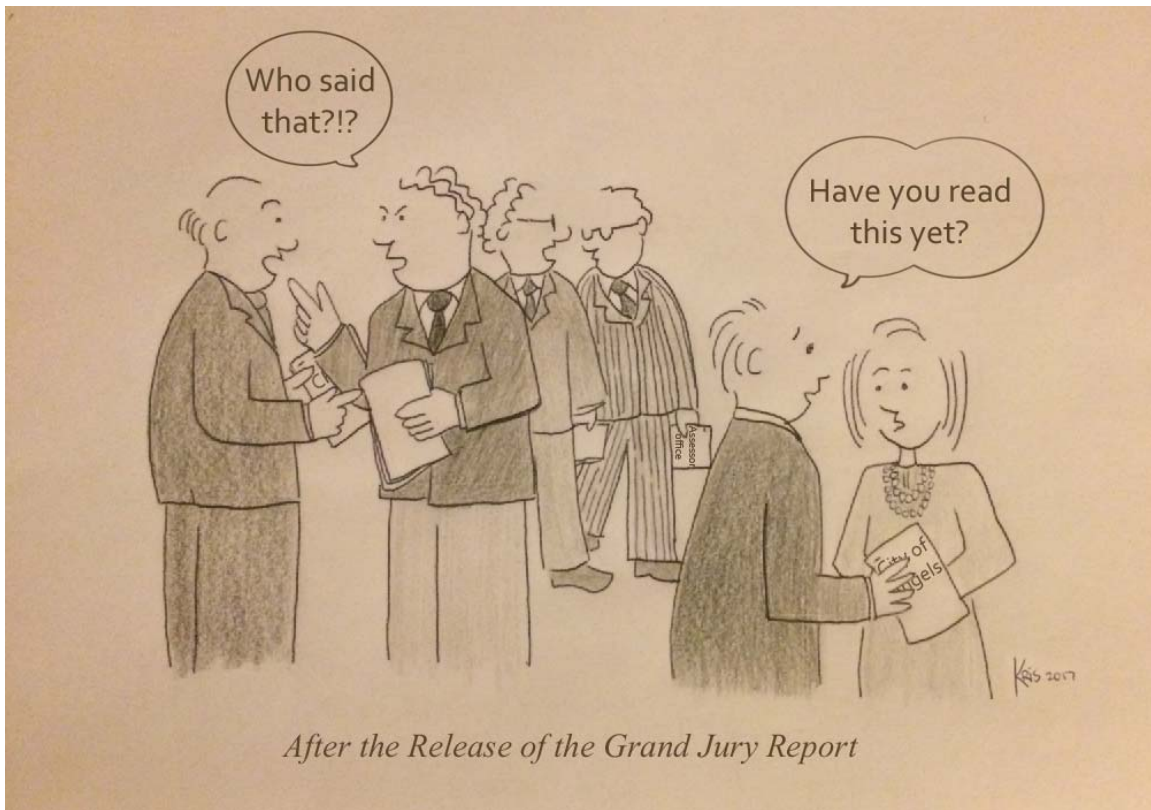


CALAVERAS COUNTY

2016-2017

GRAND JURY FINAL REPORT



On the front Cover

Political cartoon drawn in the New Yorker style.

Drawn by: Kristine Macias

On the back Cover

Supervisorial District Map

Provided by: County website

In front of reports

River and Reservoir before and after pictures.

Provided by: Grand Jury members and CCWD

FILED

JUN -1 2017

Clerk of the Court
Superior Court of California
County of Calaveras
By [Signature] Deputy

Calaveras County Grand Jury

2016-2017 FINAL REPORT

The 2016-2017 Calaveras County Grand Jury approved the Final Report

S/: Robert Macias
Robert Macias, Foreperson

Date: 6/1/17

**I accept this Grand Jury report for the year 2016-2017 for filing and certify that it
complies with Title IV of the California Penal Code.**

S/: Timothy S. Healy
**The Honorable Timothy S. Healy
Presiding Judge of the Superior Court**

May 16, 2017

The Honorable Timothy S. Healy
California County Superior Court
400 Government Center Drive
San Andreas, California 95249-9794

Dear Judge Healy,

The 2016-2017 Grand Jury submits its final report in accordance with Penal Code 933(a).

I came to the Grand Jury with the hope of finding others who cared about their community. What I found was an eclectic group of people who surpassed my expectations and reinvigorated my own resolve. We were willing to jump into the trenches and learn, experience, and feel what our government must go through in order to perform its services and functions. We carried the burden of upholding the government to the highest standards in order to properly represent the perspective and feelings of those that submitted complaints.

Much like the state of California, this Grand Jury was faced with unforeseen circumstances. The torrent of controversy and heated debates during our meetings helped fuel the determination of our civic duty. I couldn't have asked for a better set of individuals to stand with as we investigated and researched government operations. This Grand Jury's greatest strength was its emotional connection to the County and I can say without a doubt that we were one-hundred percent committed.

When one embarks to play a game, they are dependant on their fellow players to make the experience enjoyable. For those that find they are not satisfied with how their government is working, your only choice is to join in and play along. I am proud to have served with my fellow jurors and I am proud of the work we produced. My greatest hope is for our year and all future years to continue to improve this County. Government is a reflection of its community.

I would like to take one last moment to thank those within the government that were helpful and insightful in guiding the Grand Jury through its adventure. This Grand jury would like to thank its residential neighbor, who has apparently taken it upon himself to upkeep the lawn around the Grand Jury House.

Respectfully,

Robert Macias, Foreperson

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GRAND JURY INFORMATION

WHAT IS A GRAND JURY?

A Grand Jury is a judicial body composed of a set number of citizens. Ancient Greece exhibited the earliest concepts of the Grand Jury System. Another reference can be found during the Norman conquest of England in 1066. There is evidence that the courts of that time summoned a body of sworn neighbors to present crimes which had come to their knowledge. In 1066 the Assize of Clarendon appears to be the beginning of the true Grand Jury system. At that time juries were established in two types: Civil and Criminal. Toward the end of the United States Colonial Period, the Grand Jury became an important adjunct of government: Proposing new laws, protesting abuses in government, and influencing authority in their power to determine who should and should not face trial. Originally, the Constitution of the United States made no provisions for a Grand Jury. The Fifth Amendment, ratified in 1791, added this protection.

THE GRAND JURY IN CALIFORNIA

The California Constitution, Article 1, Section 23, states, "One or more Grand Juries shall be drawn and summoned once a year in each County." In California every county has a civil Grand Jury. Criminal Grand Juries are seated as necessary.

A civil Grand Jury's function is to inquire into and review the conduct of county government and special districts. The Grand Jury system in California is unusual in that Federal and County Grand Juries in most states are concerned solely with criminal indictments and have no civil responsibilities.

Grand Jurors are citizens of all ages and different walks of life bringing their unique personalities and abilities. Grand Jurors are selected from the Department of Motor Vehicles and Voter Registration files. In some counties citizens may request to be on the Grand Jury. Jurors spend many hours researching; reading, and attending meetings to monitor county government, special districts, and overseeing appointed and elected officials.

A final report is created after many hours of fact-finding investigations conducted by the Grand Jury. This report can disclose inefficiency, unfairness, wrongdoings, and violations of public law and regulations in local governments. The report can also recognize positive aspects of local government and provide information to the public. The Grand Jury makes recommendations for change, requests responses, and follows up on responses to ensure more efficient and lawful operation of government.

CALAVERAS COUNTY GRAND JURY

The Calaveras County Grand Jury is a judicial body sanctioned by the Superior Court to act as an extension of the Court and the conscience of the community. The Grand Jury is a civil investigative body created for the protection of society and enforcement of its laws. The conduct of the Grand Jury is delineated in California Penal Code, Section 888 through Section 945.

Grand Jurors are officers of the Superior Court but function as an independent body. One provision of the Grand Jury is its power, through the Superior Court, to aid in the prosecution of an agency or individual they have determined to be guilty of an offense against the people.

RESPONSIBILITIES OF THE GRAND JURY

The major function of the Calaveras County Grand Jury is to examine County and City Government and special districts to ensure their duties are being lawfully carried out. The Grand Jury reviews and evaluates procedures, methods, and systems utilized by these agencies to determine if more efficient and economical programs may be used for the betterment of the County's citizens. It is authorized to inquire into charges of willful misconduct or negligence by public officials or the employees of public agencies. The Grand Jury is mandated to investigate the conditions of jails and detention centers.

The Grand Jury is authorized to inspect and audit the books, records, and financial expenditures of all agencies and departments under its jurisdiction, including special districts and non-profit agencies, to ensure funds are properly accounted for and legally spent. In Calaveras County the Grand Jury must recommend an independent Certified Public Accountant to audit the financial condition of the County.

RESPONSE TO CITIZEN COMPLAINTS

The Grand Jury receives formal complaints from citizens who allege government inefficiencies, mistreatment by officials, and who voice suspicions of misconduct. Anyone may ask that the Jury conduct an investigation on agencies or departments within the Grand Jury's jurisdiction. All such requests and investigations are kept confidential.

The Grand Jury investigates the operations of governmental agencies, charges of wrongdoing within public agencies, and the performance of unlawful acts by public officials. The Grand Jury cannot investigate disputes between private parties nor any matters in litigation.

Neither official request nor public outcry can force the Grand Jury to undertake an inquiry it deems unnecessary or frivolous.

FINAL REPORT

The Final Report includes the findings and recommendations of the Grand Jury and is released to the Superior Court Judge by July 1 of each year. It is made available to the new Grand Jury, the media, the public, and government officials. It will also be available on the Calaveras County Grand Jury website: <http://calaverasgov.us/Departments/AG/GrandJury.aspx>

HOW TO CONTACT THE GRAND JURY

Those who wish to contact the Grand Jury may do so by writing to:

Calaveras County Grand Jury

P.O. Box 1414

San Andreas, CA 95249

A Citizen's Complaint Form may be requested by calling 209-754-5860. The form is also available at all county libraries and for download on the Grand Jury website at

<http://calaverasgov.us/Departments/AG/GrandJury.aspx>

Completed forms may be mailed to the above address or faxed to the Grand Jury at 209-754-9047.

MEMBERS OF THE 2016-2017 CALAVERAS COUNTY GRAND JURY

Robert Macias, Foreperson
Daryl Hylton, Foreperson Pro Tem
Heather Hutchison, Recording Secretary
Trina Cachero, Correspondence Secretary
Zack Ribeiro, Sergeant-at-Arms

Joanie Bennett	Vielka Escobar	Judith Miller
Dennis Bentley	Elizabeth Hunger	Russell Murawski
Firman Brown	Larry Hunn	Noel Oliver
John DeMarchi	Christine King	Susan Singleton
Dennis Dunnigan	Loraine Marshbank	

**GRAND JURY
CITIZEN COMPLAINT FORM**

Calaveras County Grand Jury
P.O. Box 1414
San Andreas, CA 95249

Date _____

1. THIS COMPLAINT IS AGAINST:

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:

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

Signature

**Instructions for preparing the Citizen Complaint Form
Calaveras County Grand Jury**

- I. The Grand Jury Citizen Complaint Form should be prepared after all attempts to correct a situation have been explored and were unsuccessful.
- II. Instructions for preparing the Citizen Complaint Form:

1. This Complaint is Against:

- a. Include the name of the individual or organization the complaint is against. Ensure correct spelling of the name(s).
- b. If the complaint is against an individual in an organization, include the individual's title or position in the organization.
- c. Provide the street address (not a P.O. Box), city, state and zip code.
- d. The telephone number of the organization or individual cited should be included on the last line of this block.

2. My Complaint Against the Above is:

- a. Describe the problem in your own words.
- b. Be as concise as possible, providing dates, times and names of individuals involved.
- c. Cite specific instances as opposed to broad statements.
- d. Attach any available photographs, correspondence or documentation which supports the complaint.
- e. If more room is required, attach extra sheets, and include their number on the last line of the first sheet (i.e. 3 additional sheets attached).
- f. Include your name, street address, city, state, zip code and telephone number (area code also).
- g. Mail this complaint form to the address shown on the front.
- h. Please sign this complaint. (You may file an anonymous complaint if you desire; however, this may make it much more difficult for the Grand Jury to investigate the allegations.)

The Grand Jury will respond to your complaint to advise you it has been received.

The Grand Jury may contact you in the event of an investigation.



New Melones Reservoir



CITY OF ANGELS CAMP

City of Angels Camp

REASON FOR INVESTIGATION

The Grand Jury's decision to investigate the City of Angels Camp was to follow up on a complaint regarding the way the city was being run. Upon further investigation it was found that the city had not been reviewed by the Grand Jury for over a decade.

BACKGROUND

In accordance with Penal Code 925(a), the Grand Jury has jurisdiction to investigate incorporated cities within the County.

The Angels Camp City Council not only establishes important and often critical policies for the community; it is also part of a public corporation with an annual budget of \$10 million. The scope of services and issues addressed by the city organization go well beyond those frequently reported in the newspaper or discussed at council meetings.

The City Council appoints two contract positions: City Administrator and City Attorney. Both positions serve at the will of the council. The City attorney services are provided under a retainer with an independent attorney. The administrator is an employee of the City and has an employment agreement which specifies some terms of employment including an annual evaluation by the council.

Police Chief, Fire Chief and Finance Director are positions appointed by the City Council. The fire chief is a part-time position. The administrator is responsible for all other personnel appointments within the city. The City staff consists of everyone who works in the administrative office and finance department.

PROCEDURE

The Grand Jury interviewed various city personnel, council members, and an independent third party auditor, reviewed documents, watched video footage, and visited websites.

INTERVIEWS PERFORMED & DOCUMENTS REVIEWED

City of Angels Camp Council Members

City of Angels Camp Staff

City of Angels Camp City Council Handbook

City of Angels Camp City Council Minutes

City of Angels Camp City Council Annual Evaluations

City of Angels Camp City Council Meeting YouTube videos

City of Angels Camp Audit Report FY 2014/2015 and FY 2015/2016

City of Angels Camp City Administrator Contract and Amendments

City of Angels Camp Payroll Advance Policy

City of Angels Camp Election Filing and Results

California Government Code 56668

Independent Auditor

INVESTIGATION

Through our investigation we were able to discover several areas of mismanagement within the city of Angels Camp.

Misuse of Administrative Leave

It was determined by the latest audits that city administration was taking more administrative leave than was earned in the form of pay-outs. During interviews, City Council members claimed they were not aware of any employee taking excessive leave. However, the FY 2015/2016 audit reports, "The City Council retained an outside accountant to review this potential over payments and the results were discussed at a December 2016 City Council meeting in closed session."

According to City contracts for employment, "The administrative leave payout is capped at 50% of total annual leave in any given fiscal year." For example, let's say an employee has 126 hours of accrued leave and wishes to take some of their administrative leave in the form of a pay-out. The employee may only take up to 63.5 hours of administrative leave in that manner. In any given fiscal year, the maximum available pay-out is 240 hours. According to the FY 2014/2015 and FY 2015/2016 audit reports, "... prior year over payments that were accrued in the City general ledger as a loan because the employee *received 533 hours* of administrative leave in the form of pay-outs *over* the amount available". (*emphasis added*) When the City attempted to reconcile with the employee, only 332.60 hours of accrued leave existed, leaving a negative balance. Money owed to the City by the employee resulted in over \$29,000 being paid out in excess of the maximum hour annual limit.

Failure to Adhere to Payroll Advance Policy

Since 2015, the City of Angels Camp has a policy allowing for employees to receive a payroll advance. This policy allows for employees under emergency circumstances to receive their pay early. Specifically, "Requests should be sent to the Director of Administrative Services for review, who will subsequently forward it to the Finance Officer and City Administrator or the

Mayor for approval." and "Salary advances will only be issued for a current pay period in which hours are already being earned." and "No advances shall occur in back to back pay periods." The policy was abused by a management employee – the FY 2015/2016 audit states, "The management employee received check 70060 dated September 10, 2015 for \$3,560.22 as a payroll advance ... with a normal pay date of September 25, 2015. This check was signed by the director of administration services and by a City Council member. On September 14, 2015 (four days later) the same management employee received another payroll advance for the next pay period ... with a normal pay date of October 9 that was paid with check 70061 (the next sequential manual check) for \$3,560.22. That check was signed by the director of administration services and by the management employee receiving the check". Neither the Director of Administration Services or the management employee reported the incidences to the Finance Director as required by the policy. When the Finance Director discovered these instances several weeks later, the second advance was reimbursed to the City. The FY 2015/2016 audit reports, "We also noted other instances where the management employee, who is a signor on the bank account, signed their own payroll advance checks." According to a management response, a new check signor policy will be established which restricts employees from signing their own advance. Calaveras and Amador County and cities of Sutter Creek, Sonora, Jackson, and Ione do not have a payroll advance policy. Payroll advances are rare or non-existent in neighboring counties. The FY 2015/2016 audit states, "The payroll advance policy has a high risk for fraud."

Misuse of City Credit Cards

The City of Angels Camp had credit cards allocated for city operations. The policy for using a credit card required the user of the card to submit detailed receipts for any purchase. Based on interviews with city staff, it was reported on many occasions that credit card purchases were cataloged without a detailed receipt. According to the FY 2015/2016 audit, 12 instances were not supported by a detailed receipt.

According to the FY 2015/2016 audit, "On April 3, 2016 the employee hand written explanation indicated the \$148.91 charge was for deli trays and drinks purchased for a League of California Cities meeting. In reviewing the detailed receipt that was obtained on July 8, 2016 from the store we noted what appeared to be many personal items including a bottle of J Walker Red 80 PRF for \$36.99, IRNSTN SYMP OBSSSN for \$8.99, ME LRGE Eggs 18 PK etc." According to the city handbook, "It is very important to note that any expense must be related to city affairs." and "Luxury items such as ..., alcoholic drinks,... are considered out of pocket expenses."

Furthermore, the FY 2015/2016 audit states, "We noted a \$99.61 charge at a BBQ & Grill restaurant on April 20, 2016 where the credit card slip was presented but no detail receipt was submitted. ... When the City obtained the detail receipt we noted 4-16 ounce beers purchased along with what appears to be 4 meals and 4 sides. We also noted the tip was \$20 on a \$75 food/beverage charge or 27% of the food/beverage amount." According to the city handbook, "Public property and funds may not be used for any private or personal purpose." and "Luxury items such as ..., alcoholic drinks,... are considered out of pocket expenses."

The credit cards were taken away from those who were misusing them. A new training program has been created for all holders of city credit cards, which emphasizes a strict "No Personal Use"

policy and the cardholder must sign a "Cardholder Acknowledgement and Responsibility Form". Internal audit checks will be performed by the Finance Department.

Lack of Community Interest in Running for Elected City Office

The City Council is a five-member elected body. During the course of our investigation, three of the five City Council seats became vacant and available. However, only two people, who were encouraged by the council, filed the necessary paperwork to run for a council seat in the November election. Since there were more vacancies than candidates, both candidates obtained their seats without contest. To fill the remaining vacancy, the Council had to appoint the final council member. The continued lack of interest from the public to run for office prevents the community from choosing their representatives.

During interviews with city staff and Council members, it was found that no one from the community had expressed an interest in filling the elected position of Treasurer. No one ran for this elected office in 2002, 2010, or 2014. The next election cycle for treasurer will be 2018. Due to the lack of candidates, the Treasurer position was then appointed by the City Council using city staff. When city staff was asked to describe the roles and responsibilities of the Treasurer, there was a lack of knowledge as to why the position exists.

Poor Performance Evaluation System

According to the city council handbook, "The council is to evaluate the administrator on a regular basis to ensure that both the council and administrator are in agreement about performance and goals based on mutual trust and common objectives." Evaluations fail to include action plans of development, timelines for achieving goals, and did not include performance correlation to support merit increases and additional administrative leave. The number ratings need to be more aligned with behaviors, roles, responsibilities, and goals set by the Council. Annual performance evaluations of at-will city positions do not include action plans for improvement.

City & Community Responsibility

Over the last decade, the City of Angels Camp has seen a loss in financial reserves. Budgetary constraints have caused the City Council and staff to look into reorganizing the structure of their government operations. This includes creating a new role by increasing the responsibilities of a City Clerk Deputy to become an Administrative Specialist.

It is the responsibility of the Council to oversee how the city is being run by city staff. According to the City Council handbook, "The council is to work through the administrator in dealing with city staff" and "The administrator... implements the policies and programs initiated by the council" and "the final responsibility for establishing the policy direction of the city is held by the council". Furthermore, "Council members are entitled to information on all the activities of the city."

A possible solution to be considered is the dissolution of the City of Angels Camp. This would allow the city to be once again under the direct control of the County. Reasons for considering dissolution of a city are fiscal problems, reorganization of the government facilities, lack of interest by the public to fill elected positions, and misuse of public funds. Dissolving a city is not something that is done simply; California Government Code §56668 gives a list of a dozen requirements that need to be considered when creating or dissolving a city, such as where city records will be stored/moved and how city waste will be handled by the new controllers. After everything has been resolved, a public vote of the citizens and a review by the State of California are necessary in order to dissolve a city.

If reasons for dissolution can be found, it then falls to the public to work with the current City Council in understanding what would be their next best move. This Grand Jury does not wish to suggest dissolving the city outright, but to inspire the citizens of Angels Camp to become more involved with how their local government is being run. The citizens of Angels Camp should be able to find citizens who would like to serve in the elected positions. Involvement is the cornerstone of government.

RESULTS OF INVESTIGATION

FINDING #1:

There is a lack of public interest in filling the elected positions of the City of Angels Camp.

RECOMMENDATION #1:

The City Council should reinforce the need for greater public involvement at every opportunity.

RESPONSE REQUESTED:

Angels Camp City Council

RECOMMENDATION #2:

The City Council should create a public awareness program for the purpose of gaining greater involvement in local government.

RESPONSE REQUESTED:

Angels Camp City Council

FINDING #2:

The current City Council and staff are looking into reorganizing the structure of government operations.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING #3:

A former city administrator was acting in violation of the city handbook by independently creating policies and procedures rather than implementing the policies as set by the Council.

RECOMMENDATION:

The City Council, City Administrator and City staff should follow the established policies and procedures in accordance with the city handbook and set by the Council.

RESPONSE REQUESTED:

Angels Camp City Council
Angels Camp City Administrator

FINDING #4:

The at-will employee performance evaluation form is inadequate.

RECOMMENDATION #1:

The evaluation form should be modified to ensure number ratings are more aligned with behaviors, roles, responsibilities, and performance of at-will employees.

RESPONSE REQUESTED:

Angels Camp City Council
Angels Camp City Administrator

RECOMMENDATION #2:

Performance areas needing improvement should have action plans and timelines.

RESPONSE REQUESTED:

Angels Camp City Council
Angels Camp City Administrator

FINDING #5:

It was determined that city staff were aware misuse of public funds had occurred.

RECOMMENDATION #1:

The City should hire a forensic accountant to review the City's financial records.

RESPONSE REQUESTED:

Angels Camp City Attorney
Angels Camp City Council
Angels Camp City Administrator

RECOMMENDATION #2

The District Attorney's Office should look into the City's financial records to determine whether any criminal activity had occurred.

RESPONSE REQUESTED:

Calaveras County District Attorney

FINDING #6:

The City of Angels Camp has a payroll advance policy that has been abused and mismanaged.

RECOMMENDATION:

Remove the payroll advance policy.

RESPONSE REQUESTED:

Angels Camp City Council

FINDING #7:

Administrative staff was taking more administrative leave than was accrued, resulting in a loss to the city of at least \$29,000.

RECOMMENDATION:

The city should hire a forensic accountant to determine the full extent of over-payments.

RESPONSE REQUESTED:

Angels Camp City Attorney
Angels Camp City Council
Angels Camp City Administrator

FINDING #8:

The City of Angels Camp has reasons for proposing dissolution of a city.

RECOMMENDATION #1:

The City Council and staff should review and discuss California Government Code §56668.

RESPONSE REQUESTED:

Angels Camp City Council
Angels Camp City Staff

RECOMMENDATION #2:

The City Council should hold an open meeting to discuss with the public if dissolution is the right choice.

RESPONSE REQUESTED:

Angels Camp City Council

RECOMMENDATION #3:

Next year's Grand Jury should continue to keep this investigation open.

RESPONSE REQUESTED:

None



New Hogan Lake



ASSESSOR'S OFFICE

COUNTY ASSESSOR'S OFFICE

REASON FOR INVESTIGATION

The Grand Jury's decision to investigate the operations of the Assessor's Office was to follow-up on a complaint regarding the failure to resolve a citizen's property tax issue over the last 5 years.

BACKGROUND

The operational process of the Assessor's Office is complex and requires inter-working relationships with other County departments in performing the assessment activities. To prepare the assessment roll the Assessor's Office needs to be in communication with not only multiple other departments but also various outside agencies (e.g. City of Angels, Fire Districts, State Agencies, etc.) and various private parties (e.g. Realtors, Title Companies, Developers, etc.). The process of identifying the legal owner of a property to be assessed can be a time consuming investigative process.

PROCEDURE

The Grand Jury interviewed various County personnel, reviewed a wide-variety of documents, and reviewed the websites of the Assessor's Office, Clerk/Recorder's Office, Information Technology and Treasurer-Tax Collector.

INTERVIEWS PERFORMED & DOCUMENTS REVIEWED

County Assessor's Office

Clerk/Recorder's Office

County Information Technology Department

County Administration

Calaveras County Assessment Practices Survey Report issued by the State Board of Equalization in accordance with section 15646 of the Government Code

Job descriptions specifications of positions within the Assessor's Office and Information Technology

Summaries of the County's assessment/tax roll, property tax distribution, and revenue distribution

Informational brochure on the role and functions of the Assessor

Operational processes for property tax valuation and assessment

Organizational charts of the County's department structure and detailed organizational charts of several departments

Enterprise System Catalog as required by Senate Bill No. 272 listing software applications and systems used for the County's operations

Phase 1 plans for remodeling the government center along with project specifications.

INVESTIGATION

Through the Grand Jury's investigation there were several facts identified that impact the efficiency of the Assessor's Office operations and, to a degree, the operations of other departments.

After gaining additional information it was determined that the referenced property was sold between private parties outside the typical real estate process, work involving a realtor and title company. This may have contributed to the issues addressed in the complaint. In addition, the referenced property did not fall within the purview of the Assessor's Office.

Workload and Complexity of Functions

There is a significant backlog within the Assessor's Office due to a combination of factors: the complexity of identifying the correct property owner(s), environmental disasters including but not limited to the Butte Fire, under staffing, and the extensive learning curve of new hires. These negatively impact the tax revenue stream. While actions to address the backlog in the Assessor's office have received attention, greater resources are required to begin reducing the backlog.

The Assessor is responsible for all assessment activities of taxable property within the County. While compiling the assessment roll, the Assessor's Office must obtain a variety of information to determine a property's legal ownership and determine its assessed value. Such information is frequently gathered from the Recorder's Office, State Board of Equalization, Building Department, Environmental Health, City of Angels, Agricultural Department, Planning Department, the Surveyor, etc. Once property ownership is determined an assessment roll is completed, certified by the Assessor and provided to the Treasurer-Tax Collector. The assessment roll is also used by various county departments, including but not limit to Tax Collector's Office, Auditor Office, Building Department, Code Compliance, GIS, Elections, and by outside agencies including but not limited to COG, City of Angels, Fire Districts, State Department of Conservation, and by private businesses related to real estate property.

When there is a delay in identifying the legal owners of a property by the Assessor's Office, it can cause delays for other departments that need information from the assessment roll to perform their State and County mandated functions.

Limitations of Current Technology

The County has many incompatible and outdated software systems to support the operations of the various departments. For example, the software systems used by the tax collector and assessor requires extra modules for translating information between the systems. Most of the applications are not integrated. This frequently results in making multiple entries of the same data. This incompatibility is inefficient and results in a greater opportunity for errors.

Lack of Collaboration between Departments

There is limited time for department heads to share information regarding department needs, priorities, and planning. When scheduled monthly department head meetings are held, the focus is on “reporting”, with little time spent on “planning and collaborating”. When interviewing departments, the general consensus was the elected officials *report to the public*, while appointed department heads *report to County Administration and the Board of Supervisors*.

Departments are bogged down by using entrenched processes: under use of technological solutions, legacy software applications, and staff having a silo mentality (a mindset when departments do not share information with other departments that may impact the work activities and commitments of others). This greatly reduces the efficiency of operations.

Facility Usage

The rebuild and reuse of the government center is ongoing. The county continues to look into ways to bring departments back together. Many functions located at remote locations do not provide a positive working environment.

RESULTS OF INVESTIGATION

FINDING #1:

There is a significant backlog within the Assessor’s Office.

RECOMMENDATION #1:

The County needs to develop a plan to address this issue through a comprehensive staffing and work methods analysis.

RESPONSE REQUESTED:

County Assessor's Office
County Administrative Office

RECOMMENDATION #2:

The County should consider greater use of modernized and integrated computer solutions.

RESPONSE REQUESTED:

County Assessor's Office
County Administrative Office

FINDING #2:

No formal collaborative effort exists to provide the Information Technology Department with current and future technology needs of the various departments.

RECOMMENDATION #1:

Establish a formal taskforce or committee that includes a representative from each organizational unit, meeting on a regular basis, to address technological needs of various departments.

RESPONSE REQUESTED:

County Administrative Office
County Information Technology Department

RECOMMENDATION #2:

The same taskforce or committee should develop a formal, short-term and multi-year plan that can be updated as required.

RESPONSE REQUESTED:

County Administrative Office
County Information Technology Department

FINDING #3:

There is a lack of communication and collaboration among the County’s administrative leadership both elective and appointed.

RECOMMENDATION #1:

Implement a process for a more collaborative culture.

RESPONSE REQUESTED:

Board of Supervisors
County Administrative Office

RECOMMENDATION #2:

The county administrator should shift department perception from working within a “silo mentality” to a team with a unified county focus.

RESPONSE REQUESTED:

Board of Supervisors
County Administrative Office

RECOMMENDATION #3:

The County should implement a practice of collaborative planning with departments. Such planning should focus on several measurable objectives that can be met within 2 to 3 years.

RESPONSE REQUESTED:

County Administrative Office



Melones from Parrott's Ferry Bridge



CHILD PROTECTIVE SERVICES

CHILD PROTECTIVE SERVICES

REASON FOR INVESTIGATION

The Grand Jury obtained information indicating that Child Protective Services and caseworkers were not addressing complaints from parents or relatives concerning children who had been court-dependent for an extended period of time.

BACKGROUND

Calaveras County Child Protective Services (CPS) is a division of the Health and Human Services Agency. This investigation was to review policy and procedure of CPS. It was initiated to define conflict resolution between caseworkers and families and to determine the process for future placement of children, whether temporary or permanent.

PROCEDURE

The Grand Jury interviewed personnel, reviewed documents, and visited websites.

INTERVIEWS PERFORMED & DOCUMENTS REVIEWED

Calaveras Health and Human Services Agency Administrative Staff

Welfare & Institutions Codes: 300 a-j, 305, 309, 313, 316

AB 403 Continuum of Care Reform

Description of the Juvenile Court Dependency Process

Juvenile Dependency Proceedings Flow Chart

Juvenile Dependency Process – Emergency Response

California Department of Social Services (CDSS) Measure 2B (Child Abuse and Neglect Referrals by Time to Investigation) for State of California and Calaveras County
Oct-Dec 2015, Jan-Mar 2016, Apr-Jun 2016, Jul-Sept 2016

Continuum of Care Reform Branch Newsletter – CCR FAQ

California Common Core Training for Welfare Workers

Short-Term Residential Therapeutic Program (STRTP)
40-Hour Initial Certification
Core of Knowledge Guideline

Annual Employee Performance Report

INVESTIGATION

Reunification of the family is the priority of CPS as illustrated in all the supporting documentation.

We met with staff and discussed policies and procedures for CPS. There is a rigid process of California State mandates and timelines to follow and document all child abuse and neglect referrals.

Juvenile Dependency Process

Reviewing the policy and procedures, we found that the juvenile dependency process is strictly followed by the department and is not open to interpretation. The parent or relative of any court-dependent child is encouraged to actively participate. However, there are guidelines and timelines that must be followed. Checks and balances are in place within the system.

Within the 24-month juvenile dependency process, there are several hearings at which time a parent or relative may petition the court for return of the child. In some cases, successful reunification of the family depends upon a guardian's progress in a court-mandated plan. This plan lays out the responsibilities and duties of the guardian and social services to remedy the issues that led to the child's removal from the home.

If reunification is not found to be in the best interest of the child, the guardian has avenues of appeal such as the caseworker, case manager, the judge, or the State of California. The child's guardian is often able to continue involvement with the child even if the court terminates reunification services.

The 24-month permanency hearing allows for reunification of the family or a planned permanent living arrangement such as adoption or foster care. If adoption is the next step, parental rights are terminated.

RESULTS OF INVESTIGATION

FINDING #1:

Calaveras County CPS is following state mandated guidelines in the Juvenile Dependency Process.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING #2:

Parents and relatives of court-dependent children have multiple avenues of action and appeal to reunify the family.

RECOMMENDATION:

Parents or relatives should be given a copy of the Juvenile Dependency Process Flowchart outlining timelines and requirements of the overall process.

RESPONSE REQUESTED:

Child Protective Services

FINDING #3:

There is no clear complaint process for grievances the family or members of the public may have with the agency.

RECOMMENDATION:

A complaint process should be created to allow submission of grievances.

RESPONSE REQUESTED:

Calaveras County Health & Human Services
Child Protective Services



Stanislaus River Canyon



CALAVERAS COUNTY JAIL

Calaveras County Jail

REASON FOR INVESTIGATION

Pursuant to Penal Code Section 919(b) the Grand Jury is required to annually inquire into the condition and management of all public correctional facilities within the County.

BACKGROUND

The current jail facility began operations in June of 2014. It has a maximum occupancy of 160 inmates but is unable to accommodate that number because of staffing and inmate separation requirements. Based on those limitations, maximum occupancy has only reached 114 but averages 95. Six pods segregate inmates based on medical issues, sentencing status, nature of the crime, and inmate safety. Five pods are available for housing males with the sixth being reserved for females. There are two control rooms for indirect supervision of inmates and staff activity.

PROCEDURE

In addition to reviewing documents, inspecting facilities and visiting various websites, the Grand Jury interviewed jail personnel and inmates. Tours were conducted of the Calaveras County and Tuolumne County Jails. Tuolumne County Jail was toured for comparison purposes regarding organization, staffing, and inmate care. The tours included the booking area, medical facilities, computer lab, kitchen, and inmate housing and recreation areas.

INTERVIEWS PERFORMED & DOCUMENTS REVIEWED

Calaveras County Jail Administrative Staff

Calaveras County Correctional Officers

Calaveras County Inmates

Calaveras County Human Resource Staff

Resource Connection Staff

Tuolumne County Jail Staff

Amador County Jail Staff

Calaveras County Jail Payroll Records (2 quarters)

Calaveras County Jail Workers' Compensation Claims Summary FY's 2012-2016

Calaveras County Jail Medical Questionnaire

Calaveras County Benefits Information

Calaveras County Website

Amador County Website

Tuolumne County Website

Eight-county Classification & Compensation Survey of comparable counties dated September 2015

INVESTIGATION

Condition of the Facility

The entire facility was found to be well organized and immaculate. Inmates make their own beds daily and keep their cells and common area in a clean manner. Selected inmates are assigned the responsibilities of doing laundry and keeping the remainder of the facility clean.

The kitchen and equipment were spotless. Two cooks and selected inmates prepare meals and maintain the kitchen area. Dietary requirements are strictly adhered to. Food supplies are supplemented with overstock from a local food bank which helps to keep food costs down. The food bank only provides food to the jail when they have excess that would otherwise go to waste.

Inmate Interactions

There appears, through observation and interviews, to be a sincere and mutual respect shown between staff and inmates. Inmates appear to be content with the conditions of their confinement; food is good, internal punishments are fair and correctional officers are on top of any fighting amongst the inmates. At times there is a perceived delay between submitting a medical request and receiving care unless it is an emergency. This perception may come from having only an on-call nurse on weekends.

Only sentenced inmates are offered the opportunity to participate in educational or work programs because of limited availability. Some un-sentenced inmates would like to, but are not able to, participate in educational (GED) or work programs. They can participate in other programs such as AA, NA, religious and other self-help programs. According to regulations, space in the programs must be offered to inmates who qualify for PC 4019 credit (time off sentence) before the programs can be offered to un-sentenced inmates.

Inadequate Staffing Levels

At the time of our inspection there were 14 correctional officers covering shifts 24 hours a day, 7 days a week. Frequently only one of the control booths is staffed because of lack of personnel. Due to a high turnover rate and lack of experienced officers there are times when the senior officer on a shift has as little as 18 months experience. Administrative staff has been available by phone during these times. This is not only stressful to correctional officers and administrative staff but a safety concern as well.

Inspection of payroll records found that over a 24-week period there were 4,655 hours of overtime worked by jail staff (an average of 27.71 hours per day). The majority of the hours were worked by correctional officers, corporals, sergeants, and the cook. The cook overtime issue has been resolved by filling an additional position. These numbers do not include overtime hours worked by the Captain or Lieutenant as they are salaried employees. As our investigation continued, we found the jail had been approved for five additional correctional officer positions. If the department is able to fill these positions and retain current employees, this would help reduce mandatory overtime. However this will not, in effect, provide any additional staffing per shift. Shifts will still be comprised of approximately one correctional officer per forty-eight inmates.

The department has a very high turnover rate and is constantly training new employees. This creates more of an overtime situation while new staff members are attending the required academies. Thirty correctional officers have been hired since April 2013. Fourteen left within two years with some on-the-job training provided by the County. Nine had received outside training at the County's expense. The cost of hiring a new employee (from initial interview to qualifying for a shift to be counted as part of the State's minimum requirements) is approximately \$29,000 to \$32,000 each. Many have left to work for nearby jails offering higher pay. Such a high turnover is not cost effective for the County.

Review of the Workers' Compensation claims for fiscal years 2011/12 through 2015/16 shows an increase in claims from zero in FY 2011/12 to two in each of the following three years and six claims in FY 2015/16. These claims caused a loss of 636 work days between FY 2013/14 and FY 2015/16. This is another factor contributing to the excessive use of overtime.

There is only one nurse working a 40-hour week to provide medical care for the entire jail population. This is the same level of staffing as when the jail had a maximum capacity of 65, as compared to the current average of 95. When an inmate is booked, the correctional officer goes over a medical questionnaire rather than a staff nurse doing a physical evaluation.

Although the jail nurse dispenses medications, correctional officers are currently distributing (delivering) those medications to the inmates. This includes drawing proper doses of insulin for inmates to inject themselves. The Grand Jury feels this is an unacceptable safety risk for both the inmates and correctional officers.

There is a need for additional nursing staff to cover inmate medical requests, to distribute medications, and to be available for evaluations at the time of booking. This appears to be the general consensus among the Grand Jury, jail staff, and inmates.

Poor Compensation

A review of a classification and compensation survey of eight nearby counties showed that our correctional officers are being paid far below average. The County offers a comparable benefit package but is severely lacking in the area of wages for correctional officers. At the time of the survey, Calaveras County was paying their correctional officers 22.61% less than a seven county average with 1.05% less in the benefit category and 21.56% less than the average in wages. Using only Tuolumne and Amador averages, this County's wages are 18.6% less. Since the date of the survey, at least two of the other counties have received a 2-4% salary increase which makes the current deficit even greater. Information reviewed was only for the Correctional Officer classification. (Corporal and Sergeant salaries were not reviewed.) The Grand Jury believes this lack of competitiveness is the primary factor for the high turnover rate and must be addressed immediately.

Corrections is a very stressful occupation in the best of circumstances. The combination of low pay, primarily inexperienced staff, and working an additional 10-20 hours per pay period or being on-call on one's time off does nothing to reduce the level of stress. If pay were comparable to other agencies, the department would be in a better position to retain staff. Over a period of time, this could solve the issue of inexperienced correctional officers and stop the continual and costly outflow of trained staff.

Operational Budget

The tri-county area websites were reviewed for FY 2015/2016 budget information. It was found that Calaveras County had the lowest allocation provided for jail operations, not only by percentage, but by actual dollar amounts.

Fiscal Year 2015/2016

County	Population	Annual Budget	Jail Allocation	Percentage of Budget
Calaveras	44828	\$140,201,396	\$3,380,378	2.41%
Tuolumne	53709	\$150,273,082	\$5,892,703	3.92%
Amador	37001	\$82,399,395	\$4,459,039	5.41%

RESULTS OF INVESTIGATION

FINDING #1:

Staff are doing an excellent job under very difficult circumstances.

RECOMMENDATION:

Keep up the good work.

RESPONSE REQUESTED:

None

FINDING #2:

There is a mutual respect and good rapport between inmates and correctional staff.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING #3:

Inadequate staffing levels and overtime requirements are causing potential health & safety issues.

RECOMMENDATION #1:

Expedite filling all vacant positions.

RESPONSE REQUESTED:

Calaveras County Sheriff

RECOMMENDATION #2:

Increase correctional salaries to a competitive level making the positions more attractive to qualified candidates thus making positions easier to fill.

RESPONSE REQUESTED:

Calaveras County Sheriff
Board of Supervisors

FINDING #4:

There has been an increase in workers' compensation claims over the last four years requiring additional overtime.

RECOMMENDATION:

Increase staffing levels to reduce overtime.

RESPONSE REQUESTED:

Calaveras County Sheriff
Board of Supervisors

FINDING #5:

Correctional officers have a very low salary in comparison to nearby counties.

RECOMMENDATION:

Perform a Classification and Compensation Survey for all correctional classifications.

RESPONSE REQUESTED:

Board of Supervisors
Calaveras County Human Resources

FINDING #6:

There has been a high rate of turnover within the correctional officer classifications which can be directly attributed to low wages and excessive overtime requirements.

RECOMMENDATION:

Increase correctional salaries to a competitive level making the positions more attractive to qualified candidates, potentially increasing staff retention.

RESPONSE REQUESTED:

Calaveras County Sheriff
Board of Supervisors

FINDING #7:

Non-medical personnel are currently distributing medications to inmates.

RECOMMENDATION #1:

Only medical personnel should be distributing medications.

RESPONSE REQUESTED:

Calaveras County Sheriff

RECOMMENDATION #2:

Increase nursing staff hours to address current needs.

RESPONSE REQUESTED:

Calaveras County Sheriff
Board of Supervisors
Calaveras County Public Health

FINDING #8:

Calaveras County has the lowest jail budget in the tri-county area.

RECOMMENDATION:

Increase jail allocations to a level comparable to neighboring counties to provide for additional staffing and wage increases.

RESPONSE REQUESTED:

Calaveras County Sheriff
Board of Supervisors



Stanislaus River
Calaveras Big Trees State Park

VALLECITO CONSERVATION CAMP

Vallecito Conservation Camp

REASON FOR INVESTIGATION

Pursuant to Penal Code Section 919(b) the Grand Jury is required to annually inquire into the condition and management of all public correctional facilities within the County. Although this is a State facility, it is within County lines and therefore falls within the Grand Jury's jurisdiction.

BACKGROUND

This camp was started in 1958 and is jointly operated by the Sierra Conservation Center (SCC) and California Department of Forestry and Fire Protection (CALFIRE). The facility can house up to 110 inmates. At the time of inspection, there were 91. Oversight of this facility is provided by Sierra Conservation Center. There are 42 total camps in California (3 female camps and 39 male camps). These camps can respond to fire as well as flood situations, and inmates can travel up to 25 miles into neighboring states if needed. These camps also provide crucial fire protection and environmental conservation services.

The camp staff consists of one Lieutenant, one Sergeant, and seven Correctional Officers in addition to CalFire staff including one Division Chief, ten Captains, one Office Technician, one Mechanic, and one Wastewater Treatment Operator.

PROCEDURE

The Grand Jury met with representatives from both the Department of Corrections and Cal Fire. The Grand Jury toured the facility, reviewed policies and current health and safety audits.

INTERVIEWS PERFORMED & DOCUMENTS REVIEWED

California Department of Corrections Staff

Current Health and Safety Evaluations

INVESTIGATION

Inmate Population

The inmates need to have three years or less remaining on their sentence to serve on a fire team. The inmate number population is expected to decrease with the effects of Proposition 57 (resulting in lighter sentences or lack of sentencing for certain non-violent crimes). This could impact the ability of camps to maintain sufficient size fire crews to continue operations.

Camp Condition

While serving at the Conservation Center, inmates earn time-off their sentences as well as a small stipend. If inmates have the necessary skills, then they can participate in a barber shop, woodshop, welding shop, inmate run kitchen, and vehicle repair shop. This camp specializes in fire hose repair and testing. They receive hoses from all over California.

In the TV room, the furniture's vinyl covering and padding are split open. This lends itself to convenient places for inmates to hide contraband such as drugs. Staff pointed out this is one of the biggest problems they encounter. Funds allocated that could have been used towards new furniture were used towards purchasing new trucks across 20 camps. This was determined to be a higher priority for the safety of all.

RESULTS OF INVESTIGATION

FINDING #1:

The furniture in the TV room is in disrepair and in need of replacement.

RECOMMENDATION:

Replace aging and damaged furniture with durable furniture.

RESPONSE REQUESTED:

California Department of Corrections
Sierra Conservation Center

Responses to the 2015-2016 Grand Jury Report

RESPONSES TO THE 2015 - 2016 GRAND JURY REPORT

The Grand Jury releases its final report at the end of its term. Most, if not all, of the responses are received after the new Grand Jury has been seated and these responses become its responsibility. Unlike many counties, the Calaveras County Grand Jury have holdovers who return to assist the new Jury in the way the Grand Jury conducts business and aid in the analysis of the responses. To assure continuity, it is important to carefully track and evaluate responses.

Responses are tracked to inform the public, ensure follow up, promote solutions, and reduce the number of unresponsive answers. Public scrutiny of the responses can improve the impact of the Grand Jury's reports and recommendations as well as increase the credibility of the elected officials and department heads whose areas were investigated.

The new Grand Jury reviews the findings and recommendations of the prior year's Jury and the ensuing responses. When necessary, these responses are discussed with the appropriate standing committees for follow-up comments. If it is determined that more information is needed, Jury members may meet with the respondents to discuss specific responses.

The Grand Jury refers to the California Penal Code (CPC) for follow up, summarization, and analysis of the responses from the responding officials and departments. Pursuant to CPC §933 and §933.05 there are time limits for responses and each Finding and Recommendation may either require or request a response from the party addressed. Specifically worded responses are limited by the CPC. Responses may include additional information to clarify a specific response.

RESPONSE TIME LIMITS CPC §933 (c)

"...No later than 90 days after the Grand Jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and every elected county officer or agency head for which the grand jury has responsibility pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court, with an Information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years."



**Superior Court of California
County of Calaveras**

400 Government Center Drive
San Andreas, CA 95249
(209) 754-9800 Voice (209) 754-6296 Fax
www.calaveras.courts.ca.gov

*Timothy S. Healy
Presiding Judge*

*Grant V. Barrett
Asst. Presiding Judge*

*Dan Vrtis
Court Executive Officer*

*David M. Sanders
Commissioner*

August 23, 2016

California State Archive
1020 "O" Street
Sacramento, CA 95814

Calaveras County Clerk
(via inter-office mail)

Calaveras County Grand Jury
(via inter-office mail)

Pursuant to Penal Code 933(b) we are forwarding a copy of the 2015-2016 Grand Jury Report along with a copy of the responses received.

Responses were received from the following departments:

- County of Calaveras County Administration
- County of Calaveras County Administration
- County of Calaveras Office of the Sheriff
- County of Calaveras Office of County Counsel
- Calaveras County Environmental Management Agency
- Calaveras County Public Works

Respectfully submitted,

Pamela James
Deputy Clerk
Judicial Administration



COUNTY OF CALAVERAS

COUNTY ADMINISTRATION

FILED

AUG 5 2016

Clerk of the Court
Superior Court of California
County of Calaveras

By [Signature], Deputy

August 1, 2016

The Honorable Timothy S. Healy, Presiding Judge
Superior Court State of California
P.O. Box 850
San Andreas, CA 95249

RE: Response of 2015-16 Grand Jury Response – County Jail Medical Services

Dear Judge Healy,

In accordance with the California Pena Code (CPC) Sections 933.05 (a) & (b), the County Administrative Officer submits the following responses to all findings from the Grand Jury report regarding the Calaveras County Jail Medical Services.

Finding 1

"The July 1, 2014 contract expired on June 30, 2015, necessitating month to month extensions until a new contract was executed on March 29, 2016." The County should never be without a valid signed contract in force. The County should ensure that expiring contracts for critical and necessary services be kept in force and current at all times.

Finding 1 Recommendation

"The County should never be without a valid signed contract in force. The County should ensure that expiring contracts for critical and necessary services be kept in force and current at all times."

Response to Finding 1 Recommendation:

The County Administrative Officer agrees with Finding 1. Currently the Administrative Office has no ability to track all contracts entered into by departments once they are routed for approval. It is the department's responsibility to ensure critical contracts are kept in force and current at all times. However, extenuating circumstances led to the expiration of the California Forensic Medical Group (CFMG) contract. A Request for Proposal (RFP) was issued for Jail Medical Services was issued on April 3, 2015 with a due date of May 22, 2015. CFMG was the only bidder and was mailed a successful bidder notification on June 16, 2015. Despite numerous attempts by the Administrative Office to contact CFMG, both by telephone, regular mail and email, no response was received from CFMG until August when negotiations were to begin with the CFMG Chief Financial Officer. The Administrative Office in conjunction with the Sheriff's Office worked to resolve issues regarding indemnification and the scope of work. Negotiations were halted during the Butte Fire response and initial recovery, but were resumed in December. The new contract was approved by the Board of Supervisors and executed on March 29, 2016. With the conversion of the County's financial system to One Solution in FY 2016-17, the county will implement the purchasing and contract management modules. This will allow departments and the Administrative Office to track the status of all County contracts.

891 Mountain Ranch Rd, Ste 31 ♦ San Andreas, CA 95249 Tel: (209) 754-6025 ♦ Fax: (209) 754-6316

Finding 3

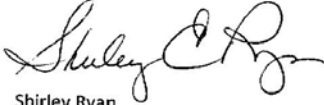
"CFMG's lack of cooperation and requirement of a subpoena in order for the Grand Jury to interview medical staff delayed the investigation process significantly."

Finding 3 Recommendation

All new contracts should include a contract provision requiring contractors to cooperate during Grand Jury civil investigations regarding public services that the County is legally obligated to provide to the public, ensuring there are no delays or resorting to subpoenas."

Response to Finding 3 Recommendation:

The Administrative Office partially disagrees with Finding 3's recommendation as some information requested by the Grand Jury from contractors may not be disclosed due to confidentiality requirements under the Health Insurance Portability and Accountability Act (HIPAA). To implement Finding 3's Recommendation, the Administrative Office will work with County Counsel to develop appropriate language for all contracts requiring contractors to cooperate during Grand Jury civil investigations regarding public services while maintaining required confidentiality under HIPAA.



Shirley Ryan
County Administrative Officer

cc: Board of Supervisors



County of Calaveras

County Administrative Office

Shirley Ryan • County Administrative Officer

Judy Hawkins • Deputy CAO-Human Resources/Risk Mgmt. Division
891 Mountain Ranch Road • San Andreas, CA 95249

209.754.6303 • FAX 209.754.6333 • HR@co.calaveras.ca.us

FILED

AUG - 8 2016

Clerk of the Court
Superior Court of California
County of Calaveras
By *[Signature]* Deputy

August 2, 2016

The Honorable Timothy S. Healy, Presiding Judge
Calaveras County Superior Court
400 Government Center Drive
San Andreas, CA 95249

RE: Response to 2015-2016 Grand Jury Report – Calaveras County Jail

Dear Judge Healy,

Please find below the Human Resources Department response to the 2015-2016 Grand Jury Report in regard to the Calaveras County Jail.

Grand Jury Finding 4:

There is inadequate correctional staff. There is a non-competitive compensation package for correctional staff.

Grand Jury Recommendation to Finding 4:

A thorough and extensive investigation should be conducted into creating a more competitive hiring package for correctional staff.

Response to Finding 4:

Human Resources agrees with the Grand Jury's finding that there is a non-competitive compensation package for the correctional staff and, as a result, it has been difficult to maintain adequate staffing.

Response to Recommendation to Finding 4:

The Grand Jury recommendation has not yet been implemented, but will be implemented in the future.

Administration • Human Resources • Risk Management • Information Technology • Capital
Improvement Projects • Purchasing • Self Insurance • Worker's Compensation
• Airport • Archives/Museum • Public Access Television



County of Calaveras

County Administrative Office

Shirley Ryan • County Administrative Officer
Judy Hawkins • Deputy CAO-Human Resources/Risk Mgmt. Division
891 Mountain Ranch Road • San Andreas, CA 95249
209.754.6303 • FAX 209.754.6333 • HR@co.calaveras.ca.us

The Human Resources Department is currently reviewing options (internal review vs. cost of external review) for conducting a Compensation & Classification study on the position of Correctional Officer as well as other positions to identify the extent of the disparity in pay compared to surrounding counties and counties of like size.

The Human Resources & Risk Director has made the County Administrative Officer aware of the turnover in the area of Correctional Officer and associated it with the pay scale not being comparable to surrounding areas. The Human Resources Department has not addressed the pay disparity at this time due to agreements made during union negotiations which were to defer pay increases for 18 months until the County could recover from the fiscal uncertainty which it faced after the Butte Fire. Negotiations with Calaveras County Public Safety Employees Association (CCPSEA) which represents correctional officers will begin new negotiations again in March of 2017. It is the intention of the Human Resources Department to address the disparity of the Correctional Officers compensation at this time.

A handwritten signature in black ink, appearing to read "Judy Hawkins".

Judy Hawkins
Deputy CAO/Human Resources & Risk Director

cc: Human Resources
County Counsel

Administration • Human Resources • Risk Management • Information Technology • Capital
Improvement Projects • Purchasing • Self Insurance • Worker's Compensation
• Airport • Archives/Museum • Public Access Television

COUNTY OF CALAVERAS

Megan K. Stedtfeld
County Counsel



OFFICE OF COUNTY COUNSEL

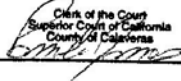
David E. Sirias, Assistant County Counsel
Julie L. Moss-Lewis, Deputy County Counsel
Michael B. Hansell, Deputy County Counsel
Sarah M. DeKay, Deputy County Counsel

August 8, 2016

The Honorable Timothy S. Healy, Presiding Judge
Calaveras County Superior Court
400 Government Center Drive
San Andreas, CA 95249

FILED

AUG - 9 2016

Clerk of the Court
Superior Court of California
County of Calaveras
By  Deputy

**RE: Calaveras County Office of the County Counsel Response to
2015-2016 Grand Jury Report—Jail Medical Services**

Dear Judge Healy,

Please find below the County Counsel Office response to the 2015-2016 Grand Jury Report concerning Jail Medical Services and the County's contract with CFMG.

Grand Jury Finding 3:

"CFMG lack of cooperation and requirement of a subpoena in order for the Grand Jury to interview medical staff delayed the investigation process significantly."

Grand Jury Recommendation based on Finding 3:

"All new contracts should include a contract provision requiring contractors to cooperate during Grand Jury civil investigations regarding public services that the County is legally obligated to provide to the public, ensuring there are no delays or resorting to subpoenas."

Response to Finding 4:

County Counsel agrees in part with this finding. County Counsel agrees that delays and subpoenas may be avoided by reminding County vendors in their service contracts that they will be expected to cooperate with Grand Jury investigations to the same extent as any County employee. County Counsel disagrees that adding this provision will "ensure" that the Grand Jury will not have to resort to subpoenas in some situations, as the extent of "cooperation" legally permitted or required may differ depending on the circumstance and the type of contract. For example, a vendor might claim that the Health Insurance Portability and Accountability Act (HIPAA) prevents it from disclosing certain

The Honorable Timothy S. Healy
August 8, 2016
Page Two

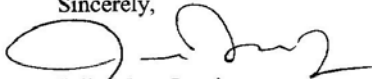
information, which may require the Grand Jury—to the extent that it disagrees—to embark on a longer information gathering process, including but not limited to the issuance of a subpoena. There are multiple circumstances (employment laws, health care laws, confidentiality laws, etc.) where a vendor might argue that it cannot lawfully disclose certain information requested by a Grand Jury in the absence of a subpoena or Court order.

If the Grand Jury does find itself in a situation where the addition of a contract term requiring cooperation does not result in the vendor timely providing the information requesting, the Grand Jury may find itself needing to rely on the power of the Court to gather the information it seeks. In this case, Penal Code §939.2 allows the Grand Jury to subpoena witnesses within the State of California directly through the District Attorney (or a District Attorney investigator) or, if it prefers, through any Judge of the Superior Court.

Response to Recommendation to Finding 4:

The recommendation to add language to vendor contracts requiring cooperation with Grand Jury investigations will be implemented within the next month or two in the form of an amendment to the County's form contract template for service providers.

Sincerely,



Julie Moss-Lewis
Deputy County Counsel

JLML/pea

cc: Clerk, Board of Supervisors




**Calaveras County
Environmental Management Agency**

Jason Boetzer ♦ Agency Administrator / Director of Environmental Health / Air Pollution Control Officer

FILED

AUG - 8 2015

Clerk of the Court
Superior Court of California
County of Calaveras
By  Deputy

August 8, 2016

The Honorable Timothy S. Healy
Calaveras County Superior Court
400 Government Center Drive
San Andreas, CA 95249-9794

Subject: Animal Services Department 2015/16 Grand Jury Response

Dear Judge Healy:

We are taking this opportunity to respectfully respond to the 2015/16 Grand Jury Report as it applies to the findings and recommendations associated with the Animal Services Department. This department is under the umbrella of the Calaveras County Environmental Management Agency. Should you have any questions, do not hesitate to contact me at (209) 754-6399.

Regards,



Jason Boetzer, Administrator
Environmental Management Agency

Encl.

cc: Calaveras County Board of Supervisors
Shirley Ryan, County Administrative Officer

Government Center, 891 Mountain Ranch Road, San Andreas, CA 95249-9709

Environmental Health Department ♦ Onsite Wastewater Department ♦ Air Pollution Control District ♦ Animal Services ♦ Department of Agriculture & Weights and Measures
(209) 754-6399 Ext. 1 (209) 754-6400 (209) 754-6399 Ext. 4 (209) 754-6509 (209) 754-6504
(209) 754-6722 Fax (209) 754-6722 Fax (209) 754-6722 Fax (209) 754-6815 Fax (209) 754-9256 Fax

**Animal Control Services (Animal Services) Response to the
Calaveras Grand Jury Report 2015/16**

FINDING 1:

"A majority of calls go to voice mail to be evaluated at a later time."

Animal Services agrees with this finding. The front desk at Animal Services receives about 100 calls per day. A number of calls are going to voicemail due to the fact that there is only one office technician answering phone calls, providing public assistance at the front counter, communicating information to the Animal Control Officer in the field regarding investigations and complaints, impounding stray animals dropped off at the office, and performing clerical and fiscal work. All voicemails are either responded to or the message is transferred to the Animal Control Officer assigned to the case.

RECOMMENDATION 1:

"Utilize volunteers in office operations when available."

This recommendation has been implemented. Animal Services does utilize volunteers in office operations when they are available. Answering the phones at Animal Services is a very demanding duty. Many calls are disturbing and highly emotional due to the sometimes graphic nature of the situation. Many callers are upset and can be quite abusive. In addition some calls contain confidential information and volunteers need to be aware when to pass a call on. Most people who want to volunteer at Animal Services want to work directly with animals.

On several occasions Animal Services was fortunate to find a volunteer to support the front desk. Unfortunately we were not successful in holding on to them. Nevertheless, Animal Services is always looking for and welcomes volunteers in general and specifically welcomes volunteers who are willing and able to work the front desk. Animal Services will be working with the volunteer coordinator to continue to seek support for the operations at the front desk.

RECOMMENDATION 2:

"An additional office technician is needed."

While Animal Services agrees with this recommendation, it will not currently be implemented, because there is inadequate funding for the position and this funding limitation is not within Animal Services' control. It will be implemented in the future if Animal Services receives additional funding. The County has added staff to Animal Services since the Department was transferred to Environmental Management. During the last year, Animal Services added 1.4

positions. By no means does this provide enough resources to provide adequate services to the public. Animal Services is still in need of an additional Animal Control Officer and an additional Office Technician. Funding is the limiting factor in implementing this recommendation. The addition of an Office Technician would in fact be ideal and is something that Animal Services should try and achieve as future budgets allow.

FINDING 2:

"An additional Animal Service Officer is needed. Due to the insufficient salary being offered it is implausible to recruit and retain a qualified Animal Service Officer."

Animal Services agrees with Finding 2.

RECOMMENDATION:

"Conduct a salary survey of surrounding counties for the position of animal service officer to determine if the current salary is competitive."

This recommendation has not yet been implemented but will be implemented in the future. Human Resources and Animal Services are planning to conduct a salary survey later this year to determine an appropriate salary level that would be attractive and would improve retention.

FINDING 3:

"The level of compliance in obtaining licenses for dogs has decreased."

Animal Services partially disagrees with Finding 3. Licensing compliance did decrease from 50% to 48%, but not to 20% as mentioned in the Grand Jury report. Animal Services disagrees that a decrease from 50% to 48% over a single year would serve as a meaningful statistic for purposes of finding a trend toward reduced compliance.

RECOMMENDATION:

"ACS should look into the enforcement of citizens obtaining licenses to increase compliance, as well as provide needed revenue."

This recommendation has been implemented when failure to license is discovered in the process of investigating other animal-related violations and will be further prioritized and enforced as time and funding allow. Due to the current inadequate staffing level, Animal Services has to triage its activities based on the hierarchy of the task. The highest priority for Animal Services is public safety; therefore the investigation of bite cases takes precedence, especially when a biting dog remains at large or continues to have access to the public. This is followed by animal welfare related calls where an animal is reported to be currently suffering. Animal Services Officers will issue citations for unlicensed dogs when this situation is encountered while responding to high priority calls.

FINDING 4:

"ACS provided care and housing for displaced animals during the Butte Fire."

RECOMMENDATION:

None

RESPONSE REQUESTED: None

FINDING 5:

"Facilities are being upgraded to meet the needs of the county animal population through the work of volunteers and from generous donations of local businesses and citizens."

RECOMMENDATION:

None

RESPONSE REQUESTED: None

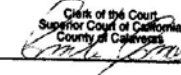
Jeff Crovitz, PE, Director

August 8, 2016

FILED

AUG 10 2016

Calaveras County Superior Court
 Attn: Honorable Timothy S. Healy, Presiding Judge
 400 Government Center Drive
 San Andreas, CA 95249-9794

Clerk of the Court
 Superior Court of California
 County of Calaveras
 By:  Deputy

SUBJECT: Calaveras County 2015/16 Grand Jury Final Report – County Integrated Waste

Honorable Timothy S. Healy,

Please find below Public Works' response to the Grand Jury Report 2015/16 investigation. You will find the recited Grand Jury's findings, and recommendations, along with the Departments response for each, below.

FINDING 1: The County has met and exceeded the mandated requirement for recyclable waste.

RECOMMENDATION: None

RESPONSE: The Public Works Department (Department) agrees with this finding.

FINDING 2: An additional 30,000 gallons of water storage is planned to be added and a facility design change completed. The existing well will be operational by the summer of 2016 to provide an additional water source.

RECOMMENDATION: Public Works must meet all commitments as shown above.

RESPONSE: The Department agrees with the content of the finding(s). The Department has created and identified funding for a capital project for the refurbishment of the existing water system or the development of a new water supply system and is currently pursuing this project. In order to reopen the facility, the Department installed and plumbed into the existing system a new 3,000 gallon storage tank, which combines with existing storage to provide approximately 10,000 gallons of on-site water storage. This was completed in 2015. The balance of this project is scheduled for construction in 2017.

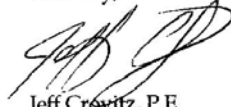
891 Mountain Ranch Road ♦ San Andreas ♦ CA ♦ 95249-9709
 Customer Service (209) 754-6402 ♦ Fax (209) 754-6664 ♦ Email: pubworks@co.calaveras.ca.us
 Web: http://www.co.calaveras.ca.us/departments/public_works.asp



BACKING GRAND JURY REPORT RESPONSE FY 2015-16 N41.DOCX

Thank you for this opportunity to respond to the Grand Jury. If you have any questions regarding these responses, please contact me at 209/754-6401.

Sincerely,



Jeff Crowitz, P.E.
Director

JC/MD/tw

CC: Board of Supervisors, care of Diane Severud, Board Clerk
Office of County Counsel, Megan Stedfeld

CALAVERAS COUNTY PUBLIC WORKS

Office of the Sheriff

1045 Jeff Tuttle Drive
San Andreas, CA 95249

Rick DiBasilio, Sheriff

209.754.6500
sheriff@co.calaveras.ca.us

FILED

AUG 10 2016

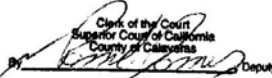
DATE: August 3, 2016

TO: Honorable Timothy S. Healey, Presiding Superior Court Judge

FROM: Rick DiBasilio, Sheriff & Jim Macedo, Captain

SUBJECT: Response to 2015-16 Grand Jury Report on the Sheriff's Office Complaint Process

Cc: Board of Supervisors

Clerk of the Court
Superior Court of California
County of Calaveras
By  Deputy

The 2015-2016 Final Grand Jury Report was reviewed by The Calaveras County Sheriff's Office and staff members. The Grand Jury's investigation into the Sheriff's Office Complaint Process outlined several findings and recommendations.

Finding 1:

"After multiple interviews with several CCSO personnel, the Grand Jury found inconsistencies in the interpretation of the complaint process."

Recommendation1:

"Develop clear language and standards for the implementation of policies and procedures so there is no room for misinterpretation by CCSO personnel when reviewing and confirming their understanding of the new policies. Additionally, such standards should include a set deadline for review."

Sheriff's Office Response:

We partially disagree with the findings.

The Sheriff's Office utilizes "Lexipol" a paid service that utilizes both legal and law enforcement experts to provide comprehensive legally defensible policies and procedures to the Sheriff's Office. The language is clear, legally defensible and in accordance with the law. While the Sheriff's Office endeavors to have all employees clearly understand the complaint process and procedures, the Sheriff's Office cannot guarantee that all employees will be able to accurately explain the internal affairs or complaint process to members of the Grand Jury. Those members from within the Sheriff's Office who practice and implement the full complaint and internal affairs process (from beginning to end), have the training, experience, expertise to fully implement and work through the entire process. Some employees are only involved in a certain part of the process. Therefore they do not practice or participate in the other portions of the complaint process. Further the Sheriff's Office cannot guarantee the Grand Jury would

be able to fully understand the complaint process. The Sheriff's Office has deadlines set forth for policy review. The process is already implemented.

Finding 2:

"There is no log in place to track formal or informal complaints (written or verbal) unless they become an Internal Affairs investigation."

Recommendation:

CCSO should create a log and follow their Policy and Procedures Manual Section 1020.5 Which states:

"All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the department shall audit the log and send an audit report to the Sheriff or the authorized designee."

Sheriff's Office's Response:

We disagree with the findings. There has been a log in place for several years.

The Sheriff's Office does in fact have a log in place and tracks and maintains forms on both formal and informal complaints (written or verbal). The following quote from the Grand Jury report, *"There is no log in place to track formal or informal complaints (written or verbal) unless they become an Internal Affairs investigation"* is inaccurate. There is a log in place for formal citizens' complaints. This log has been in place for several years. A copy of this log was provided to the Grand Jury. The Grand Jury noted that it reviewed the log during its investigation on page 38 of the Grand Jury report. Informal complaints are also stored in a separate file and tracked by complaint type within the year. The process is already implemented.

Finding 3:

"The Grand Jury finds that not all complaints were documented properly."

Recommendation 1:

"Establish a central log to ensure all citizens; complaints, whether verbal, written or otherwise, are tracked and completed in accordance with policy and procedure."

Sheriff's Office Response: The Sheriff's Office disagrees with the findings.

A central log is in fact in place and has been in place for several years. It is maintained by the Captain in charge of Internal Affairs. All formal and informal complaints are to be routed to the Captain in charge of Internal Affairs for Records Retention and for annual reporting to the Department of Justice. Informal complaints are not routed to the Department of Justice and kept in a separate electronic file for proper file management and reporting purposes. The process is already implemented.

Recommendation 2:

"The process for any and all complaints must be initiated as soon as an employee becomes aware of a complaint or violation of policy or procedure involving a peace officer and in accordance with Section 1020.3.2 (b) (c)."

Sheriff's Office Response:

Calaveras County Sheriff's Office Policy Manual Section 1020.3.2 (b), (c) states "The following applies to the source of complaints (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor. " (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action." Recommendation : 2 above does not accurately reflect what is in the policy. The policy does not require the process for any and all complaints to be "initiated as soon as an employee becomes aware of a complaint or violation." While we do respond to the complainant to accept the complaint without unnecessary delay, it is not practical or reasonable to launch into initiating an investigation or internal affairs investigation as soon as we" become aware." Further, during times of heavy calls for service or during the investigation of serious crimes the supervisor on duty is not required to initiate "any" complaint process as soon as he/she becomes aware of a complaint. This is especially true for minor informal complaints. Supervisors are trained to address serious complaints immediately however; the protection of life and property will be a priority prior to taking non-serious complaints. To be clear the Grand Jury's recommendation above is not consistent with our policy. The application and implementation of the policy is clearly described within this paragraph.

Finding 4:

“There are clear differences in wording and inconsistencies in the complaint process procedure among the copies of the CCSO Policy and Procedure Manual.”

Recommendation:

“All CCSO Staff should have the current adopted Policy and Procedural Manual readily available. It should be the only material used or referenced. Draft copies should never be in circulation.”

Sheriff’s Office Response: The Sheriff’s Office partially agrees with the Grand Jury’s findings.

All CCSO staff does in fact have the current adopted Policy Manual readily available. It is available in an electronic file and has been for several years. Employees can also access the policy via Lexipol using the internet.

The Grand Jury did not point out what the differences were noted in the findings. This would have been helpful. Upon review and research the only difference the Sheriff’s Office could locate involved Policy Section 1020.4.2 Acceptance, states *“All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor.”* The CCSO Complaint instruction form states that, *“Complaints may be received by any Sheriff’s Office Supervisors, which includes the Sheriff, Communications Manager, Captains, Lieutenants and Sergeants.”* The purpose of both the Policy and form is to ensure complaints get into the hands of a supervisor for an appropriate response.

Draft copies are circulated annually to all department members. This is the time when employees have a chance to point out any errors or conflicts between policy and procedure or other laws. While this review is also completed by outside legal and law enforcement experts, it is also imperative to make sure that internal employees not only have a chance to review and comment, employees are also encouraged to make changes and point out policies that are not consistent with how we operate. While it is unfortunate that a staff member accidentally initially sent the Grand Jury a copy of the Draft format instead of the approved final version the recommendation of never circulating draft copies is neither appropriate or acceptable. The benefits of the employees reviewing the draft document annually far outweigh the accidental submission of the draft copy in this particular case. The Sheriff’s Office will however, train all staff to ensure they are using and reviewing the final approved copy. The final copy has already been placed onto the Sheriff’s website.

Finding 5:

“During the review of the complaint process the Grand Jury was met with a lack of cooperation whether intentional or unintentional, which delayed the investigatory process significantly.”

Recommendation:

“The CCSO should be more forthcoming in furnishing requested documents and information to the Grand Jury in a timely manner in accordance with PC 832.7.”

Sheriff’s Office Response: The Sheriff’s Office agrees with findings that there was a delay however, the circumstances were unique and rare and there was no intentional disrespect in the delay.

There was no intentional lack of cooperation by the Sheriff’s Office staff to the Grand Jury. The only perceived lack of cooperation may have stemmed from the following; The Captain in charge of maintaining the Internal Affairs files was attending the FBI National Academy in Quantico Virginia at the time the Grand Jury request was made. The FBI Academy began in October 2015 and finished in December of 2015. The only other employee with access to the file was the late Sheriff Gary Kuntz who had unexpectedly died in October of 2015. The Internal Affairs and Complaint File and its contents are considered a confidential employee file maintained in accordance with the laws of the State of California. This file is not accessible to other employees within the Sheriff’s Office for specific lawful reasons. The Captain was notified of the request while he was in Quantico Virginia. At the time he was not able to remotely access this file. Unfortunately the Grand Jury had to wait until the Captain returned to Calaveras County to obtain the document. There was no disrespect intended toward the Grand Jury by the delay in obtaining this file.

Finding 6:

“On at least one occasion, the CCSO failed to document a complaint and failed to do an internal affairs investigation. Selectively deciding when to not document a complaint or conduct an internal affairs investigation is contrary to current policy and procedure. ”

Recommendation:

“The CCSO should follow their written policy and procedure, Section 1020.3.2(b) (c), when handling citizens’ complaints and conduct and internal affairs investigation when warranted. ”

Sheriff’s Office Response: The Sheriff’s Office agrees that on the occasion noted below the employee should have notified his/her chain of command for full documentation purposes. The Sheriff’s Office does not have sufficient information to address any other instances.

As of the completion of this document the Sheriff’s Office does not know which complaint the Grand Jury is referring to within this specific finding. It is very difficult for the Sheriff’s Office to determine what specifically occurred and what corrective action to take without being provided with the name, date or some details of the complaint referenced by the Grand Jury. It should be noted, at one point a personnel complaint was delivered to the Sheriff’s Business Office and passed on to a sheriff’s supervisor who works and supervises staff at another building outside of the Sheriff’s Office. The Sheriff’s Office supervisor made several attempts to contact the complainant who appeared to be avoiding contact. During this time, the Sheriff’s Office Supervisor did not notify the Internal Affairs Captain of the existence of this complaint. When the Grand Jury requested the log mentioned within this investigation, the Sheriff’s Office provided the internal affairs log to the Grand Jury without the complaint noted above. After several unsuccessful attempts over a period of a couple of months to contact the complainant in person and by telephone, the Sheriff’s Supervisor completed a document outlining his/her actions and the attempts to contact the complainant without results. The Sheriff’s Supervisor then provided the entire document to the Internal Affairs Captain. Upon receiving the complaint the Internal Affairs Captain immediately contacted the Grand Jury and provided them with an updated log explaining what had occurred. The Sheriff’s Office has met with staff involved in this incident and addressed the importance of procedure relating to complaints. It is also important to note that the Sheriff’s Office receives various types of personnel complaints throughout the year. There is a specific process involving interviews and investigations. The Sheriff’s Office interviews complainants in order to determine if they want a formal complaint filed. The type of complaint is then reviewed and if appropriate investigated to determine if a policy or procedure violation exists. Not all complaints require a formal internal affairs process. The Sheriff’s Office makes every attempt to document formal complaints in accordance with policy and procedure. The Sheriff’s Office takes both verbal and written complaints. At times a complainant may change his/her mind or decides against cooperating. This is not an uncommon occurrence.

Finding 7:

“The complaint form and process is difficult to find on the CCSO Website.”

Recommendation:

“Make the website www.sheriff.co.calaveras.ca.us user friendly for all citizens with a clear link to the complaint form on the home page.”

Sheriff's Office Response:

The Sheriff's Office has placed a link on the home page under forms to the personnel complaint form. The form is easy to locate and requires two clicks of the mouse. The recommendation has been implemented. <http://sheriff.calaverasgov.us/Forms.aspx>

Finding 8:

“The Draft rather than the adopted complaint policy is on the website.”

Recommendation:

“Ensure that the CCSO website contains the current adopted policy and procedure for complaints.”

Sheriff's Office Response:

The current adopted policy and procedure has been placed onto the sheriff's website. This was a minor error whereby the employee responsible for providing the policy simply clicked on the “draft” policy as opposed to the approved policy. The recommendation has been implemented.

End



**Superior Court of California
County of Calaveras**

400 Government Center Drive
San Andreas, CA 95249
(209) 754-9800 Voice (209) 754-6296 Fax
www.calaveras.courts.ca.gov

Timothy S. Healy
Presiding Judge

Grant V. Barrett
Asst. Presiding Judge

Dan Vrtis
Court Executive Officer

David M. Sanders
Commissioner

September 8, 2016

California State Archive
1020 "O" Street
Sacramento, CA 95814

Calaveras County Clerk
(via inter-office mail)

Calaveras County Grand Jury
(via inter-office mail) ✓

Pursuant to Penal Code 933(b) we are forwarding a copy of the 2015-2016 late response to the Grand Jury Report from the Calaveras County Board of Supervisors.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Pamela James".

Pamela James
Deputy Clerk
Judicial Administration



CALAVERAS COUNTY

BOARD OF SUPERVISORS

891 Mountain Ranch Road San Andreas, California 95249 (209) 754-6370 FAX (209) 754-6316

FILED

August 30, 2016

The Honorable Timothy S. Healy Presiding
Judge
Calaveras County Superior Court
P.O. Box 850
San Andreas, CA 95249

SEP - 7 2016
Clerk of the Court
Superior Court of California
County of Calaveras
By [Signature] Deputy

Judge Healy:

In accordance with California Penal Code (CPC) Sections 933 (c) and 933.05 (a) & (b) the Board of Supervisors submits the following responses to all findings from Grand Jury report regarding Animal Control Services, the Calaveras County Jail and Calaveras County Jail Medical Services. The Board also wishes to thank the members of the Grand Jury for their volunteerism and dedication to public service which made it possible for this report to be completed.

Animal Control Services (ACS)

Finding 1

"A majority of calls go to voice mail to be evaluated at a later time."

Finding 1, Recommendation 2

"An additional office technician is needed."

Response to Finding 1, Recommendation 2

The Board of Supervisors agrees with this finding. The recommendation will be implemented when increases to discretionary General Fund revenues allow. The County's General Fund annual expenditures continue to exceed annual General Fund revenues requiring the use of one-time funds to balance the County's General Fund budget. It should be noted that the Board of Supervisors approved an additional Animal Shelter Assistant position effective January 2016 and a 0.4 Paralegal position as part of the FY 2015-16 Recommended Budget. The Board also included an appropriation of \$5,102 for Extra Hire to provide additional coverage as needed. This will be increased as funding becomes available.

Finding 2

"An additional Animal Service Officer is needed. Due to the insufficient salary being offered it is implausible to recruit and retain a qualified Animal Services Officer."

Finding 2 Recommendation

"Conduct a salary survey of surrounding counties for the position of animal service officer to determine if the current salary is competitive."

Cliff Edson
District 1
754-6370

Chris Wright
District 2
304-3729

Michael C Oliveira
District 3
754-6308

Debbie Ponte
District 4
754-6309

Steve Kearney
District 5
754-6310

Response to Finding 2 Recommendation

The Board of Supervisors agrees with the Grand Jury's finding that a salary survey needs to be done to determine if the current salary for Animal Services Officer is competitive. The Grand Jury recommendation will be implemented in the future. The Human Resources Department is currently reviewing options (internal review vs. cost of external review) for conducting a Compensation & Classification study on the position of Animal Services Officer as well as other positions to identify the extent of the disparity in pay compared to surrounding counties and counties of like size. The County has not addressed the pay disparity at this time due to agreements made during union negotiations which were to defer pay increases for 18 months until the County could recover from the fiscal uncertainty which it faced after the Butte Fire. Negotiations with Calaveras County Public Safety Employees Association (CCPSEA) which represents Animal Services Officers will begin new negotiations again in March of 2017. It is the intention of the County to address the disparity of the Animal Services Officer compensation as part of negotiations.

Calaveras County Jail

Finding 4

There is inadequate correctional staff. There is a non-competitive compensation package for correctional staff."

Finding 4 Recommendation

A thorough and extensive investigation should be conducted into creating a more competitive hiring package for correctional staff."

Response to Finding 4 Recommendation

The Board of Supervisors agrees with the Grand Jury's finding that there is a non-competitive compensation package for correctional staff. The Grand Jury recommendation has not yet been implemented, but will be implemented in the future. Human Resources is currently reviewing options (internal review vs. cost of external review) for conducting a Compensation & Classification study on the position of Correctional Officer as well as other positions to identify the extent of the disparity in pay compared to surrounding counties and counties of like size. The County has not addressed the pay disparity at this time due to agreements made during union negotiations which were to defer pay increases for 18 months until the County could recover from the fiscal uncertainty which it faced after the Butte Fire. Negotiations with Calaveras County Public Safety Employees Association (CCPSEA) which represents correctional officers will begin new negotiations again in March of 2017. It is the intention of the County to address the disparity of the Correctional Officers compensation during negotiations.

Calaveras County Jail Medical Services

Finding 1

"The July 1, 2014 contract expired on June 30, 2015, necessitating month to month extensions until a new contract was executed on March 29, 2016."

Finding 1, Recommendation

"The County should never be without a valid signed contract in force. The County should ensure that expiring contracts for critical and necessary services be kept in force and current at all times."

Response to Finding 1, Recommendation

The Board of Supervisors agrees with the Grand Jury's recommendation that the County should have a valid signed contract in force at all times. As there is currently no mechanism for the Purchasing Agent to track all County contracts, it is the department's responsibility to ensure critical contracts are kept in force and current at all times. The Purchasing and Contract Management modules will be implemented as part of the migration of the County's financial system to One Solution. The Contract Management module will provide the necessary tracking of all contracts. The migration to One Solution and implementation of the Purchasing and Contract Management modules is expected to be completed during FY 2016-17.

Finding 3

"CFMG's lack of cooperation and requirement of a subpoena in order for the Grand Jury to interview medical staff delayed the investigation process significantly."

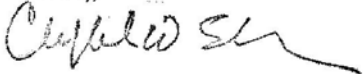
Finding 3, Recommendation

All new contract should include a contract provision requiring contractors to cooperate during Grand Jury civil investigations regarding public services that the County is legally obligated to provide to the public, ensuring there are no delays or resorting to subpoenas."

Response to Finding 3, Recommendation

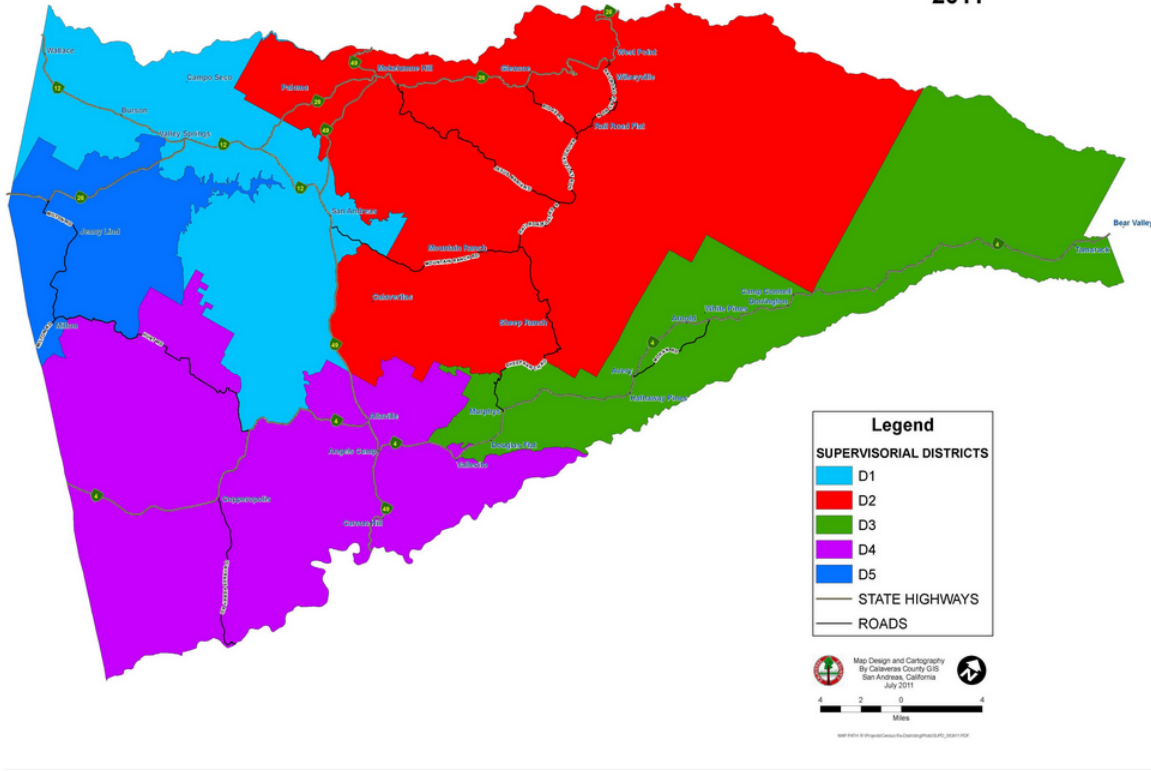
The Board of Supervisors partially disagrees with Finding 3's recommendation. The Board agrees that while some delays and subpoenas may be avoided by adding language to the contract, some information requested by the Grand Jury from contractors may not be disclosed due to confidentiality requirements such as under the Health Insurance Portability and Accountability Act (HIPAA). To implement Finding 3's Recommendation, the Administrative Office will work with County Counsel to develop appropriate language to be included in all contracts that will require contractors to cooperate during Grand Jury civil investigations regarding public services while maintaining required confidentiality under HIPAA, employment law, etc.

Sincerely,



Cliff Edson, Chair
Board of Supervisors

**CALAVERAS COUNTY
SUPERVISORIAL DISTRICTS
2011**



- District 1: Gary Tofanelli
- District 2: Jack Garamendi
- District 3: Michael C. Oliveira
- District 4: Dennis Mills
- District 5: Clyde Clapp