



Photo by Adrienne Rainwater ©

Amador County Civil Grand Jury Final Report 2016-2017



AMADOR COUNTY GRAND JURY

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

Email: grandjury@amadorgov.org

June 20, 2017

The Honorable Judge J.S. Hermanson, Presiding Judge
Amador County Superior Court
500 Argonaut Lane
Jackson, California 95642

Dear Judge Hermanson:

It is with great honor that we present to you the 2016-2017 Amador County Grand Jury Final Report. I appreciate the opportunity to have served as the foreperson for this dedicated group of people.

The members of this year's Grand Jury, both new members and holdovers, have done an outstanding job and have served the Jury with great enthusiasm and professionalism. The investigations and interviews the Jury conducted produced an outstanding Final Report. I have nothing but admiration for the people who served this year and the ones that will carry on.

On behalf of all the Grand Jury members, we want to thank you for your support and guidance. I would like to give special thanks to Frannie Weinrob, Correspondence Secretary, for her dedication to the job, and also the Edit & Review Committee that worked overtime to get these reports out.

The Grand Jury would also like to thank Jennifer Magee, County Counsel, for her legal assistance, and Ed Knapp, Special Counsel, for his legal assistance and guidance, and all the various County employees that helped facilitate this process.

Respectfully submitted,

A handwritten signature in cursive script that reads "Bobbi Laughton".

Bobbi Laughton, Foreperson
Amador County Civil Grand Jury 2016-2017



**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF AMADOR**

500 ARGONAUT LANE • JACKSON, CA 95642
(209) 257-2600

ROB KLOTZ, COURT EXECUTIVE OFFICER

June 8, 2017

Bobbi Laughton, Foreperson
Amador County Grand Jury
PO Box 249
Jackson, CA 95642

Re: Amador Grand Jury 2016-2017

Dear Foreperson Laughton, Sharon Anderson, Adrienne Rainwater, Amy Hess, Phyllis Johnston, Deborah Lagorio, Danella McCall, Ray Mumolo, Cari Taylor, Kenneth Perano, Stephen Gillentine, Nanci Ralph, Ronald Rockett, Patricia Scroggins, James Shock, Chris Cantwell, Deborah Wake-Tyler, Frances Weinrob, and Alan Rush:

I wish to thank each of you for the hard work and dedication shown during the past year on the Amador 2016-2017 Grand Jury. You have taken your duties seriously and spent time away from family, friends and other responsibilities in order to produce an insightful, professional report.

Ms. Laughton, your excellent leadership as foreperson is well noted, and the other members' efforts in assisting are apparent. On behalf of the residents of Amador County, thank you for the generous donation of your time and commitment to the Grand Jury. Your work will ensure improvement and confidence in our local government.

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

Sincerely,

Judge J.S. Hermanson

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Notice to Respondents

Response Requirements

The legal requirements for responses to the Grand Jury findings and recommendations are contained in California Penal Code (PC) §933.05. Each respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel before responding.

For assistance to all respondents, PC §933.05 is summarized as follows:

Responding to Findings

The responding person or entity shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding. The response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

Reporting Action in Response to Recommendations

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

1. The recommendation has been implemented, including a summary of the implemented action.
2. The recommendation has not been implemented, but will be implemented in the future. This response should include a timeframe for implementation.
3. The recommendation required further analysis. The law requires a detailed explanation of the analysis or study and the timeframe not to exceed six months. In this response, the analysis or study must be submitted to the officer, director, or governing body of the agency being investigated.
4. The recommendation will not be implemented because it is not warranted, or is not reasonable, with an explanation.

Final Report Response Format

The following standard format is to be used when responding to the Grand Jury's report and is to be used by all agencies when responding:

Responding Agency _____

Response by __ (Governing Body, Department Head) _____

Finding number one: State the finding as written in the Grand Jury report.

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

Recommendation number one: State the recommendation as written in the Grand Jury report.

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

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

Amador County 2016-2017 Grand Jury Members



Back row: Ron Rockett, Alan Rush, Ken Perano

Middle row: Danella McCall, Cari Taylor, Amy Hess, Frannie Weinrob, Raymond Mumolo,
Sharon Anderson, Chris Cantwell

Front row: Phyllis Johnston, Adrienne Rainwater, Patricia Scroggins,
Bobbi Laughton (Foreperson), Nanci Ralph, Deborah Wake-Tyler, Deborah Lagorio

Not present: Jim Shock, Stephen Gillentine

Criminal Justice Committee Report
Amador County Sheriff's Office Jail Inspection

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Authority

California Penal Code (PC) 919 mandates that the Grand Jury shall inquire into the condition and management of the public prison within the county.

Summary

The Amador County Jail (ACJ) is in dire need of expansion and updating. A project has been proposed which would add two housing pods, each consisting of 20 to 24 beds, and an outdoor exercise area. This proposal was approved by the Amador County Board of Supervisors on November 2, 2015. The project is scheduled to be occupied in November 2019 using Senate Bill 863 funding, adding an additional 40 beds.

The Capital Facilities Fee can only be used for development and construction of Jail (Brick & Mortar), and cannot be used for operations and maintenance costs. On January 4, 2017 the project schedule was revised and reflects construction completion on August 2, 2019.

Background

The ACJ is a Type Two Facility, a local detention facility for adult inmates either awaiting arraignment, during a trial, or upon sentencing of commitment.

Method of Study

A briefing and tour were conducted by Amador County Sheriff and staff on October 26, 2016. A follow-up meeting occurred with the General Services Administration Director.

Budget

The current budget is \$4,572,529, of which \$3,172,169 is allocated for Staff, \$616,666 is allocated for Services and Supplies, and \$624,361 is allocated for Inmate Health Services. The County Wide Cost Allocation Plan adds \$159,333.

Due to the average number of inmates over the past 16 months being reported at 85, the average cost per inmate is \$53,794.46 per year, based on the approved budget figures for this fiscal year.

Inmates

The Board and State Community Corrections Agency (BSCC) has rated the jail capacity at 76 inmates: 65 males and 11 females. The current jail facility can house up to 105 inmates with the current modifications to the facility, but this still exceeds the BSCC rated capacities and Title 24 Regulations. Currently, there are 94 inmates in the facility: 78 males and 16 females. Of this total, 56 were not yet sentenced and 38 have been sentenced. Nine inmates are being housed at other facilities. The ACJ has housed up to 105 inmates at one time. A Sheriff's Parole is available after a monthly review: nine inmates were paroled in 2014, six inmates in 2015, and five inmates in 2016. The average number of inmates over the past 16 months was 85.

Assembly Bill 109 resulted in an 87% increase in felony admissions. The State projected between 10-1-2011 and 09-30-2013 there would be 5 new parole violators with local terms in jail. The jail actually had 106 new parole violations for that time period.

Due to the overcrowding of the ACJ, inmates may be released early with a Court Order pursuant to PC Section 4024. In 2014, 323 persons were released; in 2015, 296 persons; and in 2016, 216 persons were reported to have been released pursuant to PC 4024.

Incoming inmates are interviewed by staff, and may be refused incarceration until cleared by Sutter Amador Hospital, or by a competent mental health therapist. A nurse is available five days per week, while being on call 24/7. A mental health therapist visits one day a week, with a Crisis Worker on call 24/7. Gynecological and pregnancy services are available. The ACJ staff ensures that all inmates are taken to health care appointments if needed. No inmate is denied necessary medical treatment.

Education classes are available from Alcoholic Anonymous, Narcotics Anonymous, Positive Parenting Life Skills Education Studies, Bible Study, Behavioral Health Studies, and High School and GED (General Education Development) Prep.

Grievances are attempted to be resolved at the lowest level. If there is no resolution, then the inmate can file a Criminal Grand Jury Complaint, followed by a Superior Court Writ. Most of the grievances are medical in nature.

Staff

There are 30 positions in the ACJ Staff: One Captain, one Lieutenant, six Sergeants, fourteen Level Two Correctional Officers, six Level One Corrections Officers, and two Correctional Assistants. Currently, there are the following vacant positions: One Corrections Sergeant, two Correction Officers, and one Corrections Officer Assistant position. The Corrections Officer positions have candidates currently in the background portion of the hiring process. A female officer is always on duty to attend to incarcerated females.

Training consists of a CORE (Correctional Officer Required Education) course (178 hours), a PC 832 (Introduction to Basics for Penal Officers) course (40 hours), a STC (Standards Training for Corrections) course (24 hours), a cultural diversity course (8 hours), and a mental health first-aid course (8 hours). Specialized training is also available in Anxiety disorders, PTSD (Post Traumatic Stress Disorder), Poly-Trauma (8 hours), Inmate Hearings and Progressive Discipline (8 hours), CAL-GANG (National Alliance of Gang Investigators Association) and the Prison Rape Elimination Act (PREA).

Past and current Jail Needs Assessments reviewed the staffing levels of the jail and found that the current authorized staffing for the Amador Jail is inadequate. Even if every vacancy were filled with a fully trained staff member, the facility would not have enough staff to provide adequate staffing.

Findings

- F1. The Amador County Jail, built in 1984 with a 20-year lifespan, is obsolete and overcrowded. It has an aging infrastructure, a lack of programming space, and an inability to properly classify and segregate inmates. An expansion and renovation of the facility was approved on November 2, 2015.
- F2. As a result of California State Assembly Bill 109, the prison system continues to work on reducing their population, and in turn, contributes to the County Jail's overcrowding issues.
- F3. The current authorized staffing for the Amador Jail is inadequate.

Recommendations

- R1. The expansion and renovation plan should proceed as soon as possible.
- R2. It is recommended that alternative funding be sought for the replacement of the current Jail Facility as the planned addition to the jail is seen as a short-term resolution.
- R3. It is recommended that funding be sought for additional staffing to rectify old deficiencies and to bring the current and new facility to adequate staffing levels in accordance with acceptable local adult detention facility practices.

Request for Response

Responses to Findings and Recommendations in this report are required by law in accordance with California PC 933(c).

From the following individuals:

- Amador County Sheriff is required to respond no later than 60 days after the Grand Jury submits a Final Report.

From the following governing board:

- Amador County Board of Supervisors is required to respond no later than 90 days after the Grand Jury submits a Final Report.

Address response to:

- The Presiding Judge
Amador County Superior Court
500 Argonaut Lane
Jackson, California 95642

Documents Received

- 2016-2017 Approved Jail Budget: County of Amador, State of California, Budget Unit Financing Uses Detail, Fiscal Year 2016-2017
- 2016-2017 Approved Jail Health Services Budget: Fiscal Year 2016-17 Amador County Departmental Budget Summary, Description and Performance Measurements
- Fourteen-Page Power Point Presentation
- Jail Manual Sections:
 - G-1 Grievance Policy
 - M-1 Medical care, female inmates
 - Medical Receiving and Screening
 - Medical Diet forms
 - Aramark Weekly Diet Schedule
- Jail Needs Assessment Update July 2015, Nacht & Lewis and Vanir, Inc. & Criminal Justice Research Foundation

Criminal Justice Committee Report
California Department of Corrections
Mule Creek State Prison

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Authority

California Penal Code (PC) 919 mandates that the Grand Jury shall inquire into the condition and management of the public prison within the county.

Summary

The focus of the November 9, 2016 Mule Creek State Prison (MCSP) inspection was the overall operation of the facility, including overcrowded housing of inmates and inmate programs.

Background

MCSP is a maximum-security prison, opened in 1987, and currently housing 3,518 inmates.

Construction of the In-Fill Facility was completed and currently houses inmates. The capacity of the In-Fill Facility is 1,584. There were 830 inmates on the day of inspection in the In-Fill Facility, 53% of designed capacity.

The Vision Statement of the Mule Creek State Prison is a safer community through excellence in a prison service built on respect for human dignity.

Mule Creek State Prison has the following set of core values:

- Public Safety - Serve the public as a key element of the criminal justice system and endeavor to make a positive contribution to society.
- Leadership - Aspire to be positive role models and encourage others to excel.
- Integrity - Act lawfully, transparently, honestly, reliably, fairly, and ethically.
- Respect - Treat everyone with courtesy and respect and concern for their dignity, equality and human rights.
- Courage - Do what is right, even when confronted with adversity.
- Excellence - Conduct ourselves with distinction.
- Teamwork - Work together, forming effective partnerships with all stakeholders so that our performance benefits from a broad range of perspectives, insights and advice.
- Accountability - Responsible to ourselves and others for our actions and decisions.

Method of Study

A briefing and tour were conducted by the Warden and staff.

Areas inspected:

- Administration Building

- In-Fill Facility
- Prison Industry Authority
- Food Preparation
- Coffee Roasting Plant
- Meat Cutting Plant
- Education Unit
- Yard
- Housing Block
- Day Room
- Dining Room
- Religious Area - Chapel
- Mail Room

American Correctional Association Accreditation

MCSP is accredited through the American Correctional Association (ACA).

An ACA audit involves assessments that cover administration and management, the physical plant, institutional operations and services, and inmate programs. It also assesses issues and concerns that may affect the quality of life at a facility, such as staff training, adequacy of medical services, sanitation, use of segregation and detention, incidents of violence, crowding, offender activity levels, programs, and provisions of basic services that may impact the life, safety and health of inmates, as well as staff.

Through the standards and accreditation process, MCSP continuously reviews agency policy and procedure, and has the ability to make necessary improvements when deficiencies are recognized.

Performance-based standards provide data that can be used in the day-to-day management of the facility, reducing the occurrence of significant events. Accredited agencies, such as health care facilities, will find it easier to recruit and retain health care professionals. Not only does compliance provide agencies with a cost-effective, proactive approach to offender health care, but it can be used to justify requests for additional funding.

ACA accreditation requires written policy and procedures to establish a training and staff development program for all categories of personnel. The training requirements address all pre-service, in-service and specialized training curricula with clear timelines, and considers the institution's mission, physical characteristics, and inmate populations. The professional growth of employees is systematically developed through training plans that annually identify current job-related training needs in relation to position requirements, current correctional issues, new theories, techniques, and technologies.

Staff, as well as offenders, benefit from increased accountability, attention to physical plant issues, and security procedures. Whether a facility or program, the accreditation process ensures a clear assessment of strengths and weaknesses.

Accredited agencies have a stronger defense against litigation through documentation and the demonstration of a good faith effort to improve conditions of confinement.

On March 24, 2016, MCSP received certification from the American Correctional Association after four days of inspections, interviews, and a review of standards. The findings confirm that MCSP is providing quality health care and inmate programs.

ACA accreditation is intended to improve facility operations through adherence to clear standards relevant to all areas/operations of the facility, including safety, security, order, inmate care, programs, justice, and administration. The Standards and Accreditation Department's staff facilitates the accreditation process from initial contact through assessment, contracting, preparation of the accreditation audit, and lastly, the appearance before the Commission on Accreditation for Corrections for a final accreditation decision. ACA Standards' Specialists work directly with facility or agency management to introduce them to the accreditation process, provide necessary documentation, assign and train auditors to each facility, and discuss with facilities the specific requirements of each standard.

Prison Rape Elimination Act (PREA)

MCSP is accredited for meeting the standards set forth by PREA.

Budget

The current budget is \$233,541,467, of which \$6,649,987 is allocated for Administration, \$105,007,028 is allocated for Custody, \$31,533,205 is allocated for Inmate Support, \$84,087,966 is allocated for Health Care, \$5,860,969 is allocated for Education, and \$102,312 is allocated for Community Partnership.

Inmates

The intake procedure is based upon the safety of the inmates and staff. Inmates are normally housed to the general population. Review and reassignment are based on the inmate's behavior while at MCSP.

There are 117 inmates assigned to the Administrative Segregation Unit (ASU).

About 36% of the inmates are 50 years of age and over, with their lifestyles adding another ten years to their mental and physical age. Of the total population, 36% are considered medically high risk, 10% are disabled, 54 inmates are transgender (still in the population), and twenty are special needs (due to public interest, a serial killer, or otherwise at-risk).

Nearly one-third of the inmates currently receive some type of mental health treatment and are seen by staff at least once every 90 days.

There are approximately 40,000 health care visits by inmates per month. This care is delivered by 426 MCSP employees. Six-hundred enhanced outpatient inmates are segregated, and must receive ten hours of treatment per week.

All inmates have access to ten academic teachers, four vocational instructors, and six educational para-professionals. Classes are all day, and are available five days a week, with a minimum of 27 students per class. Inmates are required to either attend classes or work while in custody. Inmates have the opportunity to study for and obtain their GED (General Education Diploma). California Department of Corrections and Rehabilitation (CDCR) has a 66% pass rate. In 2014, MCSP had a 27% pass rate, and a 59% pass rate in 2015.

Students are able to take college-level classes, which can lead to a college degree. Classes are affiliated with Folsom Community College and Feather River Community College. There are 1,400 students in the program with a staff of 57.

Integrated TV (IDTV) is coming to MCSP and will feed programs to MCSP for college courses, GED Readiness courses and regular broadcasts.

The number of inmates released that have been re-incarcerated from CDCR in 2012 was 65%, and 44.6% in 2014.

Relaxed state laws have reduced prison populations in state prisons, having little impact on the population of MCSP, due to it being a maximum-security facility.

Prisoners Overcoming Obstacles and Creating Hope (POOCH)

In July 2016, Tender Loving Canines Assistance Dogs (TLCAD) partnered with MCSP to create this program. Inmates, selected through classification and other criteria, are assigned to a specific dog for the purpose of bonding, training, and care in order to train the dogs for placement with individuals with autism, and veterans with disabilities.

TLCAD uses positive reinforcement dog training methods that are scientific and evidence-based. As inmates learn positive reinforcement skills, they acquire a new repertoire of behavior that evidence demonstrates increases adaptive, communication, and social skills while reducing the recidivism rate.

Staff

The total fulltime staff at MCSP is 1,691 staff. The staff-to-inmate ratio is one staff member to every 2.08 inmates in total. This takes all staff members into account. Of the 1,691 staff, there are 872 Peace Officers, 168 support staff, 15 executive staff, 429 Health Care personnel, 67 education personnel, 32 Prison Industry Authority personnel, and 108 Plant Operations and Food Services personnel. The ratio of Health Care personnel to inmates is one Health Care person for every 8.20 inmates in total.

In-Fill Facility

A bus and walking tour of the new facility occurred. The In-Fill Facility is designed to

hold 1,584 inmates and has relieved the overcrowding that occurred in the past at MCSP. The housing consists of six-inmate dorms, instead of the current two-inmate cells.

Findings

- F1. All questions that were presented in advance by the Grand Jury were answered professionally, and in detail, during the preliminary briefing by the Warden and staff, and during the tour of the facilities.
- F2. The In-Fill Facility has relieved inmate overcrowding that occurred in the past at MCSP.
- F3. MCSP has a philosophy of education and/or rehabilitation, which is shown through the many valuable programs that are offered to the inmate population.
- F4. MCSP is listed on the ACA website as an accredited facility.

Recommendations

- R1. It is recommended that MCSP continue to populate the In-Fill Facility to aid in preventing future overcrowded inmate situations.
- R2. It is recommended that MCSP continue to strive with the programs in place and research future programs for the health, welfare and safety of inmates and staff.
- R3. It is recommended that MCSP and the California Department of Corrections continue to search for and find economical ways to lower the operating budget of the facility.

Request for Response

Responses to Findings and Recommendations in this report are required by law in accordance with California PC 933(c).

From the following individuals:

- Mule Creek State Prison Warden is required to respond no later than 60 days after the Grand Jury submits a Final Report.

Address response to:

- The Presiding Judge
Amador County Superior Court
500 Argonaut Lane
Jackson, California 95642

Documents Received

MCSP Booklet revised in 2016, which included the following:

- Mission Statement
- MCSP Goals and Objectives
- Contact Information
- Introduction and History of the Warden
- Introduction and History of CEO W. David Smiley
- History of MCSP
- American Correctional Association Accreditation
- MCSP Health Care Services Overview
- MCSP K-9/Investigative Services Unit
- MCSP Honor Guard
- Institutional Facts/Inmate Population
- Education
- Volunteer Groups and Inmate Donations
- Introduction to Prison Industry Authority
- Institutional Map
- Facility A (Map and Yard Specs)
- Facility B (Map and Yard Specs)
- Facility C (Map and Yard Specs)
- Minimum Support Facility (MSF) (Map and Yard Specs)
- Facility D (Map and Yard Specs)
- Facility E (Map and Yard Specs)
- MCSP In-Fill Complex Progress
- Additional Contact Information
- MCSP Medal of Honor and Employee/Community Involvement
- MCSP Budget
- “MCSP In-Fill Facility of the Month”/Correctional News - July/August 2016

Criminal Justice Committee Report
California Department of Corrections and Rehabilitation
Pine Grove Youth Conservation Camp

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Authority

California Penal Code (PC) 919 mandates that the Grand Jury shall inquire into the condition and management of the public prisons within the county.

Summary

The focus of the November 17, 2016 Pine Grove Youth Conservation Camp (PGYCC) inspection was the welfare of the inmates and staff. The PGYCC is the only youth camp which is operated by a partnership between the California Department of Corrections and Rehabilitation (CDCR), the Division of Juvenile Justice (DJJ), and the California Department of Forestry and Fire Protection (CALFIRE).

This program selects young offenders, known as “wards,” from the three correction facilities managed by the DJJ, houses them in a campus-like facility, and offers employment, counseling, education, and training. All of this prepares them for reentry into civil society. The program is intended to instill the values of continuing education, self-discipline, and personal responsibility.

Background

The PGYCC was built during the Great Depression of the 1930s as a Civilian Conservation Corp (CCC) public-relief program for the unemployed. The CA Youth Authority (the previous name of the DJJ), in conjunction with the CA Department of Forestry (the previous name of CALFIRE), acquired the Camp in 1946. It is the oldest fire camp in continuous operation in the country.

PGYCC’s mission is to protect the public by providing fire protection to the citizens of California, performing public conservation projects, and providing youth with necessary treatment and training for their successful return to society.

PGYCC and CALFIRE share the facility. The wards, under the supervision of CALFIRE, provide a labor force in wildfire mitigation, brush clearing, and maintenance of the fire trails used by the local community. The wards are frequently used to fight fires in our community and throughout the state.

Method of Study

In conducting this investigation, the following activities were undertaken by the Grand Jury:

- A briefing was conducted by the Superintendent and Lieutenant, followed by a tour of the facilities, on November 17, 2016
- Reviewed previous Grand Jury Reports
- Viewed a new Promotional film for the PGYCC Camp program
- Interviewed PGYCC staff members

- Inspected Camp Facilities
 - Kitchen and Dining Area
 - Visitors' Hall
 - Classrooms
 - Library
 - Recreation and Weight Room
 - Health Office and Treatment Room
 - Dormitory and Control Room
 - Day Room
 - Exercise and Sporting Fields
 - Tour of Transportation Vehicle

Budget

As of fiscal month December 2016, the Pine Grove Camp facility budget is \$4,595,063, the Education budget is \$552,429, and the Health Services budget is \$230,462. The total Budget is \$5,377,954.

Pine Grove Camp has a total projected reimbursement from CALFIRE and other agencies of \$933,716.

The Net Fund Total is \$6,311,670. This equals \$91,473.48 per youth if there is a constant population of 69 youth in camp per fiscal year.

\$4,984,762 is allocated to Personnel Services, and \$1,326,908 is allocated for Operating Expense and Equipment.

Inmates

The population of the camp is for 69 youth ranging between the ages of 17 and 23. They are provided with services to aid them in achieving success in becoming productive citizens. They begin their stay with physical training, then classroom and field training exercises. Throughout their stay, they learn how to work together as a team including job and life skills.

Programs are offered to the youth and includes treatment and life skills training to assist them in gaining personal insight, knowledge, and ethical behavior.

The youth wake up at 6:00 a.m. and are kept busy until 10:30 p.m. during the weekdays. When not in a work program, they are in school, a program, or have time for recreation.

A typical weekday for the youth after breakfast begins with physical training, then work

assignments either with Department of Juvenile Justice or with CALFIRE, following with four hourly periods of school, programs, or recreation. Weekend schedules for the youth provide recreation, outdoor activity, time in the dayroom, and visitation.

Programs available to the youth are individual counseling, anger management, decision making, substance abuse, volunteer programs, case conference, and small group counseling.

The youth are provided with educational opportunities for those without a high school diploma or a GED. Youth with high school diplomas or GEDs have the opportunity of working as a peer tutor and taking college courses.

The youth receive leadership training and become involved in the community, such as helping to decorate areas of the community at Christmastime.

There are youths who are provided with a two-day visit every month for visiting with family members who travel long distances.

When the youths are not involved in Wild Land Fire suppression throughout the state, they are involved in working on timber stand improvement, road maintenance, land clearing and replanting, and stream clearing.

Staff

There are 24 staff members at PGYCC, including three school teachers, a Registered Nurse on site 40 hours per week, Monday through Friday, three Parole Agents, two Sergeants, one Lieutenant, one Senior Youth Counselor, and three fulltime cooks.

Findings

- F1. All of the questions that were presented in advance by the Grand Jury were answered professionally, and in detail, during the preliminary briefing by the Warden and staff.
- F2. PGYCC produced a new and effective promotional film that encourages youth offenders across California to take advantage of this unique program.

Recommendations

- R1. We recommend that PGYCC continue to run this unique and beneficial program for youth offenders.

Request for Response

Responses to Findings and Recommendations in this report are required by law in accordance with California PC 933(c).

From the following individuals:

- Pine Grove Youth Conservation Camp Superintendent is required to respond no later than 60 days after the Grand Jury submits a Final Report.

Address response to:

- The Presiding Judge
Amador County Superior Court
500 Argonaut Lane
Jackson, California 95642

Documents Received

- Division of Juvenile Justice Mission Statement
- Email Dated February 22, 2017 from Pine Grove Youth Conservation Camp Regarding Budget
- Pine Grove Youth Conservation Camp Organization Chart
- Pine Grove Youth Conservation Camp Programs
- Power Point Slide Presentation
- Program Information – Pine Grove Youth Conservation Camp
- Special Dietary Needs Procedures

Planning and Environment Committee Report
Bark Beetle Infestation in Amador County

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Summary

A concern was received by the 2016-2017 Grand Jury regarding what steps are being taken to mitigate the infestation of the bark beetle on the county's tree population. The Grand Jury Planning and Environment Committee attended an Amador County Board of Supervisors meeting in late 2016, as well as a town hall meeting on February 4, 2017.

The conclusion of this investigation of the handling of the bark beetle crisis is that the officials of Amador County have done a more than sufficient job in keeping the community informed of:

- The progress of mitigating the bark beetle crisis
- Seeking out and assigning grants for tree downing and removal
- The addition of personnel who are involved in solving the crisis of the abundance of dead trees
- What citizens may do to help mitigate the situation

The county has called on numerous agencies and personnel for assistance in downing these dead trees. They have also reached out to neighboring counties to find out what they are doing to successfully down and process all their dead trees.

Background

The following was taken from the Amador-El Dorado Unit of the California Department of Forestry and Fire Protection (CAL FIRE) news release dated January 27, 2013:

“According to the California Department of Water Resources, 2013 proved to be California's driest year on record, as well as the second consecutive year of below normal precipitation for the State. Winter and spring precipitation is important because it provides soil moisture that helps trees make it through California's dry summer months. Without adequate precipitation, trees do not have enough water for normal growth and may be severely drought stressed by the end of the summer. If drought lasts more than one year, tree defenses begin to weaken and pests gain an upper hand. For pines, true firs and some other conifers, bark beetles are the pest that typically kills drought-stressed trees. As bark beetle numbers increase, tree mortality increases. By the end of 2013 there was clear evidence that bark beetle numbers were increasing.”

This publication also went on to say that the common action to be taken to slow the spread of the bark beetle is to cut down and, more importantly, remove these trees before the beetles have the chance to move to neighboring trees. The problem with this recommendation is that by the time one sees the evidence of a tree dying from the infestation, the beetles have already flown to other trees.

It has been three years since this publication was written and the tree mortality rate is now at a critical level.

The Planning and Environment Committee of the Grand Jury was appointed to research



Photo by Adrienne Rainwater

this concern and the jury as a whole voted to investigate the bark beetle infestation and its effect on the tree population in Amador County.

Method of Study

In conducting this investigation, the following activities were undertaken:

- Board of Supervisors meeting
- Town Hall meeting

Discussion

CAL FIRE has estimated that over 102 million trees died in California since 2010, of which 60 percent died in 2016 due to the prolonged drought and epidemic infestation of bark beetles. There has been increased concern regarding potential wildfire danger and the overall health of the forest. Two members of the Board of Supervisors established the Amador County Tree Mortality Task Force, which consists of 24 different agencies. The goal of this task force is to

keep the community informed of services and grants available for tree abatement.



Photo by Ron Rockett

Findings

- F1. Tree mortality will continue because bark beetles are here to stay.
- F2. Amador County was awarded a \$5 million grant to remove trees that could potentially damage important county infrastructure and utilities.
- F3. In November 2016, the Amador Resource Conservation District (ARCD) was awarded two grants valued at \$400,000 from the CAL FIRE Tree Mortality Program.
- F4. Grants to provide financial assistance to seniors and low income households are available to down trees killed by drought and bark beetles.
- F5. Other outlets for the abatement of dead trees are being investigated by organizations, such as Ampine Corporation, Buena Vista Biomass Power, and lumber mills.
- F6. Amador County Board of Supervisors is consulting with other counties to see what they are doing to solve the issue.
- F7. PG&E is working with contractors to down trees.
- F8. A list of registered foresters, tree service companies, and timber operators is available through the Amador County Tree Mortality Task Force.
- F9. Licensed timber operators from out of state are downing the infected trees and hauling them back to their place of business to process.
- F10. Caltrans has a public information line which can be utilized if a tree poses a hazard to a state highway, or personal property that is near a state highway.
- F11. There are some grants available for private property owners; grants are funded through fire protection fees collected each year.
- F12. In summary, the Amador County Board of Supervisors has been doing a thorough job in keeping the community informed and up to date as to resources and finances available for dead tree abatement. Their establishment of the Amador County Tree Mortality Task Force has been key to assisting the community with the burden of dealing with the crisis, especially on private property.

Recommendations

- R1. The 2016-2017 Amador County Grand Jury recommends that the Amador County Board of Supervisors continue their efforts to alleviate the impact of tree mortality and excess tree debris.

Request for Response

Responses to Findings and Recommendations in this report are required by law in accordance with California PC 933(c).

From the following governing board:

- Amador County Board of Supervisors is required to respond no later than 90 days after the Grand Jury submits a Final Report.

From the following individuals:

- Planning Director of Amador County Planning Commission is required to respond no later than 60 days after the Grand Jury submits a Final Report.

Address response to:

- The Presiding Judge
Amador County Superior Court
500 Argonaut Lane
Jackson, California 95642

**Amador County Administration Committee
Election Process Review
Rigged Elections? Not in Amador County**

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Authority

Under Penal Code (PC) §925 the grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.

Introduction

The history of fair elections in this country can be traced back to the Mayflower Compact, enacted in 1620, where the concept of “one man, one vote” was first put into law on American soil. Since fair elections are essential to the functioning of our government, and since we have been holding elections in this country for centuries, we should have developed systems to ensure that the election outcomes reported by our officials are, in fact, what the voters chose.

The purpose of an election is not simply to pick a winner, but rather to certify a winner and consequently a loser.¹ The voting public should have such confidence that this is the case that any reasonable person would not consider questioning the outcome. Yet this is not the case today. In the General Election of 2016, the presidential candidates from both major political parties, one before and one after the election, questioned the integrity of the election process.

Against this backdrop of “rigged elections” in the national news media, it was brought to the attention of the Amador County Civil Grand Jury that the Ledger Dispatch newspaper reported on an issue the Amador County election officials had in tallying the results from the 2016 General Election. In particular, in a December 2, 2016, article titled “Election Update: Final Ballots Counted,” uncertified (or unofficial) results were reported for races within the county. However, a December 6, 2016, article titled “Supes expected to certify election results today” reported numbers that differed from the December 2, 2016 numbers, in some cases by over 10%. While the paper did note the discrepancy and asked election officials for an explanation, the discrepancy was not the focus of the article. Consequently, the explanation given was too brief to give the reader a good understanding of the nature of the error or confidence that the final outcome was indeed correct.

As noted earlier, confidence in the election process is essential. Consequently, the Grand Jury decided to investigate the election process in Amador County for the purpose of understanding if our county's processes are sufficient to certify, and not just select, a winner.

This report attempts to answer the question: “Should the voters of Amador County have full confidence in the election process as implemented by our county election officials and, consequently, full confidence in the certified outcomes of our county's elections?”

Elections in General

An election involves many essential elements. The key ones are enumerated here:

1. The voter registration rolls must be accurate.
2. Only registered voters may vote, and each registered voter may vote at most once.
3. The registered voter must be allowed to vote only on those races appropriate to his or her residency.
4. The vote must be secret.
5. The final outcome must be verifiably correct.
6. Processes should be designed such that no one entity need be trusted: vendors, voters, election officials, candidates, spouses, other nation states, etc.

Voter registration rolls are used to establish voter eligibility. Consequently, their accuracy is essential to the election process.

To register to vote in California, you must be:

- A United States citizen and a resident of California
- 18 years old or older on Election Day
- Not currently in state or federal prison or on parole for the conviction of a felony
- Not currently found mentally incompetent to vote by a court

Historically, some people have been concerned that the voter registration rolls are the weakest link in the election process. Since illegal immigrants can obtain a California driver's license, the fear is that this license could be used to register to vote. The process by which illegal immigrants can get such a license was put into place by California Assembly Bill (AB) 60.

Voter registration rolls are maintained by each county. Since it would be difficult for each county individually to verify that every voter on their rolls was only registered in one county, and to verify all other requirements for registration listed above, California implemented the VoteCal system in September of 2016. VoteCal has been implemented to provide a single, uniform, centralized voter registration database.

Since VoteCal is connected to the California Department of Motor Vehicles database, illegal immigrants attempting to register to vote are now flagged immediately by VoteCal as having an AB60 driver's license. Consequently, as non-citizens, they are not allowed to register to vote.

Additionally, voter registration applications and existing voter records are run against the California Department of Corrections and Rehabilitation database by VoteCal. Any applicant who is confirmed to be a felon will not be registered to vote, and any existing registrant who is confirmed to be a felon will have his or her voter registration canceled.

Voter registration applications and existing voter records are also run against the

California Department of Public Health database. Any applicant who is confirmed to be deceased will not be registered to vote, and any existing registrant who is confirmed to be deceased will have his or her voter registration canceled.

While still requiring a diligent effort by the county election officials, VoteCal should now make it possible to maintain accurate voter registration rolls and, consequently, alleviate fears of ineligible voters being allowed to vote. Consequently, Items 1 and 2 on the enumerated list above should now be achievable.

Item 3 above, voting only in appropriate races, is a little trickier than it first appears. This is in part because a voter may cast a vote using one of three possible ballots: a precinct ballot, a vote by mail ballot (historically called an absentee ballot), or a provisional ballot.

Each county is divided geographically into several precincts. Amador County has 30 precincts; though one, Kirkwood, is vote by mail only. Additionally, each county is divided into several districts, with one county supervisor elected from each district. Furthermore, any given town or city within the county may have a local election. For the 2016 General Election, this resulted in eight different ballot types for Amador County. Any one precinct will vote one ballot type depending on that precinct's location. Consequently, when a voter votes in person at his or her precinct, the voter will be given the appropriate ballot for that precinct which will result in the voter voting only on those races appropriate to his or her residency.

Likewise, a voter being issued a vote by mail ballot will be issued an appropriate ballot for that voter's precinct, again resulting in the voter voting only on those races appropriate to his or her residency.

Provisional ballots, however, add an additional layer of complexity. This ballot type is used to ensure that each voter is allowed to cast a vote even if the voter's name is not on the roll at the precinct where the voter wishes to vote. This could happen if the voter was inadvertently dropped from that precinct's list of registered voters or if other circumstances cause the voter to want to vote in a precinct other than his or her own precinct. In this case, the voter is given a provisional ballot.

After the voter fills in the provisional ballot, it is sealed in an envelope with the voter's name and other identifying information on it. After Election Day, election officials will then determine if the voter was registered to vote and if so, which ballot type should he or she have voted. If the voter cast a provisional ballot which differed from the ballot he or she would have been given in the voter's correct precinct, the election officials will not count any votes cast in races where the voter is not eligible to vote. Consequently, if a voter casts a provisional ballot in a precinct with a ballot that differs from the ballot being used in his or her correct precinct, only those races that the voter would have seen on his or her correct precinct ballot will be counted.

Since a voter could attempt to vote more than once with the use of provisional ballots, election officials must verify that any voter using a provisional ballot has not attempted to vote multiple times. Any voter casting multiple ballots will have only one counted.

Item 4 above, secrecy, is also not as easy as it would seem. Secrecy is fairly straight

forward with the regular precinct ballots. Each voter has a private booth in which to mark the ballot. It is then fed from the security folder directly into the tabulating machine by the voter.

Both provisional ballots and vote by mail ballots have the voter's name and other identifying information on the envelope. Secrecy is maintained in this case by the care of the election workers. The name and other identifying information on the envelope is used only to ensure the voter is registered, has only voted once, and is voting the correct ballot type, as discussed above. The election workers are careful to slip the ballot out of its envelope with the name not visible.

Vote by mail ballots, however, have a different issue that is not solvable. This is the only ballot type that is voted in a location of the voter's choosing, not in the private booths at the precinct. Unlike when voting at the precinct, the voter could now be pressured or coerced to vote other than how he or she wished to vote. Such coercion could come from employers, family, or other acquaintances. Such individuals could insist on reviewing or aiding in the marking of the ballot prior to the voter sealing it in its envelope.

Vote selling could now also be possible. Fortunately, as in the case of coercion discussed above, this is not a practical way to influence the outcome of an election. Even if impractical, as a society we cannot claim to have perfectly fair elections if we allow the use of vote by mail ballots. The decision to use vote by mail ballots has been made at the state level, and it is quite unlikely that a county could disallow their use even if it desired to do so. As a society, we have made the decision to forgo some degree of secrecy in the interest of convenience and accessibility.

Items 5 and 6, verifiably correct elections, in the enumerated list above are best discussed in the setting of Amador County elections since these items are dependent on the specific processes and safeguards used to collect, tally, accumulate, and canvass (or audit) the votes.

Amador County Elections

The previous section discussed the first two major components of conducting an election, namely, deciding who should vote and casting the vote. This section discusses the third major component: tabulating the vote to produce a verifiably correct outcome. The processes and equipment described in this section have been used in Amador County elections for the last ten years. With one exception discussed below, these same processes were used in the 2016 General Election.

While our County has 30 precincts, the Kirkwood precinct is vote by mail only. Consequently, 29 polling places are set up, one in each of the remaining 29 precincts. Each polling place is furnished with a model M100 vote tabulating machine. While vote by mail ballots may be turned in on Election Day at the precinct and provisional ballots may be cast at the precinct as well, neither of these ballot types are processed through the M100s while the polls are open.

Upon entering the polling place, a voter whose name is on the registered voter roll for that precinct is given a precinct ballot. Once marked, the paper ballot is counted with the

M100 and saved in a locked bin under the machine. The preserving of the paper ballots is essential as the integrity of the election is preserved even if the machine fails or is tampered with.

Prior to Election Day, the M100 vendor must program two tabulation cards for the specific ballot that each precinct will be using one for vote by mail and one for precinct ballots. Amador County election officials will then run a sample set of ballots with known outcomes through the M100s to verify that their cards' programs correctly tabulate every race on each precinct's ballot. The tabulation cards then have their counters reset to zero.

Vote by mail ballots that come into the Elections Office prior to Election Day are verified and counted onto the M100 vote by mail cards. As Election Day approaches, the precinct cards are placed in the M100s and sealed. That seal is not broken until the M100 is returned to the Elections Office in the County Administration Center after the polls close on Election Day.

Historically (with the exception of the 2016 General Election) votes for the last ten years have been tabulated in Amador County as follows:

All 30 of the County's precincts are issued one M100 card each to count the vote by mail ballots. Additionally, each of the 29 precincts with polling places are issued one M100 card to count the precinct ballots cast on Election Day for a total of 59 cards. Prior to Election Day, the 30 vote by mail cards collect those validated vote by mail ballots that have arrived at the Elections Office using M100 machines. During Election Day, the M100s are used at the polling places with the 29 precinct cards installed and sealed. After the polls close, the M100s, with precinct cards sealed in them, are returned to the Elections Office. The precinct cards are then removed from the M100s. Their individual precinct counts are tabulated and combined with the early vote by mail ballots using a stand-alone accumulator computer located at the Elections Office. These results are released to the public later on election night.

After Election Day, the verified vote by mail ballots and verified provisional ballots are counted using the vote by mail cards in the M100s. These now completed vote by mail and provisional counts are added to the Election Day precinct counts using the accumulator computer. These preliminary results are expected to be the final outcome of the election subject to canvassing and certification by the Board of Supervisors.

After all the ballots have been tabulated, the final results are "canvassed." The process of canvassing the election involves a random sampling of ballots and a complete hand count of the samples. Initially, one precinct is selected at random. A complete hand count is done on that precinct's ballots. Since this initial precinct will have used just one of the several ballot types used throughout the County, additional precincts are then again drawn at random until a precinct with a different ballot type is drawn. All races on this new ballot type that are not on the original ballot type are then hand counted. This random selection of precincts is continued with the new races found and hand counted until every race in the County has been hand counted for the ballots of one precinct.

The net result of this is that 1) no race in the County will be trusted entirely to machine counting, and 2) at least one precinct will have all of its ballots hand counted.

Once the canvassing has been completed, the election results are presented to the Board of Supervisors for certification. Only then is the outcome of the election finalized and the certified election results turned over to the California Secretary of State's Office.

The public, of course, is quite interested in learning the outcome of the election as soon as possible. Consequently, the Elections Office releases several intermediate results throughout the tabulating and canvassing process, which can take up to 30 days. *Do note that the election officials are careful to state that these are intermediate results and should not be construed as final until the canvass is complete and the Board of Supervisors certifies the election.*

The results of this tabulating and canvassing are recorded in rosters that have a retention period of five years. Ballots are retained for 22 months.

Throughout the entire voting, tabulating, and canvassing process, the County follows a "two-person integrity" rule. At no time is one official left alone with the ballots. All processing of the ballots must then involve at least two election officials. More than two people are involved in the canvassing process.

Our County's use of paper ballots is an essential part of the "verifiably correct outcome" of our elections. While advocating the continued use of an ancient technology may seem strange in our electronic era, many electronic systems that were thought to be impenetrable have been breached in recent years. It has proven to be notoriously difficult to safeguard complex electronic systems. Our County's use of stand-alone (not Internet connected) tabulating and accumulating machines to help automate the processing of paper ballots provides the ideal blend of the security and verifiability of paper ballots with the processing power of the machines.

A consequence of this opinion that paper ballots are essential is that electronic voting machines (or voting via the Internet) are inherently insecure. A great deal of computer science research would be needed to change this situation. Even then, such systems would need to be open source, and consequently auditable by outside experts, before we should trust them.

The 2016 General Election Accumulation Error

As discussed in the Introduction, Amador County election officials released uncertified (or unofficial) election results (which they believed were the final results) which differed significantly from the canvassed and subsequently certified election results. The focus of the second Ledger Dispatch article was the certified election outcome, and not the discrepancy. Consequently, a full explanation of the error was not given. An understanding of how the error was committed and detected provides a good insight into the effectiveness of our County's canvassing process in validating the election outcome.

In fact, while our County's election officials may take issue with this thought, it could

be considered fortuitous that this accumulation error happened in that it provided a real-world test of the robustness of our County's vote tabulation and accumulation processes that otherwise would not have been allowed. It is unlikely that anyone would be allowed to intentionally introduce an error into the accumulation process in a real election for the purpose of testing the effectiveness of the canvassing process.

California Senate Bill (SB) 450 will bring significant changes to our County's elections in the not too distant future. As one small step in this new direction, the vendor supplying the M100 vote counting machines allowed our County to borrow a new high speed counting machine. This new counting machine performs essentially the same job as the M100, but many times faster. Such a machine could not only dramatically speed up our County's current voting processes, but will be essential to implementing the SB450 changes coming soon. Consequently, our County's election officials were pleased to have the chance to test it.

For the 2016 General Election, the high speed counting machine was used to process the vote by mail ballots for a significant part of the vote counting and accumulation process. As the vote counting process was nearing completion, and consequently the deadline to certify and report the election outcome to the California Secretary of State's Office was approaching, the high speed counting machine malfunctioned. The decision was made to complete the counting of the vote by mail ballots with the M100s. However this introduced the complication that some of the vote by mail ballots were tabulated on the M100 cards and some of the vote by mail ballots were tabulated using the new machine.

The accumulator machine now had to merge the results of the vote by mail ballot counts from the two types of machines. Additionally, the accumulator machine had to add in the results from the M100 precinct ballots. The software user interface on the accumulation machine was somewhat misleading, resulting in an incorrect merge of the two sources of vote by mail ballot counts. The results of this incorrect merge were reported in the first of the two newspaper articles discussed in the Introduction. These results were correctly reported as uncertified.

The canvassing process was now begun and detected the error immediately. By this time, a technician had repaired the high speed counting machine. The decision was now made to do a complete recount of all vote by mail ballots and provisional ballots through the high speed counting machine. This time it worked as it should. The canvassing process was restarted and verified these new results were correct. These new correct results were published in the newspaper's second article and were subsequently certified.

The lesson learned here is that while errors can be made, either inadvertently as in this case or through a deliberate attempt to tamper with the machines, our County's practice of marking, collecting, retaining, tallying, and canvassing paper ballots provides a mechanism to detect and correct any such error.

Conclusion

In the Introduction the question was posed, "Should the voters of Amador County have full confidence in the election process as implemented by our County election officials

and, consequently, full confidence in the certified outcomes of our County's elections?" After an in-depth look at the processes now in place in Amador County and the State of California, we believe the answer is a definite "yes."

This investigation into the essential elements of a fair election, enumerated earlier in this report, supports this conclusion.

Findings

- F1. The voters of Amador County have reason to have full confidence in the election process as implemented by our County election officials and, consequently, have reason to have full confidence in the certified outcomes of our County's elections.
- F2. Amador County election officials work diligently to ensure that the County's voter registration rolls are well maintained.
- F3. The M100 vote tabulating machines are adequately maintained and tested. These machines remain sealed until they are secured inside the Elections Office after polls close on Election Day.
- F4. Vote by mail ballots and provisional ballots are carefully checked to ensure that only registered voters may vote, each registered voter may vote at most once, and each registered voter will have his or her vote counted only on those races appropriate to that voter's residency.
- F5. The secrecy of every vote is preserved with the exception of the inherent privacy issues arising from the use of vote by mail ballots since such ballots allow for the possibility of other parties seeing the voter's ballot before it is cast.
- F6. Careful testing of the M100 vote tabulating machines, the isolation of the vote accumulating computer, and a thorough canvassing (or auditing) process ensure that the reported election outcomes are verifiably correct.
- F7. The use and retention of paper ballots provides the option for verifiable recounts, if necessary, and provides the ultimate backup of any machine tabulation.
- F8. Our County's canvassing process proved adequate to detect an accumulation error and is an essential part of producing verifiably correct election results.
- F9. Election officials have been reasonable in their budget requests to support County elections. They have made good use of the resources they have to work with.
- F10. Election officials work excessively long hours during the vote tabulation process following elections.

Recommendations

- R1. Continue the use of paper ballots. They provide the ultimate protection from electronic tampering and allow for verifiable recounts. (Finding 7)
- R2. Continue to meet the budgetary requests of the Election Department as they have historically been reasonable. (Finding 9)

R3. Investigate the possibility of providing additional help to the Election Department during the vote tabulation process following elections. (Finding 10)

Request for Responses

Responses to findings and recommendations in this report are required by law in accordance with California PC 933(c).

From the following governing body:

- Amador County Board of Supervisors is required to respond no later than 90 days after the Grand Jury submits a Final Report.

From the following individual:

- Amador County Clerk/Recorder/Registrar of Voters is required to respond no later than 60 days after the Grand Jury submits a Final Report.

Address response to:

- The Presiding Judge
Amador County Superior Court
500 Argonaut Lane
Jackson, California 95642

Reference

1. Rivest, Ronald L. "Auditability and Verification of Elections." CS Distinguished Lecture. University of California, Davis. 1 December 2016. Davis, California.

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Amador County Special Investigation
Health and Human Services Contracts
Creating Competition or Choosing Sides?

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Introduction

Efficient procurement of necessary public services for a good value is an essential function of government at all levels. Many public services in Amador County are performed by County employees, in some cases, especially in behavioral healthcare and social service, many services require a particular skill. A small county's demand for each particular skillset is usually not enough to justify a full-time employee, as many types of services are so specialized that one person cannot be expert enough to perform more than one function.

This is the situation faced by the Amador County Department of Health and Human Services (HHS). It is required by State law to provide many different specialized services to Amador County citizens, however the County is not large enough to provide those services using only County employees. Like most counties in California, Amador County must contract with private companies to provide many of its public services. It is difficult for rural counties to find private contractors operating in its area which can provide all of the specialized services that the County needs.

Amador County addressed this problem in 1981 by joining forces with Tuolumne County to form the Amador Tuolumne Community Action Agency (ATCAA), a joint powers agency (JPA). In so doing they solved their shared problem of providing necessary HHS functions. ATCAA operates on a non-profit basis exclusively to serve those counties. It is able to hire employees with the required training and experience, to perform the specific functions those counties need. Amador County has contracted with ATCAA for a number of different HHS functions, many since its inception in 1981.

On October 3, 2014, the 2014/2015 Grand Jury received a complaint that Amador County had changed contractors for nine of the HHS functions that had been provided by ATCAA, contracting instead with a new company, Nexus Youth and Family Services. Nexus was newly formed by employees of ATCAA, while employed by ATCAA. The essence of the complaint was that ATCAA had been satisfactorily performing its contracts, so there was no reason for Amador County to change contractors. It further alleged that Amador County employees had manipulated the County contracting procedures to benefit Nexus, and that the change had unnecessarily damaged ATCAA, an entity formed by Amador County to benefit Amador County.

Amador County contracts with private companies for public services in two different ways. If it is known that there is only one private provider for a particular service available in the area, then the County can individually negotiate a contract with that provider on a "sole source" basis. However, if there are several potential providers, then a competitive process can be used. This can involve a formal Request for Proposals (RFP) in which potential bidders are invited to submit a detailed proposal to the County to perform the specified functions in a defined manner at a determined price. The County then evaluates the proposals received and determines whether and how to contract for those services.

There is no law requiring the County to use one contracting method over another (except in the area of public works contracts, in which case an elaborate bidding process is required). Amador County Policy 5-100 does require an RFP process except when there is sole source justification.

It is difficult to evaluate the quality of services between the former contractor (ATCAA) and the current contractor (Nexus), which is itself a problem. The following report describes the investigation, shows what the Grand Jury found and, most importantly, makes a number of suggestions on how the County's contracting procedures can be improved, so that the public will have confidence that the County is obtaining the best public services for its citizens at the best cost.

Complaints and Timeline

The October 3, 2014 complaint alleged that the Amador County Health and Human Services (HHS) Director and General Services Administration Director had engaged in bid rigging and unfair business practices to award contracts. The complaint contained sufficient information to warrant a referral to the District Attorney's (DA) Office. Investigation was suspended until disposition by the DA.

After review, this investigation was returned to the Grand Jury. By October of 2015, additional complaints were received by the 2015/2016 Grand Jury. The 2015/2016 Grand Jury then agreed to reopen the investigation. Several key witnesses were interviewed and documents were gathered and reviewed. During the course of the initial investigation, evidence was received that warranted a more in depth and expanded investigation. The 2015/2016 Grand Jury was unable to complete the investigation, and the case was then carried over to be investigated by the 2016/2017 Grand Jury. This report is an amalgamation of all investigations into the allegations.

Involved Parties

Amador Community Foundation (ACF)

Amador County Health and Human Services Director (HHS Director)

Amador County General Services Administration Director (GSA Director)

Amador-Tuolumne Community Action Agency (ATCCA)

ATCAA is vested with the responsibility of improving the lives of residents in the foothill region. ATCAA Board of Directors is a tripartite board consisting of up to eighteen members representing the private sector, public sector and low income representatives of the community. ATCAA has a staff of 150 employees and are supported by over 1,400 volunteers. ATCAA's mission statement is "Our vision is for residents to be self-reliant, healthy, free from economic hardship, feeling sustained by the support of community and family, and able to achieve their maximum potential as engaged citizens."

Joint Powers Authority (JPA)

A JPA is an entity permitted under the laws of some U.S. states, whereby two or more public authorities (e.g. local governments, or utility, or transport districts), not necessarily located in the same state, may jointly exercise any power common to all of them.

All uses in this report of the acronyms JPA and ATCAA are synonymous.

ATCAA is managed by an Executive Director (ATCAA-ED)

ATCAA Human Resource Manager (ATCAA-HRM)

Nexus Youth and Family Services (Nexus)

Nexus is a non-profit “human services” organization that was formed in 2014 by three individuals. Per the Nexus website, Nexus aims to enhance and improve the health and well-being of youth and families in Amador County.

ATCAA Community Programs Director/Nexus Director of Grants Administration (Principal-1)

ATCAA Youth Programs Manager/Nexus Youth Services Director (Principal-2)

ATCAA Site Coordinator/Nexus Family Services Director (Principal-3)

Marriage Family Therapist (MFT)

Authority

Under Penal Code (PC) §925 the grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.

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

PC 926(a) The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county.

In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit.

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

As used in this section, "joint powers agency" means an agency described in Section 6506 of the Government Code whose jurisdiction encompasses all or part of a county.

Method of Study

The Grand Jury's method of investigation included a thorough review of the Amador County Policies, Government Code, Penal Code, job descriptions and all documents directly related to this, including the Request for Proposals (RFP), proposals, letters, emails, complaints, prior investigations, and witness transcripts. Witness interviews included several current and former employees of ATCAA and Nexus, the County, and other potential bidders.

The Grand Jury also reviewed all investigative work that was conducted by the Grand Jury from the previous year, as well as the investigation completed by the District Attorney's Office.

Discussion

The Grand Jury examined nine contracts involved, five Behavioral Health Services contracts and four contracts of Social Services Programs. The County released the RFP for these nine contracts on April 21, 2014. The County advertised the RFP on a website called "Public Purchase" and through newspaper advertisement. All nine of these contracts had previously been awarded to ATCAA, and managed for several years, being renewed automatically as sole source contracts. All nine of the contracts fell under the direction of Principal-1 (ATCAA Community Programs Director, who then became Nexus Director of Grants Administration). The County sent email notifications of the RFP to the executive director or senior manager of eight different organizations, which might wish to respond, with the exception of the current provider, ATCAA.

The ATCAA notification went to lower-level employees, the ATCAA Community Programs Director (Principal-1) and the ATCAA Youth Services Director (Principal-2), who failed to inform the ATCAA Executive Director until May 1, 2014, during a phone call in which it was also disclosed that ATCAA employees would be quitting ATCAA and forming a new company, Nexus, to compete with ATCAA for the new County contracts.

The complaints received by the Grand Jury included the following allegations:

- Possible collusion between Nexus and the County to guarantee the County would award the contract to Nexus
- No public hearing or announcement of the intention to create a new contract award process

- No opportunity given for community involvement
- No documentation (meeting minutes, committee review, etc.) of the process followed to create a new award method
- New bid method was changed to score attributes in a manner that allowed for selection of a newly formed company over a well-established one
- New bid method changed the County's procurement process, because the outcome was pre-determined
- No documentation to support the necessity for change to the existing process for scoring/weighting contracts
- Personal relationship existed between an evaluator and Principal-1
- Personal relationship existed between Principal-1 and HHS Director

Additionally, Nexus principals engaged in the following actions:

- Development of Nexus while on ATCAA time
- Announcing to ATCAA employees, prior to the RFP being released, that Nexus would be taking over the contracts
- Working with County employees including the HHS Director, to guarantee awards to Nexus
- Ordering ATCAA employees to download data and records from computers onto USB flash drives, which were taken by Nexus founder
- Lack of cooperation with an internal investigation regarding ATCAA emails
- Soliciting ATCAA employees to submit resumes to Nexus, while on ATCAA premises
- Using names and resumes of ATCAA employees in Bid Proposals without authorization from the individual (resumes and organizational charts).
- Overall conflict of interest by using personal relationships to manipulate the County processes.

Programs Affected

Behavioral Health

- Building Blocks
- Outreach (Community Center Outreach & Engagement)
- Promotores (de Salud)
- Youth Empowerment
- Friday Night Live (Preventative Alcohol and Drug Resistance Programs)

Department of Social Services

- Promoting Safe and Stable Families (PSSF)
- Community Based Child Abuse Prevention (CBCAP)
- Child Abuse Prevention, Intervention, and Treatment (CAPIT)
- Independent Living Program (ILP)

Investigation

In the course of a Grand Jury investigation, it is not uncommon for parties to show differing levels of cooperation in providing information. Most parties follow through in a timely manner to all requests made of them by the Grand Jury. The information requested by the Grand Jury is necessary for the investigation to be complete and thorough. When certain key individuals are not forthcoming with requested information, it hampers the Grand Jury's ability to investigate the matter, and raises concerns about the integrity of that person.

For this investigation, the Grand Jury found the following to be true:

ATCAA management/employees provided all documents on request; even providing information that may have already been submitted to the 2015/2016 Grand Jury. They were cooperative in responding, not resisting or complaining, despite the volume of data requested.

Amador County was very responsive to document and email requests. County staff were willing to meet with the Grand Jury to facilitate the requested information and work collaboratively.

Tuolumne County was responsive and cooperative, despite facing challenges. Email requests for a JPA providing Behavioral Health and Social Services risked the inadvertent release of privileged information. However, the Grand Jury and Tuolumne County were able to reach an amiable solution, and they also provided the emails as requested.

Requests for emails from Google, Inc. resulted in an open rejection, to which more time to contest was not afforded to a one-year term Grand Jury. A Grand Jury subpoena with an affidavit specifying conditions of the request, and signed by a superior court judge, in effect fulfills the conditions of a search warrant. Google declined on the premise that no search warrant was presented.

Despite law allowing the Grand Jury to request information, and prohibiting a Grand Jury from disclosing privileged, private, or confidential information, the email request to Principal-1 proved problematic. The request was for the emails belonging to her Gmail (Google email) account. Although this account appeared to be a personal account, it had been manipulated to send and receive emails from her atcaa.org email address.

Any ATCAA emails sent or received from her "atcaa.org" email would go directly to a private Gmail account, bypassing the ATCAA servers. There was no way for the sender or receiver to know that email had not actually gone to an "atcaa.org" server. Emails with

“atcaa.org” belong to ATCAA and not the employee. The Grand Jury had requested a copy of these hidden emails from ATCAA, and per testimony, were advised the emails didn’t exist. Following the discovery of this “spoofing,” an internal investigation was completed by ATCAA and results provided to the Grand Jury.

The Grand Jury issued a subpoena to Principal-1 for the emails to her private Gmail account that belonged to ATCAA. She insisted on printing emails and submitting in blocks instead of writing to Compact Disc (CD) or transferring to a thumb drive. Each block received contained a large percentage of emails that were general distribution emails, in which many recipients were included. Any effort to provide guidance on reviewing, prioritizing, giving more definitive results, and using far easier methods of delivery of emails was met with resistance, and what the Grand Jury deemed as feigned confusion. The original subpoena was served in January 2017, requesting all emails between specific dates. This request would have yielded in excess of 40,000 emails, based on Principal-1’s testimony that she never deleted an email. Two Grand Jury members possessed experience in data filtering, so this would not have been an issue if those emails had been copied to a CD or thumb drive. The first subpoena was “deferred” due to the first instance of confusion with Principal-1, in which a courtesy copy of the subpoena submitted to Google was included. Principal-1 claimed that to be the only document received from Sheriff Process Service. After discussion with Principal-1, a courtesy was provided in the affidavit of a February 2017 subpoena in which any information that would have HIPAA or other Personal Identification Information would be omitted. This new restriction resulted in Principal-1 alluding to hardship due to having to search through all of the emails to filter out privileged information. In the end, the Grand Jury received almost a full box of printed emails in neat and chronological order, mostly distribution list emails, coincidentally absent some items found in Amador County’s submissions. The Grand Jury did not receive all emails requested, and on its last interview with Principal-1, chose to waive any further delivery and fulfillment of the subpoena’s conditions.

How Did All This Start?

ATCAA was surprised by the County’s unanticipated announcement that all of their Behavioral Health and Social Services contracts were open for bid.

ATCAA had been a sole source provider on these contracts for some time, and Amador County had originally created ATCAA (with Tuolumne County) specifically to perform these services. After the initial surprise, ATCAA began the process of determining how it happened.

In early 2012, the Amador County HHS Director also worked as the County Social Services Director. During this period, ATCAA had an internal human resource problem in which impact and risk to patients was a concern. This matter involved an employee who reported to Principal-1 (when she was the ATCAA Community Programs Director), and grew to involve ATCAA’s Board and Supervisors from Tuolumne and Amador Counties. The Amador County HHS Director also became involved, but maintained a practice of

communicating with ATCAA through Principal-1 only. Receiving information second and third hand, the HHS Director took a position of frustration with the ATCAA-ED. At some point, he conveyed to Principal-1 that he would not send any more referrals to ATCAA until the problem was solved. Principal-1 relayed to ATCAA-ED that the County would pull contracts if the matter was not resolved.

Eventually ATCAA resolved its personnel matter, after conducting an internal investigation and involving their counsel. However, damage was done. Principal-1 conveyed the frustration of the HHS Director to ATCAA senior management. This created the perception that the HHS Director was directly involved in an internal ATCAA matter that resulted in a human resource disposition.

The HHS Director was concerned about ethics at ATCAA, but could not refer to any incident or documentation aside from the one personnel matter that started in 2012 and ended by 1st quarter 2013. The HHS Director blamed the ATCAA-ED for being named in a civil litigation related to the ATCAA personnel matter.

The Grand Jury was unable to discover any documents, reporting, or complaints to support the alleged concerns about ethics or performance at ATCAA.

This paradigm of secondhand information forms the wedge that began a split from within ATCAA.

Ethics

The most common explanation for putting the nine ATCAA contracts to RFP was alleged ethics issues within ATCAA. However, none of these allegations were ever backed up with evidence in any form.

As an example of ethics within ATCAA, and specifically with the ATCAA Executive Director, the Grand Jury was provided a copy of an email on May 2, 2017. This email was in immediate response from the ATCAA-ED to the ATCAA Board Chair after learning of the RFP and the intent of ATCAA employees to leave and compete with their current employer. In a numbered list of facts given to the ATCAA Board Chair, the last item reads:

“While I think keeping good relationships are valuable, I feel that all ATCAA’s policies, forms, processes, clients etc. can be easily transitioned to another entity with the computer access... This is a paranoid approach, but in most businesses, if this happened, those staff would be gone with no notice and no opportunity to copy files etc., but we have clients who are currently getting counseling from [MFT] that she most likely will take with her... perhaps the collaborative approach is the best for the clients ...”

So, here is a person who recognized the proper business decision was to cut staff who were clearly working to take contracts away from the JPA they were working for. However, as a custodian to the JPA, the citizens it serves, and Amador and Tuolumne Counties, the ATCAA-ED chose to take a risk and allow those actively undermining the JPA to remain for a period, in order to mitigate any loss of personnel serving clients.

While it was naïve to be trusting of persons who were clearly acting to subvert ATCAA, the service to the citizens of Amador and Tuolumne Counties was more important to the ATCAA-ED. This fits the behavior of an agency and executive member with good ethical standards.

Compromising Relationships

Emails and testimony established that the HHS Director viewed Principal-1 in a favorable light, and the ATCAA-ED in an unfavorable one.

Emails between the HHS Director and Principal-1 were always friendly and familiar. There were remarkably few emails exchanged between the two in which business was discussed in any manner other than to make a jab at someone, including the ATCAA-ED, to who Principal-1 actually reported. All emails between the HHS Director and the ATCAA-ED showed the ATCAA-ED being cordial, polite, professional, and accommodating, and the HHS Director sticking to business only.

There is no evidence the HHS Director ever tried to reach out to the ATCAA-ED for better clarification and understanding. On the contrary, emails from the ATCAA-ED did reach out and offer meetings for discussions. It appears that after having been reliant on verbal reporting from Principal-1, the HHS Director seemed to form an unalterable negative opinion of both ATCAA and its Executive Director.

Reason for Going to Bid

The Grand Jury recognized that the RFP process itself is good for the County as it stimulates competition. The Grand Jury looked at the possible reasons the County could have had to go out to RFP on these specific contracts.

The Grand Jury was given three differing reasons for the County going to RFP on the selected ATCAA contracts:

1. There might be a viable competitor.
2. Nexus was a 501(c)(3) before the County went out to bid.
3. The County has to go to bid every three years. The notion that “there might be a competitor” would create a bid process, seems unlikely as the County, through the General Services Agency (GSA), would not commit to such an expense unless they were given reasonable assurances that competition actually existed.

Exhibit 01 – Nexus was approved on May 22, 2014, for Fiscal Partnership with the Amador Community Foundation (ACF), allowing Nexus to operate under ACF’s 501(c)(3) nonprofit umbrella; that was 27 days after the RFP were released to the public. Months before the RFP went public, the decision to go out to bid was made. At that time Nexus was only a name and a sole proprietorship, and therefore would not have been an actual competitor.

The County going out to bid every three years was the most plausible answer. However, the Grand Jury found that going to bid every three years was not a satisfactory

explanation because there were only nine contracts considered; all being served by ATCAA; all being managed by Principal-1; none with a performance problem.

Quality of Service

The Grand jury received conflicting information about the quality of the services delivered by ATCAA and Nexus. The Grand Jury found that the County judges the quality of services based on a lack of negative factors such as open complaints or disbarment. Any quantifiable measurement is based on how many persons signed in to a location, if there was an optional survey filled out, and if there were any formal complaints. With sites and locations being responsible for self-audited tracking, reporting visits, and summarizing surveys, and the agency or the County responsible for complaints, the quantifiable data and process for measuring performance do not exist in a reliable form.

Nexus as a Competitor

The Grand Jury found that the concept of Nexus as another company was only a notion, there was no serious intent to compete for any programs or make Nexus a viable competitor until the County had opened the bid process on April 25, 2014. The RFP for the contracts involved just happened to be the programs Principal-1 was in charge of running. No serious efforts to form Nexus began until after the Principals announced their intent to leave ATCAA at the beginning of May 2014.

The Grand Jury finds it unlikely that Nexus could have been considered competition for ATCAA given the fact that Nexus did not receive its nonprofit status until after the RFP was released, and there was no intent or efforts to compete until after the RFP was made public.

Intent to Give Contracts to Nexus

Exhibits 02 thru Exhibit 09 effectively establish the true intent of going to bid.

Exhibit 02 is a calendar item establishing that a meeting with Principal-1, Principal-2, and a Youth Coordinator occurred on Tuesday, January 21, 2014 between 1:00 p.m. and 3:00 p.m. at the Camanche Center. The purpose of that meeting was to recruit employees of ATCAA to take contracts away from ATCAA.

Exhibit 03 is an email sent on the evening of Thursday, January 23, 2014 from Principal-1 to the HHS Director. In this email, she stated “Here is the list of current contracts that NEXUS would be able to implement.” The list contains five (5) Behavioral Health programs, four (4) Social Service Programs, and two (2) Probation Department Programs; complete with the current amounts of those programs, and all were contracts for which ATCAA provided the services.

Exhibit 04 is an email late morning of Monday, January 27, 2014 from the HHS Director to the GSA Director. It reads:

“Confidential - we are looking at sending notice to a contractor of our intention to end

multiple contracts. I believe the procedure is to notify, then do an RFP. (How many days does the RFP need to be advertised?) Then we can re-award the contract. Is that correct?”

On January 29, 2014, a meeting was scheduled for January 31, 2014 between the GSA Director and HHS Director, “Subject: RFP Meeting with [HHS Director].”

Exhibit 05 is an email on February 24, 2014 from the HHS Director to the GSA Director. This email reads:

“I’m now thinking that the best way to handle the contracting issue we talked about recently is to simply put out RFP on those contracts for the new fiscal year, rather than sending out notification of intent to change them. This is a total of 9 contracts in BH and DSS. I have not gone through any significant RFP so this is kind of new for me. Do we need to put other contracts up for RFP also due to any concern about how it looks to only do ATCAA contracts or is that not an issue?”

Exhibit 06 is a list sent to several County staff, including the GSA Director and the HHS Director, in which staff of eight organizations are listed for the purpose of sending notification. There was one unconfirmed, but of the other seven, the executive or most senior member was listed for six of those organizations. Only in the ATCAA notification was the Executive Director not included, but Principal-1 and Principal-2 were included. This list was created by the County GSA.

Leaving the Executive Director of ATCAA off of the list, and only including the two key persons who they knew were betraying ATCAA management from within to form their own company, strongly supports the allegations that there was a cooperative effort to give Nexus principals an unfair advantage to take ATCAA’s contracts.

Exhibit 07 is information from the HHS Director to an Amador County Supervisor, listing the nine (9) contracts that were being managed by Principal-1.

Exhibit 08 is an email from an Amador County Supervisor questioning a rumor that the HHS Director is encouraging ATCAA employees to bid on grants privately that ATCAA has received in the past.

Exhibit 09 is an email from the ATCAA Board Chair inquiring about rumors that Nexus would be receiving contracts that for many years had been awarded to ATCAA. This email confirms the rumors that were spreading in which the Principals were sure they would be receiving the contracts.

Purchasing Process

There are only a few aspects to the Purchasing and Evaluation process which apply to this investigation:

Request for Proposals (RFP)

- Notice of intent to go out to contract
 - Especially if one contractor/agency has been serving for a longer than usual period due to sole source

- Justification
 - New competition
- Evaluators
 - Conflicts of Interest
- Evaluation of Proposals/Bids
 - Criteria and Weighting
 - Criteria differs considerably from other years

Request for Proposals (RFP)

County Purchasing Policy 5-100 states verbatim: “Competitive bids or Requests for Proposals (RFP) or Qualifications (RFQ) should be secured for all agreements/contracts except those types which are exempt ...” The relevant exemption reads as follows: “Sole source justification. Both State Code and County Code require the Purchasing Agent to utilize competitive procurement practices unless only one source exists or is known. To justify a non-competitive purchase, the material or services required must be available from only one source. Brand names or personal preference are not justification for sole source.”

Justification

ATCAA had been a sole source service provider for the services that went out for bid in April 2014. The justification provided to the Grand Jury for going to bid was that there was a viable competitor (Nexus). However, Nexus did not receive approval to operate under ACF’s 501(c)(3) nonprofit umbrella until May 22, 2014. No efforts to compete were made until after the RFP, and Nexus did not have a facility to meet requirements when the RFP became public on April 25, 2014. Months before, when the RFP process began, Nexus was a name only.

Given that a competitive environment really did not exist, the only other justification for an RFP would be performance issues. However, the Grand Jury found no documentation or evidence that imply or allude to any performance or delivery problems for the programs being served by ATCAA

Weighting

The format for an RFP varies according to types of service or product requested. In the case of Behavioral Health and Social Services proposals, requirements are robust; ranging from cost and wages, to qualifications and infrastructure. The weighting of these factors changed periodically.

The weighting for the Behavioral Health and Social Services RFP were developed by the HHS Director with cooperation of the GSA Director and his subordinates. The following tables show the Criteria and Weighting over several years.

The differences in criteria and weighting change how a proposal is graded. In 2010 and 2011 there was a “Suitability of Proposed Facilities” requirement as part of the criteria for the RFP evaluations. In 2012 and 2013 this was dropped and the weighting system

Health and Human Services Contracts

Criteria in 2009 and 2011 (no weighting was used)	
Categories	
a.	Demonstrated experience in providing social services; knowledge of ADA and California law addressing employment of persons with disabilities
b.	Quality and responsiveness of the proposal
c.	Appropriateness of the project approach and proposed project plan and budget
d.	Understanding of the principles and requirements to develop and implement the [Program]
e.	Expertise, qualifications, and directly related experience of the project manager assigned to the program
f.	Technical merits of the proposal, including adequacy and completeness of the information provided
g.	References
h.	Demonstrated ability to perform quality work, control costs, and meet time schedules
i.	Ability to work and communicate effectively with the public, other agencies and County staff
j.	Suitability of proposed facilities

Criteria and Weighting in 2012 and 2013		
	Categories	Weight
a.	Demonstrated experience in Project Management	10%
b.	Quality and responsiveness of the proposal	10%
c.	Appropriateness of the project approach and proposed project plan	10%
d.	Expertise, qualifications, and directly related experience of the individuals assigned to the project	20%
e.	Technical merits of the proposal, including adequacy and completeness of the information provided	5%
f.	References of the firm. The proposer shall list projects of a similar nature completed in the last five years, the name of the client and the project manager for each, telephone numbers, type of work performed, and the value of the contracts	5%
g.	Demonstrated ability to perform quality work, control costs, and meet time schedules	20%
h.	Cost Proposal	20%
	Total	100%

Health and Human Services Contracts

Criteria and Weighting in 2014		
Categories	Possible Points	Weight
Quality and responsiveness of the proposal	8	10%
A. Quality – information is orderly, easy to understand, organized and professionally presented. (4 points)		
B. Responsiveness – Proposal contains all information requested. (4 points)		
Work Plan	16	30%
A. Proposer understands program requirements. (4 points)		
B. Approach & Methodology meets program objectives. (4 points)		
C. Locations of services is clearly indicated. (4 points)		
D. Schedule included meeting objectives. (4 points)		
Staffing	8	15%
A. Provided list of personnel & resumes assigned to program. (4 points)		
B. Discussed employees responsibilities assigned to program. (4 points)		
Statement of Experience & Qualifications	12	45%
A. Proposer qualifications (4 points)		
B. Directly related experience with Program (4 points)		
C. References Provided. (4 points)		
Total	44	100%

was implemented. Had the “Suitability of Proposed Facilities” requirement remained, it would have had a major negative impact on Nexus, as it didn’t have a suitable facility at the time the proposals were submitted.

Criteria for 2012 and 2013 had three items in common with 2014, as follows:

2012 and 2013

- a. Demonstrated experience in Project Management = 10%
- d. Expertise, qualifications, and directly related experience of the individuals assigned to the project = 20%
- f. References, which required the proposer to list projects of a similar nature completed in a specified period, names and managers, type of work performed, and the value of the contracts = 5%

The combined total of the three criteria is 35%.

2014

Weights and points were structured into group criteria. The last group representing an equivalent to 2012 and 2013 consisted of:

A. Proposer Qualifications

B. Directly Related Experience

C. References Provided

The combined total of the three criteria is 45%; and an equal point value applied to each of these criteria in the grouping.

The requirement for “References” allowed for Letters of Support, in which listing similar projects or providing any specificity was not a requirement. The Grand Jury finds that this requirement was relaxed specifically to favor Nexus.

Additionally, Staffing and Experience are key components in the bottom half groups where there is a level of redundancy. Those two staff-heavy groups total 60% of all weighted evaluations.

Recusal

The HHS Director recused himself from the evaluation committee due to rumors of a romantic relationship with Principal-1. The Grand Jury had several concerns surrounding this “recusal.” If the HHS Director felt that he would be viewed as biased, why did he stay involved in the process all the way up to that point? The HHS Director picked the contracts to put out to bid (after receiving the email from Principal-1 with the list of all the programs they could do), made the decisions regarding what would be put in the RFP, determined the weighting for the scoring system, and then handpicked his replacement on the evaluation committee (a direct subordinate of his), before recusing himself.

The HHS Director was aware of the way it would look for him to put all of these contracts out to bid. He had a friendly relationship with Principal-1 based on the emails exchanged between the two of them. He waited until the last minute to recuse himself. If the HHS Director was truly being unbiased and wanted the appearance as such, he should have not been involved in this process from the onset.

Evaluators

The HHS Director was to be one of the evaluators of the proposals. Replacing him was a County employee who was a direct subordinate to him, and another that reported to him in a different capacity. The direct subordinate employee was known to have regular lunches with Principal-1.

The explanation for why persons who were working so closely with contracts and bidders would be performing the evaluations, was that weights, regardless of value, are applied to all proposers equally. Any person selected to be an evaluator is constrained to the format of the evaluation process and thereby is likely to remain objective.

When the County sent the RFP out for bid in 2014, Purchasing did not use a Conflict of Interest Form. One was created later.

The Rules of Conduct instructions used since, reads; “1. If you have a personal connection with any of the respondents, please disclose this to the Purchasing Agent prior to any review ...”

This sensible rule should be second nature to any person with ethics training.

Evaluations

The RFP process is involved, time consuming, and complex. There are two areas in which the process directly affected the outcome of awards: Weighting (prior discussion) and evaluations; specifically, evaluations in which weights are applied.

Out of eight (8) agencies invited to apply for programs, only three (3) actually competed: ATCAA, Nexus, and Mental Health America (MHA). Interestingly, one program became a new sole source, this time to Nexus, because many ATCAA staff had given notice to leave or take up a position in support of Nexus.

Exhibit 10a and Exhibit 10b is a two-page email to the HHS Director from the Social Services Program Manager (who was also an evaluator) noting concerns about the proposals of Nexus and ATCAA. This email echoed concerns that the Grand Jury had, and had asked the GSA Director and HHS Director:

- Did he bring in proposers for interviews because the scores were so close?
 - Did not have any interviews.
- There were some staff members identified by both ATCAA and Nexus?
 - They both claimed not to have known about that fact.
- There was no resume for the MFT provided by Nexus.
 - (Not asked) He did not indicate any problems with the proposals.
- ATCAA had an interim Program Director who did not appear to have the necessary qualifications.
 - Note: That is because Principal-1 was that person before leaving ATCAA after the RFP went public.
- Nexus did not provide a list of references, only letters of support, in which all read the same.
 - Neither the GSA Director nor HHS Director seemed to be affected by this information.

Applying Weights

The heaviest weight category was the “Statement of Experience and Qualifications” used in 2014, which contained three subcategories:

- A. Proposer Qualifications (4 points)

B. Directly Related Experience with Program (4 points)

C. References Provided. (4 points)

Each of the above were given equal point impact, having each an influence of 15%, totaling 45% for the category group. The following applied to the three subcategories:

- A. Proposer Qualifications included the persons listed as managing the programs, but not the agency in which they worked. Reasoning was applied that it was the individuals who performed the function that determined qualification. Testimony repeatedly confirmed that the agency had no impact on this value.
- B. Directly Related Experience with Programs was viewed with the same lens. Again, it was not the agency that provided management infrastructure and an environment to work, but the resumes of the individuals themselves which was considered important.
- C. References. Letters of Support that read the same were apparently enough to fulfill this criterion.

The Behavioral Health RFP had five (5) programs that were to be bid on. The Evaluation Score Sheets were tracked by labeling them as Proposals A thru E. ATCAA did not compete for Programs B, D, and E due to a lack of Youth Staff, who either put in notice to resign, or resigned to work for Nexus. Sample comments on evaluations A, B, and C:

Proposal A – Building Blocks of Resiliency

- **Nexus**
 - “Missing Referrals” (negative)
 - “Using ‘Train the Trainer’ approach” (positive)
- **ATCAA**
 - “Typos, differing fonts” (negative)
 - “Full proposal name not included” (negative)
 - “Exceeding objectives – Some concern on how this will be met” (negative)
 - “Discrepancies in licensing/registration for staff” (negative)
 - “Org Chart Conflicts” (negative)
 - “Title on cover wrong” (negative)
 - “No schools” (negative – referring to References)

Proposal B – Outreach and Engagement

- **Nexus**
 - “Referral – Missing number to be provided” & “Lacking detail re. # of referrals” (negative)
 - “Provided ¼ly schedules” (positive)
- **MHANC (Mental Health America Northern California)**
 - “No schedule or reference list” (negative)

- “Min. efforts – For example, goals state “up to 15 clients” rather than “at least 15”” (negative)
- “Did not provide a schedule – provided matrix only” (negative)
- “Most experience is in non-rural areas” (negative)
- “No References, Just a List of Current Contracts” (negative)

Proposal C – Promotores de Salud

- **Nexus**

- “Didn’t list # of referrals” (negative)
- [Under Location of Services Indicated] “Very Good – Ione Resource Center & Home Visits” (positive)
- [Refers to the Family Advocate working in the Ione Resource Center by name] “Very qualified & engaged in the community” (positive)
- “No Latino References” (negative)

- **ATCAA**

- [Under Location of Services Indicated] “Not as good – Ione Head Start Center & soccer fields?” (negative)
- “Focus is Education & No Mental Health Component or Latino/Peer/Community connection” (negative)
- “Nothing from the Latino Community – No References” (negative)

Protest Procedure

Each RFP has a section, in which reads the same, for “Protest Procedure.” Conditions and parameters are given in which a proposer would need to protest, yet encompasses only the most prevalent conditions that a protest may be made.

Wording directly from 2014 RFP:

Protest Procedure

1. Proposers may file a written protest with the Amador County Purchasing Agent not later than five (5) working days after of the date of the Rejection Notice (if provided) or Notice of Intended Award letter.
2. The protest shall be delivered or sent by registered mail to the Purchasing Agent.
3. The protest filed with the Purchasing Agent shall:
 - a. Include the name, address, and business telephone number of the protestor;
 - b. Identify the project under protest by name, RFP/Q number, and RFP/Q date;
 - c. Contain a concise statement of the grounds for protest including alleged violations of Federal, State, or local law; provided, however, RFP or RFQ process and procedures, including evaluation criteria, shall not be proper grounds for protest and concerns related to those issues should be raised and addressed, if at all prior to the proposal opening date to allow adjustments before evaluation of proposals and;

- d. Provide all supporting documentation, if any. Documentation submitted after filing the protest will not be considered during review of the protest or during any appeal.

Protest Review

1. Upon receipt of a protest, the Purchasing Agent shall review all the submitted materials and shall create and retain a written record of the review. The Purchasing Agent shall respond in writing at least generally to each material issue raised in the protest not later than **fifteen (15)** working days after receipt of the protest.
2. If the protested procurement involves Federal or State funds, the Purchasing Agent shall give notice to the interested party that he or she has the right to appeal to the appropriate Federal or State agency which shall be identified by name and address. An appeal hereunder shall be filed with the appropriate agency within **five (5)** working days of the dispatch of **Rejection Notices or Notice of Intended Award** letter to the interested party(ies).
3. Purchasing Agent decisions may be appealed in writing to the Amador County Board of Supervisors prior to the award date, which is given in the **Notice of Intent to Award**. The Board of Supervisors shall review and decide the appeal based on the grounds and documentation set forth in the original protest to the Purchasing Agent. The appealing party may be represented by legal counsel if desired. Each party shall bear its own costs and expenses involved in the protest and appeal process, including any subsequent litigation. The decision of the Board of Supervisors shall be final unless the protested procurements are obtained in whole or in part with Federal or State funds.

Concerns Before Bid Evaluations

On May 13, 2014, the ATCAA Board Chair sent an email to the HHS Director addressing rumors that ATCAA may not have the contracts renewed. In this email, the Chair conveyed the Board's perception as "they have always been well-run and served the community well."

The HHS Director responds with "...the county is expected to put programs out for RFP every 3 years if there is more than one potential provider." He continued with "...I do not feel I can discuss any concerns when the RFP are currently out." He stated the ATCAA-ED "has never made any attempt to contact me previously to discuss any concerns – right up to this day – even though I was named repeatedly in ... lawsuit ..."

The Grand Jury finds that:

- The ATCAA Board did not see any concerns why the County would go out to bid.
- The ATCAA Board also heard rumors that Nexus would definitely be getting the contracts.
- The HHS Director blamed the ATCAA-ED for him being named in a lawsuit because he threatened to pull funding if ATCAA's internal personnel issue was

not taken care of. He did this through Principal-1, who then carried the message to the ATCAA-ED.

To note Protest Procedure, item “c.” which states “...prior to the proposal opening date...” This would be an impossible requirement for proposers to address issues if they were not aware of the proposals until after the opening date.

Protest After Bid Awards

On July 7, 2014, the ATCAA-ED sent a letter to the GSA formally protesting the bid decision regarding RFP 14-12, citing:

“ATCAA has some serious concerns that the RFP process was not conducted in a fair manner and there were unfair competitive practices used which disadvantaged ATCAA. ATCAA is concerned information was removed from this agency and used in a proposal by another competitor. ATCAA would like your agency to review the process to determine if this was indeed the case.”

On July 9, 2014, the GSA Director responded:

“The only somewhat specific allegation claimed that certain information had been removed from your agency and used by another proposer. This allegation similarly fails to include enough detail (such as what information and why that is relevant) to all the County to evaluate the protest. On its face, such an allegation may be relevant as between the two parties, but we are unable to discern how such an allegation, even if true, constitutes a valid protest”

The Grand Jury viewed this response as going strictly by policy, and not applying objective reasoning to the complaint.

Gaps in Service

The awards for the Behavioral Health contracts were not approved by the Board of Supervisors until July 15, 2014. However, on June 24, 2014, the ATCAA-ED took initiative to address the continuation in services, as ATCAA’s contract would end on June 30, 2014. The County responded with a brief explanation that services could continue on a month-to-month basis until the new contract took effect. The response in return to the ATCAA-ED did not end with any note of gratitude or acknowledgement.

When all of the Behavioral Health contracts were awarded to Nexus, there was a gap in services for approximately a month. One witness testified that Community Centers hung signs on their doors informing the public that services were not available for a period, referring them to ATCAA if they had complaints, even though the gap was not ATCAA’s fault.

Additional Allegations

Development of Nexus while on ATCAA time.

As noted in NEXUS AS A COMPETITOR previously, Nexus claimed that no efforts were put into making Nexus a viable competitive entity, and that no work was done to compete with the JPA, their employer ATCAA, until after the formal decision to split from ATCAA, making that May 1, 2014 at the earliest.

This would mean that in one month's time, they were able to coordinate and produce bids for nine programs under two RFPs, complete with resumes, organization charts, letters of support (in lieu of letters of reference) from schools and other weekday-daytime agencies, and make the proposals so error free and neat that the Evaluation Team gave high scores, during their off-hours while they were still working at ATCAA, and without ATCAA resources or proprietary information.

The Grand Jury finds this to be logistically unlikely.

Announcing to ATCAA employees, prior to the RFP being released, that Nexus would be taking over those specific contracts.

There were rumors and announcements from the Principals that they (the Principals) would be taking contracts away from ATCAA and forming their own business. There were many discreet discussions, months prior to the RFP, that alluded to the Principals taking contracts away from ATCAA.

There was communication and intent by the third week of January 2014 to form Nexus and take contracts from ATCAA. The calendar in Exhibit 02 also supported discreet meetings and conversations and the email that coincidentally followed that calendar item. On June 20, 2014 a consultant was hired by ATCAA and Tuolumne County to investigate record risks and conflict of interests by the Nexus principals and other employees intending to leave ATCAA. There were two instances in April 2014 before the RFP release, in which an employee approached the ATCAA-ED to inform that she heard a rumor from a very reliable source (did not name) that ATCAA would be losing all their Family Resource Services (FRS) contracts. After being given assurances by Principal-1 that status of the contracts was fine, ATCAA-ED determined the rumor required no more action. Within the same period, and after the first rumor, local agencies reported that they did not want to contract with ATCAA because they heard ATCAA was going down or really in trouble.

Working with County employees, including the HHS Director, to guarantee awards to Nexus.

This allegation on its face appeared self-evident to the complainants, as contracts specific to the Principals were the basis of the RFP and were actually awarded to Nexus. In combination with the email communications, there were still other factors to be considered by the Grand Jury before making a finding.

Principal-1 had frequent meetings with her funders (the HHS-Director, and his direct subordinate, the County Community Services Program Manager). Meetings with the

HHS Director almost exclusively occurred in the afternoon, after having been prompted by an email inquiring about availability to meet. Meetings with the County Community Services Program Manager were frequently lunch meetings, in which witnesses described the two as friends. In contrast, there were no meetings with funders by other program directors or managers.

Ordering ATCAA employees to download data and records from computers onto USB flash drives, which were taken by Nexus.

The allegation was that approximately a couple months before leaving in June of 2014 Principal-2 ordered downloads from all the ATCAA Youth Coordinators (employees reporting to Principal-1 and Principal-2).

The Grand Jury investigation confirmed activity of ordering employees to back up files to flash drives to be true.

Forms used by Nexus used the same templates as forms that were in use at ATCAA for years.

The excuse for downloading ATCAA documents and information was that it was necessary backup because of an infection into ATCAA's computer system. The Grand Jury found this excuse implausible.

The Grand Jury reviewed ATCAA's procedures and found that all procedures for backing up network computers and mitigation of computer virus infestation appeared to be adequate. ATCAA had never had a major infestation of their computer network.

The Grand Jury has two members familiar with IT protocols regarding virus mitigation. In short, the use of multiple USB flash drives would be the opposite response to a computer virus, as that procedure would only ensure a major infestation by proliferating the virus to multiple untracked storage units that are designed for re-use.

A lack of cooperation with an internal investigation regarding ATCAA emails.

On June 20, 2014, a consultant was hired by ATCAA and Tuolumne County to investigate the matters behind the Principals leaving ATCAA, to investigate record risks, and conflict of interests by the Principals and other employees intending to leave ATCAA.

The investigation confirmed that Principal-1 was "spoofing" her email to appear as if mail was going to or from ATCAA's email service, but in fact was being routed through her personal Gmail account. The investigation found that IT had not only discovered spoofing, but also discovered that virtually no emails were to be found on ATCAA's email, which used Outlook. It was determined that the Outlook settings had been erased on December 16, 2013.

This in effect would keep emails to or from Principal-1 from ever entering the ATCAA email service, and allow any email to go to the private Gmail account only.

Soliciting ATCAA employees on ATCAA premises to submit resumes to Nexus.

The Grand Jury found that ATCAA employees were approached by Nexus principals,

after the release of the RFP, to cooperate with the Nexus Principals to compete against ATCAA for the nine contracts.

Using names and resumes of ATCAA employees, without authorization, in Bid Proposals (resumes and organizational charts).

The Grand Jury finds this allegation is true. ATCAA employees' resumes were included in proposals from Nexus for employees who did not work for Nexus during the 2014/2015 period, or who never worked for Nexus. Two ATCAA employees not only did not give permission, but openly refused to allow use of their names and resumes. In order to use the resumes of persons refusing to cooperate, Nexus principals would have had to access the documents through ATCAA's Human Resource files.

Conclusion

The Grand Jury investigation unearthed a number of problems and facts. Upon hearing the original complaint, the Grand Jury expected that this could be a dispute between competing organizations, with one party upset over losing out on County funding.

As facts unfolded though, the focus shifted. There is no law forbidding the County from deciding to send contracts to another provider, as long as that provider has all of the qualifications required by State and Federal laws before providing those services. The County, observing the lawful requirements of service provision, could change providers at will, as long as there are no gaps in service and the new provider can adjust to the new demands (again a service gap restriction). The County established a policy of fair bidding and, as such, is doing what the citizens would want of the County – purchase wisely, bid competitively.

Amador County, with cooperation of Tuolumne County, solved the problem of requiring too many specialists' positions to handle programs mandated by law by creating a JPA. The JPA serves many functions beneficial to the counties it represents. Services can theoretically be provided at a lower cost per capita. Using a JPA allows the counties to manage funding shortfalls and decrease or increase of demand. Internal problems, whether a personnel issue or policy problem, are easier to resolve with a JPA answering to a board including supervisors from both counties. Internal problems with a private contractor, again in the area of behavioral, social and mental health, are much more difficult to detect, intervene, and solve.

Amador County participated in the formation of the ATCAA JPA, in which services are very robust, and the operating area is very large. It is designed efficiently, with one Executive Director, and other directors and managers who are relied upon to run the day-to-day operations. For over 30 years, this JPA has existed and not seen aberrant behavior from employees who are trained, and work, in an industry in which clinical and behavioral dignity is a must. The JPA and its board were in the process of conducting and completing their investigation and disposition in a personnel matter, when a County director came to the conclusion that he had all the information and determined the process was being hindered by incompetence and apathy.

Second and third hand information seemed to be the rule on both sides. Much to the discredit of Amador County, the HHS Director obtained all of his information secondhand through Principal-1, trusting that all accounts would not be subjective. The trained clinicians, behavioral health, and social service employees of our County got involved and made decisions on incomplete information. Personal assessments were made, wedges were driven, and ultimately a group of dissenters from within the JPA were given a green light. It is something to note that persons who were to solve petty problems between rash parties, are now entities of rash parties with petty problems.

Nexus is a viable entity today, providing services to the citizens of multiple counties. It must be recognized that the very individuals which were providing services at ATCAA, have continued to grow in experience and are now providing those same services at Nexus. Nexus is not just a body of persons who subverted and split from the JPA, they are a private company with many employees, serving the needs of our citizens. They enjoy a reputation for hard work, and their regard for their clients has not been damaged.

Findings

- F1. Prior to the release of the RFP, ATCAA was sole source for programs which the County put out for bid.
- F2. County employees willingly worked with Principals to subvert ATCAA, a JPA formed by Amador and Tuolumne Counties.
- F3. Personal relationships with Principals led to favoritism.
- F4. The HHS Director did not justify the existence of actual competition, which resulted in an RFP process for contracts being served by a sole-source JPA.
- F5. The HHS Director selected nine contracts for RFP, not based on need, but rather were “cherry picked” at the request of Nexus’ principal staff.
- F6. The HHS Director, being aware of the intent by Nexus principals to undermine and create Nexus while still employed by the JPA, failed to report this to the ATCAA ED or Amador County Supervisors on the ATCAA Board.
- F7. The HHS Director and GSA Director did not take action after being made aware of potential concerns with the proposals that had been submitted.
- F8. The HHS Director did not recuse himself from the evaluation process, until AFTER he had made key changes to the RFP process that directly benefitted Nexus.
- F9. There was purposeful alteration of the normal County RFP criteria, specifically to benefit Nexus.
 - Allowed use of letters of support instead of letters of recommendation
 - Allowed use of information for personnel that were known to remain working for competitor ATCAA, not Nexus
 - Changed weighting scores to benefit Nexus by weighing high on staff, but ignoring facility and entity performance history

- F10. The County Proposals use evaluation weighting in which suitability of proposed facilities are no longer a criteria.
- F11. County staff intentionally did not inform a long serving JPA and sole source provider (ATCAA) of intentions to go out to RFP.
- F12. The timing of the RFP favored Nexus – it had advance notice. However, other potential bidders were given an unusually short and unreasonable response time.
- F13. The HHS Director engaged in purposeful communication with Nexus Principals (while still employed at ATCAA) to keep ATCAA senior manager uninformed.
- F14. The HHS Director has publicly shown bias by praising Nexus to other agencies and counties, recommending Nexus for additional grants.
- F15. County employees with a personal relationship were allowed to engage in the RFP process and evaluation.
- F16. County does not have an adequate method in which to quantify, measure, and establish performance for behavioral health and social services contracts.

Recommendations

- R1. County restructure the bid process involving members of other counties to develop a conflict-free formation of Request for Proposals and Evaluations. (Findings 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16)
- R2. Re-establish a formal 3-year contract review process. (Findings 2, 4, 5, 12,)
- R3. Develop quantifiable measurements of performance for contractors, and use other counties employees to audit. (Findings 3, 14, 16)
- R4. Revise County and Purchasing Conflict of Interest Policies to include periodic review and admonishment of key employees who can influence financial commitments to outside entities. (Findings 2, 3, 5, 6, 8, 13, 14, 15,)
- R5. Create a bid justification process and form to justify a decision to use a competitive contract process. (Findings 1, 2, 3, 4, 5)
- R6. Revise Purchasing Policy to, as a minimum, notify all chief executives of agencies when going out to bid on a program in which the agency could have a legitimate stake in. Include in policy that this period of time shall be not less than 60 days before release of a Request for Proposal. (Findings 11, 12, 13)
- R7. Require criteria for suitability of proposed facilities in all Health, Behavioral Health, and Social Services Request for Proposals. (Finding 10)
- R8. Revise Protest Procedure to include discoveries after release of a Request for Proposal, and after bid awards. (Finding 7)
- R9. Create and apply Conflict of Interest curriculum for periodic training for employees at all levels. Increase frequency of training for employees who have authority to influence greater impact. (Findings 3, 8, 14, 15,)

- R10. Remove all parties with a conflict of interest, or any personal relationship to proposers, from evaluation processes before it begins. Include Abort or Mitigation protocols should discovery of conflicted influence be detected. Include detection process. (Findings 3, 8, 14, 15,)
- R11. Set completion date for the aforementioned Recommendations for December 31, 2017.
- R12. Announce to all known possible competitors of Behavioral Health and Social Services directly, and publicly in early January of 2018, the intention to go to bid on all programs in which ATCAA and Nexus have ever mutually served on for the last five years.
- R13. Go to RFP for those programs in April of 2018, for fiscal year 2018/2019.
- R14. County to seek assistance from Department of Health Care Services to develop a System Improvement for contract and grant procedures.

Request for Responses

Responses to Findings and Recommendations in this report are required by law in accordance with California PC 933(c).

From the following individuals:

- General Services Administration is required to respond no later than 60 days after the Grand Jury submits a Final Report.

From the following governing board:

- Amador County Board of Supervisors is required to respond no later than 90 days after the Grand Jury submits a Final Report.

Address response to:

- The Presiding Judge
Amador County Superior Court
500 Argonaut Lane
Jackson, California 95642

Exhibits

Exhibit 01



**Community
Foundation**
of Amador County

P.O. Box 1154 • 148 Main Street

Jackson CA 95642-1

voice: (209) 223-2148
fax: (209) 223-4569

email: acf@amadorcommunityfoundation.com
www.amadorcommunityfoundation.com

May 22, 2014

Officers



[MFT]
Nexus

Directors



Nexus has been approved for Fiscal Partnership with the Amador Community Foundation. The premise of the Fiscal Partnership Program is as follows:

The Amador Community Foundation is a nonprofit, public benefit corporation, exempt from federal tax under Section 501(c)(3) of the Internal Revenue Code, as amended. A program under our Public Benefit status is Fiscal Sponsorship.

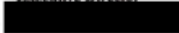
Founding Directors



The Amador Community Foundation provides qualified emerging and transitioning nonprofits with fiscal sponsorship, which includes operating under ACF's 501(c)(3) umbrella, an existing back-office infrastructure, and the support of nonprofit management expertise.

Sincerely,

Executive Director



Executive Director

Connecting Local Generosity with Local Needs.

Exhibit 02

2014 **January**

SUNDAY	MONDAY	TUESDAY
Important this month _____		
5	6	7-training Sacramento State 10 am [redacted] Trainer [redacted] Sign up
12 leave for training	13 Training	14 Training
19	20 Dr. Martin Luther King, Jr. Day	21 [redacted] 1-3 Meeting [redacted] le hrs
26	27 ILLA [redacted] financial	28

DECEMBER 2013

S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JANUARY 2014

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26	27	28	29	30	31	

FEBRUARY 2014

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16	17	18	19	20	21	22
23	24	25	26	27	28	

MARCH 2014

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23	24	25	26	27	28	29
30	31					

APRIL 2014

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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY 2014

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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUNE 2014

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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Exhibit 03

list

Subject: list

From: [Nexus-GA]@gmail.com>

Date: 1/23/2014 6:32 PM

To: [HHS Director]@amadorgov.org>

Hi [HHS Director]

Here is the list of current contracts that NEXUS would be able to implement -

Behavioral Health Department

MHSA

Building Blocks - \$35,000

Community Center Outreach & Engagement - \$105,000

Promotores de Salud - \$25,000

Youth Empowerment Program - \$35,000

Preventative Alcohol and Drug Resistance Programs (youth) - \$83,276

Department of Social Services

SIP

PSSF - \$13,532

CBCAP - \$13,455

CAPIT - \$55,272

ILP - \$37,732

Probation Department

ART - \$17,450

180 / You-Turn - \$31,550

Thank you, [HHS Director]. [Nexus-GA]

Exhibit 04

Subject: Question
From: [HHS Director] @amadorgov.org>
Date: 1/27/2014 11:12 AM
To: [GHS Director] @amadorgov.org>

Hi [GHS Director]

Confidential - we are looking at sending notice to a contractor for notification of intention to end multiple contracts.

I believe the procedure is to notify, then do an RFP. (How many days does the RFP need to be advertised?) then we can re-award the contract. Is that correct?

[HHS Director]

Exhibit 05

On Mon, Feb 24, 2014 at 12:49 PM, [HHS Director] @amadorgov.org> wrote:
 Hi [GSA Director]

I'm now thinking that the best way to handle the contracting issue we talked about recently is to simply put out RFPs on those contracts for the new fiscal year, rather than sending out notification of intent to change them. This is a total of 9 contracts in BH and DSS. I have not goen through any significant RFPs so this is kind of new for me.

Do we need to put other contracts up for RFP also due to any concern about how it looks to only do ATCAA contracts or is that not an issue?


[HHS Director]

Exhibit 06

Amador County Behavioral Health - MHSA RFP List			
First	Last	Email	Organization/Affiliation Address
[Manager, Jackson Sierra Wind (MHA)]			Sierra Wind Wellness Ctr. 10354 Argonaut Ln, Jackson, CA 95642
	[Director]		The Resource Connection P.O. Box 216, Sutter Creek, CA 95685
	[Chief Administrative Director]		The Resource Connection 444 E St Charles St, Ste B, San Andreas, CA 95249
	[Chapter Administrator]		NAMI Amador PO Box 482, Jackson, CA 95642
	[Youth Services Director]		ATCAA 935 S. Hwy 49, Jackson, CA 95642
	[Executive Director]		First 5 Amador 975 Broadway, Jackson, CA 95642
	[Executive Director]		MHA 1908 O Street, Sacramento, CA 95811
	[Associate Director]		MHA 1908 O Street, Sacramento, CA 95811
	[Community Programs Director]		ATCAA 935 S. Hwy 49, Jackson, CA 95642
	[undetermined]		Senior Peer Program 229 New York Ranch Road, Jackson, CA 95642
	[Board Member]		Amador Community College Fod 10877 Conductor Blvd., Ste. 700, Sutter Creek, CA 95605

Exhibit 07

10/20/2015 Amador County Mail - Summary RFP info



[HHS Director] @amadorgov.org>

Summary RFP info
1 message

[HHS Director] @amadorgov.org> Thu, May 22, 2014 at 10:29 AM
To: [Supervisor] @amadorgov.org>

Hello Supervisor [Supervisor]

ATCAA's contracts with Amador County break down into two major areas - Department of Social Services (DSS) and Behavior Health (BH).

BH:


Building blocks	\$40,000
Outreach	\$130,000
Promotores	\$30,000
Youth Empower	\$40,000
Friday Night live	\$83,000

DSS

CAPIT	\$55,000
CBCAP	\$13,800
PSSF	\$13,700
ILP	\$37,000

These figures are rough, **this amount is lower than we discussed on phone - its more in the range of \$400K.** I was thinking of other DSS programs that are not included.

Exhibit 08



[HHS Director] @amadorgov.org>

Question
3 messages

From: [Supervisor]
To: [HHS Director]

[HHS Director]

Thu, May 22, 2014 at 7:53 PM

There is a rumor going around that you are encouraging ATCAA employees to bid on grants privately that ATCAA has received in the past. I don't think you are doing this, but can you clarify the situation as much as possible.

Exhibit 09

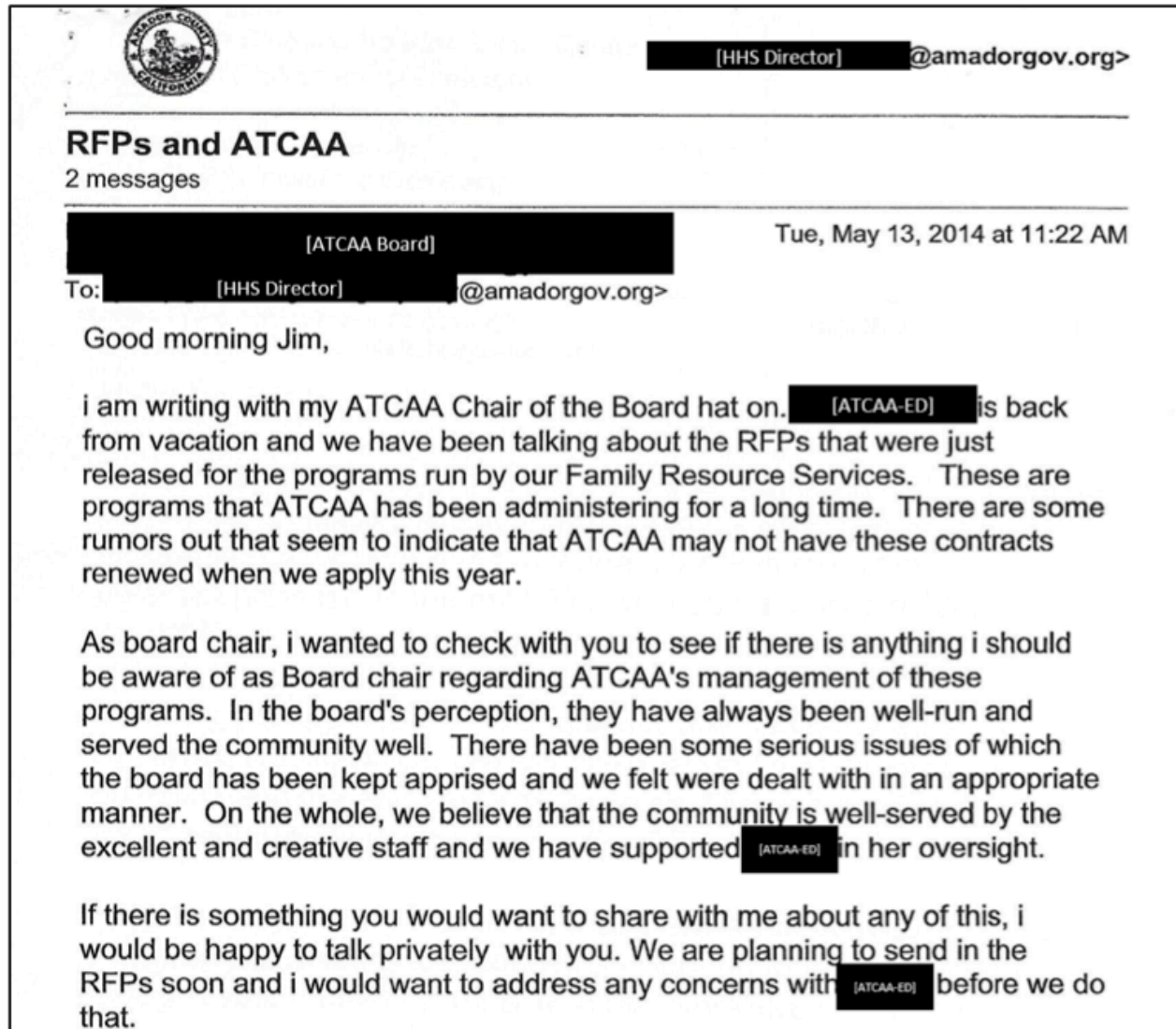



Exhibit 10a

10/22/2015 Amador County Mail - Update



HHS Director @amadorgov.org>

Update
1 message

To: Social Services Program Manager @cws.state.ca.us
HHS Director @amadorgov.org> Fri, Jun 27, 2014 at 3:28 PM

Welcome back! Hope you had a restful vacation.

[redacted]

3. [redacted] and I reviewed and scored the RFPs for the child abuse prevention funds (CBCAP, CAPIT, PSSF). What a chore that was!! We have sent our scoring sheets to GSA. GSA He needs you to contact him as soon as you return to work. The scoring was very close between the two proposers. I'm suggesting that the proposers are interviewed to get clarification on some things. Since both agencies are basically proposing the same programs, it was difficult to differentiate between the two when scoring. Here are the questions the review committee has:

There are some of the same staff members identified by both ATCAA and Nexus as working for them. I think both agencies need to explain and to demonstrate that they will have sufficient staff.

Nexus did not provide a resume for MFT, who, according the PSSF proposal, will be directly supervising therapeutic staff. (This is the therapist I have some concerns about as I shared with you prior to your vacation.)

Nexus' budget includes in-kind funding from the Behavioral Health Department. It does not appear that they will be able to provide the services without this funding. I don't know the

[redacted]

1/3

Exhibit 10b

10/22/2015

Amador County Mail - Update

status of those grants.

Neither proposer had much information regarding sustaining the programs.

ATCAA has an interim Program Director who does not appear to have the necessary qualifications. How long do they anticipate it taking to fill this position?

Nexus did not provide a list of references, only letters of support. All of the letters read the same and some supporters had letters for both proposals.

Nexus' parent educator does not have the level of experience as ATCAA's parent educator. This is a critical service provider for our CPS cases, as well as for prevention services.

I told GSA that I'm available on July 8, 10, or 11 to help with interviews, or you can do them next week while I'm gone.

Since these contracts will not be ready by July 1 GSA needed the Scope of Work and a not to exceed dollar amount redact took care of that on 6/27/14.

4. [redacted] and I scored the Independent Living Program RFPs. Both ATCAA and Nexus claim to have the same staff person as the ILP coordinator. There was also a third proposal from an FFA out of Stockton. I sent the scoring sheets to GSA on 6/27/14. Again, a decision will need to be made regarding interviewing the proposers.

I'll see you on the 7th.

Social Services Program Manager

PRIVACY NOTICE: This e-mail transmission, and any documents or messages attached to

[redacted]

2/3

Exhibit 11

Re: Call me sometime...

Subject: Re: Call me sometime...
From: HHS Director [redacted] amadorgov.org>
Date: 8/8/2013 4:59 PM
To: Principal-1 [redacted] @gmail.com>

Apparently my call was just in time, glad to do it. HHS Director [redacted]

On Thu, Aug 8, 2013 at 4:58 PM, Principal-1 [redacted] <[redacted]@gmail.com> wrote:
So the local organization... They just stopped by the Upcountry Center and told one staff that they work with ATCAA and have our support... ?? Thanks again for the conversation yesterday.
Principal-1 [redacted]
Sent via BlackBerry by AT&T

From: HHS Director [redacted] amadorgov.org>
Date: Wed, 7 Aug 2013 16:52:45 -0700
To: Principal-1 [redacted] @atcaa.org>
Subject: Re: Call me sometime...

Yes - good time

On Wed, Aug 7, 2013 at 4:47 PM, Principal-1 [redacted] <[redacted]@atcaa.org> wrote:
Hi HHS Director [redacted]
I'm here in the office - can I call you now?

On Wed, Aug 7, 2013 at 4:38 PM, HHS Director [redacted] <[redacted]@amadorgov.org> wrote:
...regarding a local organization and issues that might arise for you. I'll be in the office Thurs but not Friday. [redacted] [phone]

Principal-1 [redacted]
Amador Community Programs Director
Amador Tuolumne Community Action Agency
[redacted] [phone]

1 of 1

6/6/2017 9:44 PM