be used at the river treatment plant and at the well sites.

Facts:

- When the District is required to cease drawing water from the river, the district then draws water from the two District wells, No. 2 and No. 6R. Well No. 2 produces 25 gallons per minute, and it is only used to augment district water needs. Well No. 6R is the primary source of water when the river source is discontinued. Well No. 6R water is not treated, and it regularly does not meet the minimum water quality requirement. The District personnel state that a pond and a septic system located near well 6R is a possible reason this well fails to meet the minimum water quality requirements. The failure of well 6R to meet the minimum water quality requires the State Regional Quality Control Board to issue the “Boil Water” requirement to District customers.
- The District is in the process of procuring a grant to install a treatment system for well 6R.
- Plans for treatment facilities for Well No. 6R are being prepared by a local Civil Engineering firm.
- The improvements to well 6R are to be financed by a grant of \$350,000.

Finding:

- The water from Well No. 6R needs to be treated to meet the State Regional Quality Control Board requirements.

Recommendations:

- Expedite processing the grant application.
- Construct the planned treatment facilities for Well No. 6R.

Fact:

- Water is pumped to two storage reservoirs (tanks) with a total combined capacity of 130,000 gallons. The District's daily average treated water consumption is 50,000 gallons per day.

Finding:

- 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.

Recommendation:

- The District needs to increase the storage facilities for treated water.

Facts:

- Water is distributed from the storage reservoirs to customers through transmission lines. The largest of these water transmission lines is 6 inches in diameter. The 6-inch water transmission lines were installed in 1985.
- Many customer services lines are old, under sized and are in poor condition.

Finding:

- The older service lines are in poor condition and need to be replaced.

Recommendation:

- The District should replace old and inadequate lines.

Sewer Collection and Treatment Facilities:**Background:**

The sewer collection and treatment facilities were constructed in 1985. The collection system consists of sewer lines, manholes, service lines and three sewage lift stations. The collection system uses a combination of gravity and lift stations to convey the sewer influent to the treatment facility.

Fact:

- There are no violations or complaints from the agencies that regulate the operation of the sewer system at the time of this report.

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.

Fact:

- The sewage lift stations consist of a receiving tank, pumps, automated operating controls, and a warning system.

Finding:

- The warning system is a visual warning (red light) at each station.

Recommendation:

- Retrofit the sewer lift stations with a phone dialup or radio alert system to warn operators of a station failure.

Fact:

- The treatment plant was constructed at the same time as the collection system (1985). It consists of two aeration ponds, one holding or finishing pond and a spray disposal field.

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.

Recommendations:

- None

Response Required:

The District must respond to this report per California Penal Code 933.05.

Citizen Complaints

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 2002-2003 Amador County Grand Jury

Complaint	Date Received	Details
02-03/001	08-06-2002	<p>An inmate at the Amador County Sheriff Detention Facility requested that the Grand Jury investigate a Deputy Sheriff for not filing assault charges with the Amador County District Attorney's Office. This complaint was forwarded to the Amador County Sheriff-Coroner's Office for Administrative Review.</p>
02-03/002	08-06-2002	<p>An anonymous citizen complaint regarding the Chief of the Jackson Valley Fire Department. Not responded to due to the complaint being anonymous.</p>
02-03/003	08-20-2002	<p>Concerned citizen regarding Amador County School District. This complaint is addressed in the 2002-2003 Final Grand Jury Report.</p>
02-03/004	08-27-2002	<p>An inmate at Amador County Detention Facility alleging medical staff changed the inmate's mental health medication without the inmate being seen by a physician. The complaint was submitted on a Sheriff's Office Complaint Form. The complaint was forwarded to the Amador County Sheriff-Coroner's Office for Administrative Review.</p>
02-03/005	10-11-2002	<p>Citizens and city employees of Plymouth alleging misuse of authority by a Plymouth City Council member and the City's Vice Mayor. This complaint is addressed in the 2002-2003 Final Grand Jury Report.</p>
02-3/006	10-09-2002	<p>An inmate at Amador County Detention Facility alleging medical staff changed the inmate's mental health medication without the inmate being seen by a physician. The Grand Jury agreed that the Amador County Sheriff Department medical staff appropriately responded to the inmate's complaint. The Grand Jury did not pursue the complaint due to it already being addressed by the Detention Facility staff.</p>

02-03/007	10-11-2002	A citizen expressed concern regarding the Amador County School District's response to the 2001-2002 Grand Jury Report. This complaint is addressed in the 2002-2003 Final Grand Jury Report.
02-03/008	10-19-2002	An anonymous citizen complaint alleging misconduct by the Chief of Jackson Valley Fire Department. This matter was investigated and was determined there was not enough evidence to substantiate further investigation.
02-03/009	01-06-2003	A citizen alleging the Central Sierra Child Support Agency management violated the citizen's civil rights. The Grand Jury has no jurisdiction due to the matter being before the courts.
02-03/010	01-06-2003	A citizen alleges a false police report was filed with the Amador County Sheriff-Coroner's Office. The Grand Jury has no jurisdiction due to the matter being before the courts.
02-03/011	02-04-2003	A citizen alleges mismanagement at the Amador County Airport resulting in loss of revenue for the county. This matter is addresses in the 2002-2003 Final Grand Jury Report.
02-03/012	02-12-2003	Citizen alleges mishandling of fundraising benefits and negligence regarding the restoration of the Preston Castle project. The Grand Jury has no jurisdiction over the matter. The allegations involved the State of California and private funds.
02-03/013	02-12-2003	A citizen requested the Amador County Grand Jury investigate the contract between the Amador County Water Agency and the Pine Acres. Due to time constraints the Citizen's Complaint was placed in the Grand Jury's suspense file to be addressed by the 2003-2004 Grand Jury.
02-03/014	02-12-2003	An anonymous complaint alleging preferential treatment and misuse of Prop 10 Grant funds by the Amador County Health Department Management. Based on the complaint being anonymous and due to time constraints the Citizen's Complaint was placed in the Grand Jury's suspense file to be addressed by the 2003-2004 Grand Jury if desired.

02-03/015	02-19-2003	<p>A citizen requested the Amador County Grand Jury investigate an Ione City Counsel member receiving perks and misusing their position in the community. Based on the date of receipt of the complaint and time constraints of the 2002-2003 Grand Jury the complaint has been placed in the suspense file for review by the 2003-2004 Grand Jury.</p>
02-03/016	02-17-2003	<p>An inmate at the Amador County Detention Facility alleges poor medical treatment. Complaint forwarded to the Amador Count Sheriff-Coroner's Office for Administrative Review.</p>
02-03/017	03-24-2003	<p>A citizen requested that the Grand Jury investigate the possibility that an inappropriate candidate would be selected as the Jackson Chief of Police. The Grand Jury conducted several interviews and although the complaint may be justified, the Grand Jury decided that the concern be referred to the Jackson City Manager and the Jackson City Council. A background investigation will be conducted by the City Council before a final selection for the Chief is determined. The complaint has been placed in the suspense file.</p>

02-03/018	04-23-2003	<p>A citizen alleges the actions of the Jackson City Building Inspector/Plans Examiner resulted in the citizen being sued. Based upon the date of receipt of the complaint and time constraints of the 2002-2003 Grand Jury, the complaint has been placed in the suspense file and will be referred to the next Grand Jury.</p>
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Follow Up Reports

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 or corrected in any way.

Amador Water Agency

Introduction:

The 2001-2002 Grand Jury elected to review and evaluate the Amador Water Agency pursuant to Penal Code 925a and 933.5.

Planning:

Findings:

- The planning process of the Amador Water Agency is extremely comprehensive with the 5-Year Plan, the Financial Plan and Budget being well integrated.
- Efficiency would be improved by consolidating the numerous budgets and accounting processes currently in use for the many districts.
- Outsourcing of billing statements would allow office personnel to refocus on other duties to enhance efficiency.

Agency Response: The Amador Water Agency agrees with the findings.

Recommendation:

- Proceed with the plans for consolidation and outsourcing.

Agency Response: The AWA agrees and supports the recommendation for consolidation of Improvement Districts within the Agency's jurisdiction. This recommendation has not yet been implemented, but will be implemented as part of our Long Term Strategic Plan, scheduled for initial studies in fiscal year 2002/03.

The AWA agrees and supports the recommendations to outsource billing statements. The recommendation has been implemented as part of the Long Term Strategic Plan as of July, 2002.

County Service Areas (CSA)

Findings:

- The County Service Areas 1, 2, 3 and 4, owned by Amador County, are now being serviced by AWA under contract with the county.
- It is anticipated that the assets of the CSA's will be transferred to AWA by July 2002, at which time they will be owned and operated by the Agency.
- The 2000/2001 Grand Jury performed a complete comprehensive review of CSA 3.
- The Water Agency has reviewed the 2000/2001 Grand Jury report and is addressing each recommendation in conjunction with the California Water Quality Control Board.

Agency Response: The AWA agrees with the findings.

Recommendations:

- None

Water Rates and Public Notification

Findings:

- For each proposed rate change, AWA must incur multiple administrative costs for each district including budget, accounting, legal review, Proposition 218 compliance, and special board meetings, mailings and special reports to the State regulatory agencies.
- There is sufficient notice to customers of rate changes.
- The present structure of multiple rates is a cumbersome and costly method of accounting.

Agency Response: The AWA agrees with the findings.

Recommendation:

- It is recommended that AWA adopt a single rate for potable water and a single rate for waste water.

Agency Response: The AWA generally agrees with the concept to adopt a single rate for potable water and a single rate for wastewater by consolidating improvement districts when economically viable. Efficiencies can be gained and the cost of service is similar between the various improvement districts and areas. This recommendation has not yet been implemented, but will be implemented as part of our Long Term Strategic Plan, scheduled for review and initial study in 2003-2004 for water rates in Improvement Districts 1,2,3, and 4 and CSA's 1,2, and 3 and for 2002-2003 for Wastewater Improvement Districts 2,3,4,5,6,7,8 and 9 and CSA's 3 and 4.

Water Safety

Findings:

- AWA has taken all the necessary corrective steps to ensure compliance testing of backflow devices.
- AWA now has an adequate system in place for notifying customers of backflow testing requirements and time frames.

Agency Response: The AWA agrees with the findings.

Recommendations:

- None

Future Water Needs

Findings:

- The AWA recognizes that the county's present water supply may have to be augmented in the future and is planning for such a contingency.

Agency Response: The AWA agrees with the findings.

Recommendations:

- None

2002-2003 Grand Jury Comments:

The Agency response was received by the 2002-2003 Grand Jury on August 28, 2002 from the General Manager. The Response was timely and complies with the requirements of California Penal code 933.05. The Agency was contacted concerning outsource billing. Implementation of outsource billing has freed up staff for other tasks. However, several of the recommendations will not be studied and/or implemented until 2003. Therefore, the Grand Jury will refer this matter for additional follow up in the next two years.

Child Protective Services
Follow Up Report

Introduction:

The 2001-2002 Grand Jury has elected to review and evaluate Child Protective Services (CPS) pursuant to Penal Code 925. The function of Child Protective Services (CPS) in Amador County is to investigate all allegations of child abuse, offer services to families in turmoil, to remove children from dangerous or potentially dangerous living situations, to aid in the reunification of families when possible, and to provide permanent solutions for children who cannot return to their homes.

Findings:

- Amador County CPS personnel are well trained, dedicated, and efficient. This is evidenced by the low turnover rate and high quality of their work, as noted in the recent Federal Review.

Response Department Head:

We agree that the Amador County CPS personnel are well trained, dedicated and efficient.

Response Board of Supervisors:

The Board agrees with this finding.

Findings:

- Amador County CPS managers have taken adequate precautions to ensure the safety of social workers.

Response Department Head:

We agree that the Amador County CPS managers have taken adequate precautions to ensure the safety of social workers.

Response Board of Supervisors:

The Board agrees with this finding.

Findings:

- There is no possibility of hiring temporary replacements for social workers. When a social worker is out on an extended leave, the caseload increases significantly on the remaining social workers, causing excessive stress.

Response Department Head:

We do not agree that there is no possibility of hiring temporary replacements for social workers on a leave of absence. There simply has not been anyone to date who is qualified and willing to accept his assignment.

Response Board of Supervisors:

The Board agrees with the Department Head that the possibility does exist to find temporary replacement workers. Different recruitment strategies may need to be reviewed to address this situation.

Recommendation:

- Expand the staffing at CPS to allow for reasonable coverage of cases when social workers are forced to fill in for the absent co-workers.

Response Department Head:

We partially disagree with the recommendations to expand CPS staffing to allow for reasonable coverage of cases when social workers are forced to fill in for absent co-workers. Budget constraints do not allow us to hire additional staff. We will look at this area again during budget hearings.

Response Board of Supervisors:

The County will not implement this recommendation. While additional staff would most likely enhance coverage, new positions cannot be added due to current State budget constraints. Child Protective Services (CPS) is a program that, while administered by the County, is funded by the State. Unfortunately, the status of the State budget makes it very unlikely that the resource will be available to support additional staff positions.

Findings:

- There is cohesiveness between social workers, peace officers, and school personnel that results in the child's needs being met in a timely and sensitive manner

Response Department Head:

We agree there is cohesiveness between social workers, peace officers, and school personnel that results in the child's needs being met in a timely and sensitive manner.

Response Board of Supervisors:

The Board agrees with the finding.

Recommendation:

None.

Findings:

- Social workers do not have peace officer status, and as such, cannot enter a home to remove a child.

Response Department Head:

We agree that social workers do not have peace officer status, and as such, cannot enter a home to remove a child.

Response Board of Supervisors:

The Board agrees with this finding.

Recommendations:

None

Findings:

- Family visitation is financially difficult for some parents whose child/children are living in foster care.

Response Department Head:

We agree that family visitation is financially difficult for some parents whose child/children are living foster care.

Response Board of Supervisors:

The Board agrees with this finding.

Findings:

- More licensed foster family homes in Amador County would be advantageous to children in foster care and their families, and would be less costly for the County.

Response Department Head:

We agree that more licensed foster family homes in Amador County would be advantages to children in foster care and their families, and would be less costly for the County.

Response Board of Supervisors:

The Board agrees with this finding.

Findings:

- Foster parents certified through foster family agency homes prefer to be certified through an agency rather than to be licensed through the state. They feel protected by their agency in liability matters and appreciate additional support given by the agency.

Response Department Head:

We agree that foster parents certified through foster family agency homes prefer to be certified through an agency rather than be licensed through the State.

Response Board of Supervisors:

This is not an issue for which the Board has received supporting information, thus the Board cannot agree or disagree with this finding.

Finding:

- Social workers who are available for weekly home visits as opposed to monthly visitations provided by the County social workers.

Recommendations:

- Increase staffing at CPS to enable them to provide services comparable to those offered by foster family agency homes.

Response Department Head:

We disagree with the recommendations to increase the CPS staffing to enable them to provide services comparable to those offered by foster family agency homes. We do not receive reimbursement from the State to provide this type of service, and do not have adequate County funds to do so. This is a statewide issue, and is the reason that there are Foster Family Agencies.

Response Board of Supervisors:

The County will not implement this recommendation. While additional staff would most likely allow additional services to be provided, new positions cannot be added due to current State budget constraints.

Recommendations:

Continue efforts to bring the need for additional foster care providers to the attention of the families in Amador County.

Response Department Head:

We agree with the recommendation to continue efforts to bring the need for additional foster care providers to the attention of the families in Amador County. We will continue our efforts in this area as we have done for many years.

Findings:

- CPS makes every effort to provide the services necessary for the reunification of families whenever possible.

Response Department Head:

We agree that CPS makes every effort to provide the services necessary for the reunification of families whenever possible.

Response Board of Supervisors:

The Board agrees with this finding.

Recommendations:

None.

2002-2003 Grand Jury Comments:

The Amador County Health and Human Services, Child Protective Services, have complied with the 2001-2002 Grand Jury's recommendations that were in their control. The CPS provides a high quality of services to the County and is devoted to achieving permanent solutions for children and their families.

Child Protective Services responded in a timely manner, as required per Penal Code section 933.05

California Youth Authority
Pine Grove Youth Conservation Camp
Follow up Report

Introduction:

Annual review of all prisons and jails within the county, by the Grand Jury is mandated per California Penal Code section 919(b). The 2001-2002 Grand Jury reviewed the Pine Grove Youth Conservation Camp.

Finding:

- Facility security would be improved by implementing a system to monitor access to and from the site.

Recommendation:

- Establish a system to monitor vehicular traffic entering and leaving the camp property.

Agency Response:

Pine Grove YCC is exploring systems available to monitor vehicular traffic entering and leaving the Camp. After we identify the type of system we need, a Budget Change Proposal (BCP) will be written to justify an expenditure of funds.

At this time, budget constraints have had a major impact on the purchases at Pine Grove YCC.

Finding:

- Medical care will be more effective when the on-site nurse position is filled.

Recommendation:

- Fill the vacant nurse position as soon as possible.

Agency Response:

The nurse vacancy at Pine Grove YCC was filled in March 2002. Debra Lehman is the Registered Nurse filling the position and she is a great addition to the team.

2002-2003 Grand Jury Comments:

Members of the Jury visited the Camp, met with the Superintendent and two other members of the staff in an informal interview. The Camp is located at the end of a 'dead-end' street, and although the camp is fenced on the perimeter, it is not 'gated' or enclosed. The Superintendent informed the Jury of people arriving, thinking that the "Pine Grove Conservation Camp" sign meant a park for recreational vehicles. Although Staff quickly acknowledges visitors/vehicles arriving, the Superintendent and his staff desire an electronic surveillance system for the entrance. The Superintendent informed the Jury that the Governor has requested a 20% budget reduction for all agencies, which will affect the Camp. In light of budget restrictions, the probability of the Camp being able to purchase an electronic surveillance system at this time is remote. The jury was informed of the positive aspects of having the nurse on site two days a week, and available for emergencies at other times. There is a doctor on call and available for emergencies. The Agency filed their Response in a timely manner and in accordance with the requirements of Penal Code section 933.05.

Amador County Detention Facility Follow Up Report

Introduction:

The Grand Jury is required annually, to review all prisons and jails within the county as per the California Penal code section 919(b). The Amador County Detention Facility (Jail), under direction of the sheriff, serves as the sole incarceration facility for both pre-trial and sentenced male and female inmates. With the exception of the Jail Commander, the custodial staff is comprised of professional Correctional Officers with the responsibility for overseeing both maximum and minimum-security inmates 24 hours a day, seven days a week. They are required to transport inmates to and from court and medical facilities and supervise work details outside the jail.

Food Services

Findings:

- Inmate meals are adequate and nutritionally sound.
- Acquiring meals from Stanislaus County is a financially sound method of providing food to the inmates, at the Amador County Detention Facility.
- The meal storage and reheating facilities at the jail are presently in an extremely crowded area, the current remodeling plans will alleviate this problem.

Response Department Head:

The Sheriff agrees with the findings of the Grand Jury. The Sheriff's office continues to face the challenge of providing meals to the inmate population in a facility that was built without a kitchen. The county hospital originally provided meals for the jail, however the county sold the hospital to private industry and meals were no longer available from that source. Several changes in meal vendors have occurred since then.

Two years ago, the Sheriff's office obtained the cooperation of the Stanislaus County Sheriff's office to provide "retherm" meals to Amador County. An interim retherm kitchen was added to the jail facility.

There are currently efforts to build a new retherm kitchen as part of a remodel project for the jail. The California Board of Corrections and the California State Fire Marshal recently approved the plans for the remodel. The next step in the construction process is the Board of Supervisors requesting construction bids for the actual construction of the project.

It is the Sheriff's understanding that the request for construction bids should occur within the next two months. The majority of funding for this project is being taken from the Sheriff's award from the State of California under the Rural Crime Prevention Act of 2001.

Response by the Board of Supervisors:

The Board agrees with this finding

Recommendations:

- None

Inmate Housing

Findings:

- With increased population in the county and surrounding areas, along with increased visitors, the overcrowding situation will continue and may even increase. 24 2001-2002

Recommendations:

To the Board of Supervisors

- The Board of Supervisors should reactivate the plans to build a minimum-security facility.

Response by the Board of Supervisors:

The Board partially agrees with this finding. As noted by the sheriff, alternative solutions are currently being pursued which may help alleviate future overcrowding. The ten-year Capital Improvement Plan for the county does include construction of a minimum-security facility. Unfortunately, however, there are currently insufficient funds within the Capital Improvement Reserve Fund account to initiate this project. Funded projects include the Sheriff's Office Administrative Office Expansion, renovations to the existing jail, the new courthouse, and Animal Shelter. The majority of the funding for the jail renovations will come from the Sheriff's award from the State's Rural Crime Prevention Act of 2001. In addition to construction costs, a new minimum-security facility would have significantly increased operational costs, which cannot currently be supported by the General Fund. The Board supports current planning efforts being conducted to identify alternative solutions including home electronic monitoring and work programs.

Recommendations:

To the Amador County Detention Facility:

- Investigate other options for housing minimum-security inmates, such as space that may be available at Preston.

Response Department Head:

The Sheriff agrees with the findings and recommendations of the Grand Jury. The Sheriff agrees with the long-term solution to jail crowding is the construction of a minimum-security facility. However, the Board of Supervisors, out of necessity, has committed all of the currently available county capital improvement funds to the construction of a new courthouse and animal shelter. The county lacks construction funds or more importantly funding for the ongoing operational costs of a minimum-security facility. The county needs to address the funding of both the construction and on going operational costs before a minimum-security facility could move forward.

The Sheriff agrees with the Grand Jury that an interim solution to over crowding is to pursue other options for the housing of minimum-security inmates. The Sheriff has in the past and continues to investigate other options for the housing of inmates. The recent early release of inmates due to over crowding is the least acceptable of options. However, out of necessity it is the option that the jail has resorted to in an effort to stay within the Board of Correction rate of capacity.

The Sheriff's staff has specifically met with the administrative staff of the Preston School of Industry, CYA Facility in Ione. Preston does not have available space that could be used by the Sheriff to house prisoners. If there were available space at Preston, it would be nearly impossible to construct a sufficient site and sound barrier between the CYA wards and the jail inmates to satisfy state standards.

Currently the Sheriff's office is working with the Superior Court, Probation Department, District Attorney, County Administration Officer and Public Defenders office to explore the implementation of a "home electronic monitoring" program. The effort is to provide an alternative to incarceration for up to approximately twenty inmates at a time. Thereby, removing up to twenty inmates from the jail population. However, such a program has costs, a request for funding has been submitted by the Sheriff and the Chief Probation Officer during the county final budget hearing process in August and September of 2002.

Staffing

Findings:

- The, most recent reports from the California Board of Corrections give positive marks to operations and line staff attention to standards.
- Low staffing levels due to vacancies lead to poor staff morale. Low morale can have a detrimental effect on inmate conduct.
- The, lack of a Correctional Manager position not only limits the effectiveness of supervision, but also limits the promotional opportunity, recruitment and retention within the jail.

Recommendations:

To the Board of Supervisors:

- Add one Correctional Officer to the staffing plan as described in the staffing plan of March 2000.
- Authorize a new Correctional Manager position as described in the staffing plan of March 2000.

Response by the Board of Supervisors:

The Board refers to the Sheriff's response for this non-fiscal finding.

The Board partially agrees with this response. Low staffing levels can lead to low morale, however, managerial options exist which can assist in maintaining or enhancing morale. The Board continues to work closely with the Sheriff in not only monitoring vacancies, but also budget conditions.

The Board partially agrees with this finding. Additional positions can increase promotional opportunities, however, due to the State Budget situation, alternative options need to be assessed to maintain and enhance the effectiveness of supervision as well as recruitment and retention within the jail.

Recommendations:

To the Amador County Detention Facility:

- Continue an aggressive Correctional Officer Recruitment program for filling vacant positions.

Response Department Head:

The Sheriff agrees with the findings and the recommendation of the Grand Jury relative to staffing. The Sheriff has been engaging in an aggressive recruitment effort to fill the vacant positions in the jail. The Sheriff's office has advertised on radio, in newspapers, free local advertising handouts, at job fairs, on the Internet, and at law enforcement academies. The Sheriff is committed to continuing these efforts.

The recruitment efforts are currently a dead end project. The County has imposed an interim-hiring freeze countywide. While the Sheriff has obtained authorization to fill one vacant position, there are still five vacant positions that may not be filled due to the hiring freeze. The Sheriff is hopeful that when the state finally passes their budget, the county will be able to pass the county budget, with authorization to fill the vacant positions.

Operations:

Findings:

- The procedural guidelines for recording information in the Jail Incident Log are inadequate and vague leaving interpretation up to the individual Correctional Officers.

Recommendations:

- Establish clearly worded procedures for reporting incidents that eliminate inconsistent interpretations by staff members.
- Implement a "fail safe" method that insures consistent entries in the Incident Log.

Response Department Head:

The Sheriff agrees with the findings and recommendations of the Grand Jury. In response, the Sheriff's staff is doing two things. The first is to advise the guidelines to staff, within the jail policy manual on incident reporting. This has been accomplished and implemented. Line and supervisory staff have been briefed on revised guidelines for incident reporting.

The Sheriff's staff recently installed new software for the jail management system. The staff is working with the software vendor to create a "fail safe" system that requires supervisory oversights and approval of all entries in the incident reporting system. This should be completed in August 2002.

Supervision

Findings:

- The lack of continuity of management and supervision has an adverse effect on staff morale and also affects the attitude, demeanor and actions of inmates.
- The effectiveness of supervision would improve with the addition of a Jail Manager.

- Vague guidelines lead to inconsistent supervision as noted in the Operations section above.

Recommendations:

- Establish the position of Correctional Manager as recommended in the Staffing section above.

Response Department Head:

The Sheriff agrees with the findings and recommendations of the Grand Jury. A staffing plan reflecting the addition of a Correctional Manager was submitted to the board of supervisors in March of 2000. The Board of Supervisors has not authorized nor funded this position in any subsequent budget.

The initial guidelines from the Board of Supervisors for the submission of budget request for fiscal year 2002-2003 indicated that the various departments should submit no request for new positions. This was due to the uncertain financial future of the county. While it is up to the Board of Supervisors to fund and authorize a new position of Correctional Manager, the Sheriff understands the uncertain financial future of the county. When funding is available, the Sheriff is confident that the Board of Supervisors will agree additional supervision and management of the jail system is essential.

Inmate Medical Services

Findings:

- The registered nurse saw inmates who requested sick call in a timely manner.
- Medical records including Doctors Orders, Problem List, Progress Notes and photographs were found to be legible and in order.
- Inmates were advised as to their assessment plans and follow up care. Inmate patient contacts by the registered nurse are reviewed by the detention physician.

Response Department Head:

The Sheriff agrees with the findings of the Grand Jury. In 1999, the Sheriff and the Board of Supervisors formed a public/private partnership with California Forensic Medical Group to provide contract medical care to the inmates of the Amador County Jail. The relationship has resulted in a substantial improvement in the medical program for the jail. The program has also resulted in cost containment for what had been rapidly increasing medical costs for the jail.

Recommendations:

- None

2002-2003 Grand Jury Comments:

The Agencies Response was timely and complied with the requirements of Penal Code 933.05.

Senior Services
Follow up report

Introduction:

The 2002-2003 Grand Jury elected to review and evaluate Senior Services pursuant to Penal Code 933.6. The Area 12 Agency on Aging is charged with addressing issues affecting older individuals, adults with disabilities, their families and caregivers. In Amador County, two distinct organizations provide senior services. Amador County Senior Citizens manages and maintains the Amador Senior Center building. Common Ground Senior Services, Inc (CGSS). provides nutrition, legal assistance, transportation and a portion of the information and assistance programs.

Home Delivered Meals

Finding:

- Home delivered meals provide nutrition and regular personal contact for homebound seniors as well as an opportunity to assess a senior's well being and any additional needs.

Agency Response: The Area 12 Agency on Aging (A12AA) agrees with this finding.

Finding:

- Shake Ridge corridor, River Pines, and much of the Upcountry area are not served by this program at this time.

Agency Response: The A12AA disagrees with this finding as these areas are served through the Outreach Program.

Recommendations:

- Increase community awareness of programs and services available to seniors of Amador County through local media, newspapers and radio.
- Expand programs through utilization of above resources and the Information Van that is stocked with pamphlets and brochures.

Agency Response: The A12AA contracts with Common Ground Inc. for services (congregate meals, home delivered meals, legal, transportation, and information and assistance in Amador County). We can only encourage the provider to increase community awareness of programs available. The A12AA does promote their services through the local media, etc.

The A12AA had been using its Info Van in Amador County. It regularly visits Jackson, Lone and the Plymouth congregate sites and was at the Amador County Fair for a week. It will also be at the local health fair at the hospital in Jackson.

Congregate Meals

Findings:

- Socially isolated senior's benefit greatly from contact with others at congregate meals. CGSS would like to be able to bring homebound seniors to Amador Senior Center once a month for socialization.
- Information on programs and services as well as group activities is available to seniors who come in for a meal at Amador Senior Center.

Agency Response: The A12AA agrees with these findings.

Finding:

- Lack of congregate meals east of the Hwy. 49 corridor leaves one third of the population of the county underserved.

Agency Response: The A12AA disagrees with this finding because those areas are served congregate meals at the Senior Center.

Recommendations:

- Expand congregate meals program to underserved areas.
- Contact restaurants in areas where there are no congregate meals to participate in subsidized restaurant meal program.

Agency Response: The Area 12 Agency on Aging contracts with Common Ground to provide meal services in the Amador County area. It will encourage Common Ground to expand its meal program through a restaurant meal program.

Legal Program

Finding:

- This program provides needed help in understanding legal documents relating to estate planning, health care and real estate.

Agency Response: The A12AA agrees with this finding.

Recommendations:

- Expand program by recruiting more local attorneys.

Agency Response: The A12AA will encourage its provider, Common Ground, to recruit local attorneys to expand the legal program.

Transportation Program

Findings:

- This program is essential to isolated and homebound seniors.
- This program enables seniors to gain mobility and independence in accessing essential services.
- Limited numbers of volunteers and equipment make advance scheduling necessary.
- There is a great need for volunteers.

Agency Response: The A12AA agrees with these findings.

Recommendations:

- Expand services by recruiting more volunteers.

Agency Response: The A12AA will encourage its provider to expand the transportation program by recruiting more volunteers.

Information and Assistance

Finding:

- Some services and programs are under used due to lack of information.

Agency Response: The A12AA disagrees as we now have an information and assistance program and staff member.

Finding:

- Amador County Senior Programs have lost funds due to lack of participation.

Agency Response: The A12AA disagrees with this finding. No funds have been lost due to lack of participation.

Recommendations:

- Immediately hire a fulltime paid employee at the front desk of the Amador Senior Center who would offer information on all programs.
- Increase community awareness of programs and services available to seniors of Amador County through local media.
- Expand programs through utilization of above resources and the information van.
- Emphasize the need for volunteerism in information disseminated on all programs and services.

Agency Response: The A12AA will encourage its provider to have an employee at the front desk at the Senior Center. In recent monitoring of the program it was noted that information, and assistance, is not being done except for inquiries into meals, legal and transportation programs.

2002-2003 Grand Jury Comments:

The response by the Area 12 Agency on Aging was timely and complies with the requirements of California Penal Code Section 933.05. The contacts with the Directors from the Area 12 Agency on Aging and Common Ground Senior Services showed that they are working together and continue to try and serve the needs of our senior citizens at all levels.

Amador County Unified School District and Office of Education
FOLLOW UP REPORT

Introduction:

The 2001-2002 Grand Jury elected to review the Amador County Unified School District (ACUSD) and the Amador County Office of Education (COE) pursuant to Penal Code 933.5.

Method of Evaluation:

The 2002-2003 Grand Jury interviewed the Superintendent as well as members of the staff of the Maintenance and Transportation departments. The information gathered during those interviews was then incorporated into this Report as "2002/2003 Grand Jury Comments".

Fire Safety

Findings:

- The fire flow problems at Amador High School and Jackson Jr. High continue to be dangerously inadequate even now, five years after formal notice.

Response by ACUSD:

Agree

- The response to the 2000/2001 Grand Jury Report to correct these fire safety issues has relied on the passage of a state school bond, the success of which is largely out of the control of district management.

Response by ACUSD:

Disagree-The fire suppression systems mentioned above are a top priority, with a completion target date of August, 2003. Funds may also come from other state and local sources, such as Developer fees (per advice from legal counsel and School Services of California).

- The proposal to direct all deferred maintenance funds to the Amador High School project provides a second funding alternative. While the proposal is under the control of district management, the cost to the district is to suspend all deferred maintenance projects. This will leave no funds for any deferred maintenance projects during the upcoming year.

Response by ACUSD:

Disagree

- Wooden portables are a greater fire danger than concrete classrooms.

Response by ACUSD:

Disagree, Wooden portables are typically "stand-alones", with two exits; the worst school site fires most often involve facilities with hallways, multiple stories, and/or related to the age of the facility-whether wood or stucco-covered, metal-framed or concrete.

Recommendations:

- Contact the State and County Fire Marshall's office for an assessment of fire safety conditions and recommendations.

Response by ACUSD:

Contact made.

- Execute the recommendations by the Fire Marshall's immediately.

Response by ACUSD:

No recommendation from state or county; reliance on City recommendations.

2002-2003 Grand Jury comments:

No recommendations from the city had been requested as of December 2002.

- Close Amador High and/or Jackson Jr. High by the end of the 2002/2003 school year if the sites do not meet all code and fire safety recommendations of the Fire Marshall .

Response by ACUSD:

Work will be scheduled for Summer 2003 with completion scheduled for August, 2003.

Findings:

- Due to a lack of vehicular access for the handicap van, children can only be picked up at designated areas.

Response by ACUSD:

Agree

- The evacuation plan contains insufficient details to quickly move handicapped children in case of emergency.

Response by ACUSD:

Agree

Recommendation:

- Immediately develop and implement a plan of action to quickly move handicapped children in case of fire or emergency.

Response by ACUSD:

Done

Buses

Findings:

- Current bus maintenance staffing numbers are less than recommended according to the letter dated April 12, 2002.

Response by ACUSD:

Agree. Current bus maintenance staffing levels may be less than recommended in an April 12 letter; however, the CHP did not recommend staffing numbers. Prior to the CHP March 2002 inspections, the District had contacted the State's Fiscal Crisis Management and Assistance Team (FCMAT) for a transportation study. At that same time, it took the first steps to replace older vehicles. In April and May the District implemented many of FCMAT's recommendations, including additional support in bus maintenance staffing and the purchase of eight new buses. In September 2002 the District and its insurance provider began evaluating transportation facilities, procedures and record-keeping.

- Extra man hours and overtime expense would be reduced with routine scheduled bus maintenance.

Response by ACUSD:

Agree

- Insufficient funds have been budgeted to provide necessary maintenance or to replace buses.

Response by ACUSD:

Agree/Disagree. Current bus maintenance staffing numbers may be less than recommended in an April 12 letter; however, the CHP did not recommend staffing numbers. Prior to the CHP March 2002 inspections, the District had contacted the State's Fiscal Crisis Management and Assistance Team(FCMAT) for a transportation study. At the same time, it took the first steps to replace older vehicles. In April and May the District implemented many of FCMAT's recommendations, including additional support in bus maintenance staffing and the purchase of eight new buses. In September 2002 the District and its insurance provider began evaluating transportation facilities, procedures and record-keeping.

- Replacing older school buses with newer school buses will result in improved passenger safety, fuel cost savings and reduced air pollution.

Response by ACUSD:

Agree

- Students riding in these older buses are far more likely to sustain serious injury in the event of an accident.

Response by ACUSD:

Agree. Regarding older buses and injuries/federal safety standards, serious injuries are more closely related to the road conditions and speeds allowable on roads than the age of the vehicle.

Recommendations:

- Prepare and implement a staffing plan to determine the number of personnel needed to maintain the bus fleet.

Response by ACUSD:

Done.

2002-2003 Grand Jury comments:

The District has brought in an assistant manager and added another mechanics position, which was advertised in December 2002.

- Improve maintenance record keeping.

Response by ACUSD:

Done

2002-2003 Grand Jury comments:

A new work order system is in place according to the Director of Transportation. However, upon checking the Transportation office no permanent system was found to be in place, only a demo version the "Maintenance Pro" software program as of 1-13-03.

- Retire the buses in the fleet that do not conform to the Federal Safety Standards.

Response by ACUSD:

Doing.

- Budget sufficient money to purchase new or late model used buses in a more timely fashion.

Response by ACUSD:

Done

2002-2003 Grand Jury comments:

Bus purchases were made with State lottery money, which has historically been a stable source of funds.

Maintenance - Loss Prevention Survey

Findings:

- The Maintenance Department has corrected nearly half of all the items in the Survey within the past year, including 158 items, which were noted from the 1999 JPA report.

Response by ACUSD:

Agree

- There are 170 items previously noted in 1999 that have not been cleared.

Response by ACUSD:
80% completed; ongoing.

2002-2003 Grand Jury comments:

This figure reportedly came from the head of the Maintenance Department but there was no way to know if the items had been taken care of until the next Loss Prevention Survey was released . A visit to the Maintenance office revealed that no copy of the Loss Prevention Survey was maintained there and there were no records to substantiate that any work was done to clear the items noted in the 1999 Survey.

- In spite of last years Grand Jury recommendation to immediately remedy all Life Safety Issues, emergency lights are not working and fire extinguishers require mounting at several locations.

Response by ACUSD:
Agree

- Televisions in several classrooms are not anchored. They are listed as a "Serious Property/Liability Risk".

Response by ACUSD:
Agree

- Trophies in several locations were found to be unsecured. They are listed as a "Serious Property/Liability Risk".

Response by ACUSD:
Agree

- Classrooms at several schools were found to have roof leaks and many stained ceiling tiles with signs of mildew and mold growth. They are listed as "Serious Property/Liability Risk".

Response by ACUSD:
Agree

- The playground and play equipment in several locations does not conform to safety codes and lacks proper cushioning material. They are listed as a "Serious Property/Liability Risk".

Response by ACUSD:
Partially Agree; Two sites(IES,JES) are being updated; others in conformance.

Recommendations:

- Mount the fire extinguishers immediately.

Response by ACUSD:
Done

2002-2003 Grand Jury comments:

The Head of the Maintenance Department reported that this was taken care of by the maintenance staff during the summer of 2002. However, a visit to the Maintenance Department office revealed no records to show that these items were done.

- Anchor all TV's immediately.

Response by ACUSD:

Done.

2002-2003 Grand Jury comments:

The Head of the Maintenance Department reported that this was taken care of by the maintenance staff during the summer of 2002. However, a visit to the Maintenance Department office revealed no records to show that these items were done.

- Anchor all trophies immediately.

Response by ACUSD:

Done.

2002-2003 Grand Jury comments:

The Head of the Maintenance Department reported that this was taken care of by the maintenance staff during the summer of 2002. However, a visit to the Maintenance Department office revealed no records to show that these items were done.

- Replace ceiling tiles that have mold and mildew immediately.

Response by ACUSD:

Done.

2002-2003 Grand Jury comments:

The Head of the Maintenance Department reported that this was taken care of by the maintenance staff during the summer of 2002. However, a visit to the Maintenance Department office revealed no records to show that these items were done.

- Repair all roof leaks and re-paint the stained area so new leaks can be identified.

Response by ACUSD:

Done

2002-2003 Grand Jury comments:

The Head of the Maintenance Department reported that this was taken care of by the maintenance staff during the summer of 2002. However, a visit to the Maintenance Department office revealed no records to show that these items were done.

- Develop and implement a plan to update playground equipment and replace cushioning material immediately.

Response by ACUSD:

Not Done- District not able to update playground equipment financially. This is typically a school site decision, involving staff and parent organizations. However, District maintenance meets with principals monthly to go over a safety checklist. ALL cushioning materials are kept up, with exception of Jackson Elem. And Ione Elem. Playgrounds. Those two sites playgrounds are currently being updated; cushioning will then be added. All Level one playground issues have been addressed.

2002-2003 Grand Jury comments:

The Head of the Maintenance Department reported that this was taken care of by the maintenance staff during the summer of 2002. However, a visit to the Maintenance Department office revealed no records to show that these items were done.

- Take all actions required to ensure that all Category 1-Life Safety issues do not reappear on the next Survey.

Response by ACUSD:

Ongoing.

2002-2003 Grand Jury comments:

These items were scheduled to be completed by December 2002 according to the Superintendent.

Finding:

- The response by the ACUSD does not adequately answer the recommendation. Site administrators are not receiving the Loss Prevention Survey as recommended by the 2000/2001 Grand Jury.

Response by ACUSD:

Disagree(have received).

Recommendations:

- Provide site administrators with a copy of the Loss Prevention Survey that affect their facility as recommended by the 2000-2001 Grand Jury.

Response by ACUSD:

Done

- Incorporate a process into the Maintenance Plan where site administrators regularly give input into what gets fixed and the priority in which it is fixed.

Response by ACUSD:

Done

2002-2003 Grand Jury comments:

According to the Superintendent as of December 2002, they are holding monthly meetings

with site administrators.

Findings:

- A Maintenance Plan is in development by the Maintenance Department.

Response by ACUSD:

Agree

- A Work Order Tracking System is in development by the Maintenance Department.

Response by ACUSD:

Agree

Recommendations:

- Immediately complete, document and implement a long term, mid term and short term maintenance plan that prioritizes items, provides completion date goals and assigns resources.

Response by ACUSD:

Done- District Maintenance has a five year deferred maintenance plan that is revised and updated annually to cover mid-term and long term priorities. Short-term issues are handled through the Work Order process.

- Provide maintenance staff and site administrators with the Maintenance Plan.

Response by ACUSD:

Done.

- Immediately complete and implement a Work Order Tracking System.

Response by ACUSD:

Done

2002-2003 Grand Jury comments:

The Head of the Maintenance Department reported that this was taken care of by the maintenance staff during the summer of 2002. However, a visit to the Maintenance Department office revealed that there were not any records to show that a Work Order Tracking System or Maintenance Plan were done other than spread sheets fashioned by the employees themselves.

Use of Technology

Findings:

- "The Node" offers many benefits, especially to smaller districts.

Response by ACUSD:

Agree

- "The Node" would be a very cost effective way to provide much needed In-Service Training to board members and staff and classes for students.

Response by ACUSD:

Agree-At this time it remains to be seen how effective the offerings are for training, classes.

- Strong Executive leadership is needed to support long- term advancement of technology within the District and to maximize financial savings.

Response by ACUSD:

Agree-At this time there are serious concerns about such investments and the District's ability to invest, in terms of financial savings.

Recommendations:

- Ensure that the ACUSD and ACOE are connected to "The Node" by the beginning of the 2002/2003 school year.

Response by ACUSD:

Done

- Fully utilize the capability "The Node" offers and take advantage of all inherent cost saving opportunities.

Response by ACUSD:

Ongoing.

Findings:

- The seven schools using the WAN are not fully utilizing its capability.

Response by ACUSD:

Agree-This has been a priority, but one limited by District financial resources.

- One person is not adequate to service the hardware, software and networking needs of the ACUSD/COE

Response by ACUSD:

Agree

- The goals in the 1999 - 2001 Technology Plan have not been met.

Response by ACUSD:

Agree

- Being connected to and using the WAN for routing reports, budgets and communications will result in fiscal savings.

Response by ACUSD:

Agree

Recommendations:

- Update the Technology Plan.

Response by ACUSD:

Done, April 02.

- Establish a District Wide Area Network as a priority in order to realize savings

Response by ACUSD:

Done-This has been a priority, but one limited by District financial resources

- Consult with outside experts (public or private) to determine the requirements of expanding the use of technology to the level described in the Technology Plan.

Response by ACUSD:

Done, April 02, Working with Volcano & San Joaquin County Office of Education on different projects.

Strategic Planning

Findings:

- There has been considerable progress made in improving record keeping and budget tracking as evidenced by the June 2001 State Audit Report.

Response by ACUSD:

Agree

- Routine budget reconciliation between the Superintendent, Directors and Site Administrators will provide the opportunities for closer control of the budget.

Response by ACUSD:

Agree(finding?)

- Ideas to reduce cost and improve efficiency in District operations require detailed analysis to determine if they contain merit for use by the district.

Response by ACUSD:

Agree

- Issues concerning buses and facilities are resolved on a case-by-case basis rather than a long- term strategic plan.

Response by ACUSD:

Disagree- This District brought in FCMAT, April 2002, to help with a long-term strategic plan. District formed a Facilities Task force (3/02) to cover this, along with the Budget Advisory Committee.

Recommendations:

- Establish a routine budget reconciliation process that involves Superintendent, Directors and Site Administrators.

Response by ACUSD:

Done

- Establish a Task Force to conduct detailed analysis and give due consideration to the following ideas to reduce costs and improve efficiency:
 - Combining schools in order to reduce the number of facilities, administration and teachers.
 - Reduce the number of credits needed for high school graduation to meet state requirements.
 - Reduce the number of periods per day at the high schools.
 - Combine low enrollment classes to one location, or drop them completely.
 - Consider year round schooling as a way to reduce the number of school sites required.
 - Offer Advancement Placement classes on the "Node".
 - Reduce the cost of transportation by privatization of the bus fleet, corridor busing or adding student bus fees.
 - Publish the results of this analysis by the end of the 2002-2003 school year, in a way that is accessible to the public.
- By December 2002, develop a five-year strategic plan (updated annually) that integrates capital improvement, deferred maintenance, major equipment and fiscal planning into one comprehensive document.

Response by ACUSD:

Done (12/01) Budget Advisory Committee (ongoing).

Board of Trustees

Findings:

- There is a lack of effective communication and clear direction to staff and committees by the Superintendent and the Board of Trustees.

Response by ACUSD:

Partial Agreement/Examples would be helpful.

- Due to the lack of clarity from the Superintendent and the Board of Trustees the data/analysis prepared for the Board is frequently inadequate thus wasting valuable staff time.

Response by ACUSD:

Partial Agreement/Examples would be helpful.

- The Board's pre-occupation with their history is hampering their ability to focus on the future.

Response by ACUSD:

Examples needed, in order to respond.

2002-2003 Grand Jury comments:

These responses to the above findings do not comply with the requirements of Penal Code section 933.05 as they do not specify what they agreed with and what they did not.

- The Board has made great strides in becoming financially solvent; their projections indicate more economizing is needed to stay solvent in the future.

Response by ACUSD:

Agree

Recommendations:

- Clearly direct staff as to the specific requirements of any requested data/analytical work.

Response by ACUSD:

Ongoing.

- Ensure that the results of data/analytical work are complete and understood prior to decision making/voting.

Response by ACUSD:

Ongoing-This is part of the Board's regular self-evaluation process implemented February 2002. Board members are also regularly encouraged to seek information/ask questions directly of staff/directors prior to the meeting discussion and often do so.

- Read and understand background of issues prior to the Board Meeting.

Response by ACUSD:

Ongoing-This is part of the Board's regular self-evaluation process implemented February 2002. Board members are also regularly encouraged to seek information/ask questions directly of staff/directors prior to the meeting discussion and often do so.

- The Superintendent must deliver a realistic budget to the board.

Response by ACUSD:

Doing.

Findings:

- Recent Boards of Trustees have shown a lack of strategic planning. This has caused the ACUSD and COE to go from crisis to crisis with no eye to the future.

Response by ACUSD:

Partial agreement.

- The Governance model adopted by the Board says in part: "adopt a long-term vision for the district that sets the direction for the district and adopt the school district budget and ensure the financial health of the district". Setting the direction and ensuring the financial health of the district are clearly responsibilities of the Board.

Response by ACUSD:

Partial agreement-The state's actions regarding the 2001-2002 school funding illustrates the challenge here.

Recommendations:

- Take all actions required to produce and implement a long-term vision that sets the direction for the District. Publish that vision and make it available to the public by December 2002.

Response by ACUSD:

Done

- Exercise due diligence to ensure that the results of the Task Force to reduce costs and improve efficiency recommended above under Strategic Planning are given full consideration to improve the fiscal outlook of the district.

Response by ACUSD:
Done/ongoing.

2002-2003 Grand Jury Final Comments:

The initial response received from the Board of Trustees/Office of Education although timely was not in compliance with the requirements of Penal Code section 933.05. This response was unintelligible and unusable as a basis of a report. After these deficiencies were pointed out to them by members of the public, the Response was rewritten and resubmitted. Although not completely in compliance with the required statutory form and received past the 90-day deadline, that Response was used in the preparation of this Report. The Grand Jury felt that although the requirements of the law had not been met it would better serve the public interest if the information was placed before the Public and they were allowed to form their own opinion. The Grand Jury then conducted interviews in December 2002 and January 2003 in order to clarify the answers set forth in the response.

Appendix

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 it 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 support 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. 3 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.