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REPORTS

PREVIOUSLY PUBLISHED 2005-2006 REPORTS

STATE OF CALIFORNIA
EL DORADO COUNTY
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PLACERVILLE, CA 95667

GRAND JURY

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June 26, 2006

Honorable Douglas C. Phimister
Presiding Judge
Superior Court, Department 7
2850 Fairlane Court
Placerville, CA 95667

Honorable Judge Phimister,

Enclosed is the 2005-2006 El Dorado County Grand Jury Year End report. The reports which are included do not reflect the total number of complaints or inquiries that we responded to during our term. We logged sixty complaints in our files. Many of these were resolved at the inquiry stage and did not warrant inclusion in the final report.

In addition to the exhaustive research needed to resolve a complaint to mutual satisfaction, we were able to meet with numerous County officials as well as members of Special Districts. Everyone we met with was helpful and willing to assist us in reaching a reasonable conclusion.

The members of the 2005-2006 have had a stimulating year and learned a great deal about how Government works. There were times when the task at hand seemed overwhelming, however, the members of the Grand Jury took each task in stride and produced unbiased, quality work.

We would like to take this opportunity to thank you for your leadership, support, and trust during the past twelve months. The members of the Grand Jury took their responsibility seriously and worked hard to provide a more responsive Government to the citizens of El Dorado County.

It has been my pleasure to serve as Foreman Pro-Tem and in the final months as Foreman.

Respectfully submitted,

Donald R. Brooks
Foreman

The Superior Court

State of California
County of El Dorado
2850 Fairlane Court, Department 7
Placerville, California 95667
(530) 621-7412

Chambers of
Douglas C. Phimister
Judge

June 7, 2006

Dear Grand Jury Members:

As Supervising Judge of the 2005/2006 Grand Jury and on behalf of the El Dorado County Superior Court, I want to express my thanks to all of you for your hard work and dedication to the Grand Jury. Your report, including the Final Report, which I have reviewed and approved, shows the long hours you have put into making this a successful Grand Jury.

One of the primary functions of the Grand Jury is to help our county government and special districts operate more efficiently. In fulfilling this function, you have included suggestions and recommendation for better government in your report. Equally as important, your report also informs your fellow citizens of areas where our county government and special districts are already well organized and efficient.

The Grand Jury functions only through citizens like you who are willing to devote time and energy to this important work. Your hard work has helped fulfill the Grand Jury's goal of better government for all of the citizens of El Dorado County.

I want to personally thank Mr. Douglas Clough and Mr. Donald R. Brooks, the Forepersons of the 2005/2006 Grand Jury. Both Douglas and Donald have done an excellent job in leading and organizing all the members of the Grand Jury. It is a very time-consuming but rewarding position.

Each of you has served El Dorado County and your fellow citizens well, and I congratulate you on your 2005/2006 Grand Jury service.

Very truly yours,

Douglas C. Phimister

DOUGLAS C. PHIMISTER
Judge of the Superior Court

DCP:hw

GRAND JURY MEMBERS 2005-2006

Doug Clough, Foreman 07/01/05 - 05/11/06
Donald R. Brooks, Foreman 05/12/06 - 06/30/06

Iris K. Capriola
Rita Clayton
Peri Curry
Mary Ann Dante
Fran DelGizzi
Van Dossey
Fredrick (Fritz) Engel
Michael J. Johnson
Floyd Knapp
Lorrainne McLaughlin
Michael Powell
Ivonne Ramos Richardson
Teresa Stapleton
Loren Theodore
Rene (Ray) Van Asten
Harlan J. Yelland

Former Members:

Michael Crowley
Karen Eller
Colleen Young 07/01/05 – 03/31/06

Grand Jury Recording Secretary as of 04/01/06:

Colleen Young

NOTICE TO RESPONDENTS

Penal Code Section 933.05. **Responses to findings**

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

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

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis; with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. The timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the advising judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

COMMENDATION REPORT
INFORMATION AND TECHNOLOGY DEPARTMENT
GJ05-059

The Information Technologies (IT) Department was investigated by the 2003/2004 Grand Jury and also the 2004/2005 Grand Jury. Findings and recommendations were somewhat similar in both reports.

In September, 2005, El Dorado County hired a new IT Director, Ms. Jacqueline Nilius, to lead that department. Her background included both public and private management experience with Orange County and IBM. Shortly after being hired, Ms. Nilius began meeting with the Grand Jury IT Committee to address issues and follow up on recommendations raised in the aforementioned reports.

She put practices in place to correct deficiencies, and made presentations to the Board of Supervisors to apprise them of her business plans. She made structural changes in job responsibilities and reporting relationships, resulting in a more cohesive work environment.

The results of her efforts have created a much more positive work experience for staff, and a direction and focus that was lacking in the past.

Special mention should be made of the department's ongoing cooperative spirit in assisting the Grand Jury Committees in publication challenges and media selection. Each time we experienced a problem, IT quickly responded to our requests.

Therefore, the 2005/2006 Grand Jury would like to commend the IT Department for their attention to detail in addressing problems cited in prior Final Reports.

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REPORTS & RESPONSE REVIEW
GRAND JURY INTERNAL REPORT
GJ05-056

Reason for Report

The 2005-06 Grand Jury created the Reports & Response Review Committee to follow up on past responses from the Board of Supervisors. In some of the past responses, the term, "The recommendation has not yet been implemented, but will be implemented in the future," or, "The recommendation requires further analysis" was used. These responses do not follow the penal code mandated format of responding. The Jury contacted the Office of the Chief Administrator and requested meetings to review past reports to encourage County Departments to place timeframes on responses, as prescribed by the penal code. The following past reports were reviewed:

FY 2003-2004 Report

- Regarding the expansion of the current Animal Control facility in South Lake Tahoe, the report now states that the expansion and correction to any infraction cited by the Grand Jury is anticipated to be completed in the fall of 2007. A total of six recommendations failing to comply with the penal code requirements were cited.
- The General Services Department will evaluate options for window upgrades and a selection will be implemented by fall of 2006.
- The Material Recovery Facility responded to two (2) Findings and Recommendations. These were addressed and have been implemented. No follow-up is necessary at this time.

FY 2004-2005 Report

- South Lake Tahoe Mental Health facility responded to four (4) Findings and Recommend-ations. Roof and gutters, as well as heat and air circulation, have been addressed and implemented. ADA compliant problems of the building will be addressed by moving this department to new facilities. Anticipated move is to be completed by fall of 2008.

Other responses are being studied. The Grand Jury in cooperation with the Chief Administrative Office has initiated a follow-up procedure to track responses that require a timeframe for implementation.

Commendation

The Grand Jury wishes to thank the Board of Supervisors and the CAO for their help in initiating this Reports & Response Review tracking system. Future Grand Juries will continue to track the necessary responses to insure the proper responses as per the penal code.

EL DORADO COUNTY BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL
Meeting of
June 13, 2006

COPY

AGENDA TITLE: Status report on recommendations made by the Grand Jury in its 2003-04 Final, 2004-05 Final, and 2005-06 Mid-Session reports

DEPARTMENT: Chief Administrative Office	**DEPT SIGNOFF:**	**CAO USE ONLY:**
CONTACT: Laura S. Gill		D-12g
DATE: 6/5/06 **PHONE:** 5592		

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:
The Chief Administrative Officer recommending the Board of Supervisors receive and file the attached status report on recommendations made by the Grand Jury in its 2003-04 Final, 2004-05 Final, and 2005-06 Mid-Session reports

CAO RECOMMENDATIONS: Recommend receive/file. Laura S. Gill 6/5/06

Financial impact? ( ) Yes (x) No

BUDGET SUMMARY:
Total Est. Cost ______
Funding
Budgeted ______
New Funding ______
Savings ______
Other ______
Total Funding ______
Change in Net County Cost

Funding Source: ( ) Gen Fund ( ) Other
Other:

CAO Office Use Only:
4/5's Vote Required ( ) Yes ( ) No
Change in Policy ( ) Yes ( ) No
New Personnel ( ) Yes ( ) No
CONCURRENCES:
Risk Management ______
County Counsel ______
Other ______

***Explain**

BOARD ACTIONS:

Vote: Unanimous ______ **Or**
Ayes:
Noes:
Abstentions:
Absent:

I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors
Date: ______
Attest: Cindy Keck, Board of Supervisors Clerk
By: ______

Rev. 6/04 ISKW001 Agenda

El Dorado County
Chief Administrative Office
Interoffice Memorandum

DATE: June 5, 2006

TO: Board of Supervisors

FROM: Laura S. Gill, Chief Administrative Officer Laura S. Gill

SUBJECT: Status report on recommendations made by the Grand Jury in its 2003-04 Final, 2004-05 Final, and 2005-06 Mid-Session reports

Recommendation:
I recommend that the Board of Supervisors receive and file the attached status report on recommendations made by the Grand Jury in its 2003-04 Final, 2004-05 Final, and 2005-06 Mid-Session reports.

Reason for Recommendation:
On December 13, 2006, I provided the Board of Supervisors with a report on the status of implementation of recommendations made by the Grand Jury in its 2004-05 final report. At that time I informed the Board that I would report quarterly on the status of any pending items relating to published Grand Jury reports, as required by Board of Supervisors Policy A-11- "Responding to Grand Jury Reports".

The enclosed report addresses remaining items from the 2003-04 Final, 2004-05 Final, and 2005-06 Mid-Session reports that were unresolved as of March 14, 2005. A copy of the report and this memorandum has been provided to the Grand Jury.

Fiscal Impact: None.

Action to be Taken Following Approval:
The Board Clerk will file the report.

2003-2004 FINAL REPORT

COUNTY PUBLIC BUILDINGS

Animal Control, South Lake Tahoe

Recommendation 1
Erect a retaining wall with a drainage system at the rear of the building to curtail the damage from snow and ice runoff.

Original response to Recommendation 1: The recommendation requires further analysis. Staff within the Facilities Design section of General Services is in the process of preparing a design to significantly retrofit the existing facility to better meet the current needs of the facility. $800,000 has been committed to this process, which is scheduled to begin in the Spring of 2005, and be completed by the Fall. Construction of a new retaining wall will be considered in the design.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. The retaining wall with proper drainage has been incorporated as an element in the new building design. Staff anticipates completion of the wall and drainage improvements by Fall 2007.

Recommendation 2
The parking lot and driveway directly in front of the Animal Control Building should be graded or modified to eliminate excess snow, ice and water accumulation. This would also provide additional parking and easier access.

Original response to Recommendation 2: The recommendation requires further analysis. Please see the above response to Recommendation 1. This Recommendation will be considered in the retrofit design.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. Modifications to the driveway and parking have been incorporated as elements in the new design. Staff anticipates the driveway and parking lot improvements to be complete by Fall 2007.

Recommendation 3
Access to and from the parking lot and the building should be handicap accessible.

Original response to recommendation 3: The recommendation has not yet been implemented, but will be implemented in the future. The plans for the renovations scheduled for 2005 will incorporate handicap parking and access to and from the building.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. Elements of the new design include ADA (handicap) access and are incorporated in the current design. Staff anticipates completion of ADA improvements by Fall 2007.

Recommendation 4

Access to the public restroom should be redirected from the main staff office.

Original response to Recommendation 4: The recommendation has not yet been implemented, but will be implemented in the future. The plans for the renovations scheduled for 2005 will incorporate the relocation of the public restroom adjacent to the public area.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. The plans have incorporated the necessary changes to the restroom to accommodate the Public. Staff anticipates completion of this facility in the Fall of 2007.

Recommendation 5

Provide additional space for animal exercise.

Original response to Recommendation 5: The recommendation requires further analysis. The addition of a roof in the exercise area to enhance use of the area during the winter months will be considered in the plans for the 2005 renovations. However, the addition of a roof in this area will be subject to the amount of additional land coverage allowed under TRPA regulations.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. The plans have incorporated a covered roof exercise area. Staff anticipates completion of the facility in the Fall of 2007.

Recommendation 6

Provide additional ventilation for the animal runs to dry more quickly.

Original response to Recommendation 6: The recommendation requires further analysis. This Recommendation will be considered in the retrofit design. Increased ventilation is likely to be one of the improvements incorporated into the design plan for the 2005 renovations.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. The plans have incorporated additional ventilation within the new facility. Staff anticipates completion of the facility by the fall of 2007.

Assessor's Office, South Lake Tahoe

Recommendation 1

Double pane windows should replace the single pane windows.

Original response to Recommendation 1: The recommendation requires further analysis. The building is old and constructed of materials that are currently not available. The costs associated with retrofitting and replacing the windows in this building are unreasonable. The County is currently looking into selling this structure and constructing a new building within the

Basin to house this function of County Government. General Services will work with the Assessor's office to install a window barrier or other suitable measures to resolve the issue of excessive heat loss and ice formations on the inside of the windows by January 31, 2005. In addition, General Services will check the heating system to make sure it is functioning properly and make any necessary corrections by October 1, 2004.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. Upgrades to the windows will be provided to the Assessor's Office. This may or may not include total window replacement. There are several options available that could improve thermal efficiency of the existing windows. Staff has researched a variety of options and anticipates modifications to the windows by fall of 2006. Staff will continue to monitor the heating system to assure system is functioning properly.

2004-2005 FINAL REPORT

PUBLIC BUILDINGS AND PROPERTY

Mental Health Buildings-South Lake Tahoe

Recommendation 1b

Relocate this department to a facility adequate to serve the clientele, to create a safe work environment for the employees and to meet ADA requirements.

Original response to Recommendation 1b.: The recommendation has not yet been implemented, but will be implemented in the future. Staff within General Services have met with representatives from Mental Health and both departments agree that the current space meets the needs of this program, but would be greatly enhanced with improvements to the floorplan. The findings do not identify specific safety issues and the Department of General Services is not aware of outstanding safety concerns. All floors of this facility do not require ADA access. The clientele that need ADA access are served on the main floor together with the basement that now has a wheel chair lift. Although clientele do occasionally meet on the third floor, all meeting functions can occur on the main floor. Access to the third floor is not required of the clientele. In an effort to better serve the clientele of this program, Mental Health wishes to combine the functions of this program with others under the same Department, currently located at the Silver Dollar Building. Under this plan both functions would move to another facility of proper configuration and size to better meet the program needs. General Services will begin a search with the goal of relocating this function within the next 24-36 months.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. The Department of General Services is currently reviewing multiple properties in the basin in anticipation of the pending relocation. Counsel has completed a review of the existing lease and have noted concerns relating to an early termination. General Services will continue negotiations with current owner in anticipation of vacating the facility. Nothing additional to report on this matter. Relocation of this function is anticipated within the next 12-24 months.

2005-2006 MID SESSION REPORT

MENTAL HEALTH AUDIT REPORT

Recommendation 2.2

Direct the multi-departmental Interagency Governing Council Wraparound management team to meet regularly such as quarterly for the purpose of overseeing the Wraparound program including setting annual program goals and objectives, determining funding and resource allocations at least once a year as part of the County budget process, establishing operational guidelines, receiving and reviewing regularly produced management reports on program outcomes and cost effectiveness, and making adjustments to program operations when needed.

Original response to Recommendation 2.2: The recommendation has not yet been implemented, but will be implemented in the future. The interagency advisory council will meet quarterly to recommend goals and objectives for the program, funding priorities and operational guidelines, and to monitor budgetary and program performance reports. Quarterly meetings will be initiated in beginning in March, 2006. The minutes of the council's meetings will be submitted to the Chief Administrative Officer.

Status as of June 1, 2006: The recommendation has been implemented. Minutes of the March and April 2006 Interagency Advisory Council meetings have been submitted to the Chief Administrative Officer.

Recommendation 2.4

Direct the multi-departmental Interagency Governing Council Wraparound management team to prepare annual summary evaluations of program and cost effectiveness for their own review and transmission to the Board of Supervisors, to include documentation of: program compliance with State law; the team's meeting records; achievement of program goals; staff training records; accessibility of the program to the target population; and, program satisfaction by participating families.

Original response to Recommendation 2.4: The recommendation has not yet been implemented, but will be implemented in the future. Annual summary evaluations will be prepared with the compilation of required data. Progress will be reported to the Interagency Advisory Council at quarterly meetings effective immediately. Since FY 2006-07 is the first fiscal year in which all of the required data will be compiled, the first full annual summary evaluation report will be submitted to the Interagency Advisory Council and the Board of Supervisors upon completion of FY 2006-07, during the first quarter of FY 2007-08.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. The recommendation will be fully implemented within the timeframe indicated in the original response.

Recommendation 2.5

Direct the inter-departmental Wraparound management team to amend the County Wraparound Plan to include procedures and protocols for admitting and providing services to non-revenue generating children in the program who are not assigned to authorized service allocation slots.

Original response to Recommendation2.5: The recommendation has not yet been implemented, but will be implemented in the future. The Wraparound Plan will be amended by no later than September, 2006 to address this and other needed changes.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. The recommendation will be fully implemented within the timeframe indicated in the original response.

Recommendation 2.6

Direct the Wraparound inter-departmental management team to amend the program plan to include a definition of program "cost savings to be reinvested in children's services" and to establish procedures for how decisions will be made regarding expenditure of such funds.

Original response to Recommendation 2.6: The recommendation has not yet been implemented, but will be implemented in the future. The Wraparound Plan will be amended by no later than September, 2006 to address this and other needed changes.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. The recommendation will be fully implemented within the timeframe indicated in the original response.

Recommendation 3.1

Direct the inter-departmental Wraparound management team and Chief Administrative Officer to review the Wraparound program FY 2005-06 revenue and expenditure budget, its assumptions about the number of children to be served, slots to be filled, actual number of "slotted" and non-revenue generating children served and actual revenues and expenditures year-to-date and report back to the Board within six weeks on whether adjustments should be made to make the budget more realistic.

Original response to Recommendation 3.1: The recommendation has not yet been implemented, but will be implemented in the future. This recommendation will be implemented within the indicated timeframe, within six weeks of the date of this response.

Status as of June 1, 2006: The recommendation has been implemented. A budget revision based on actual costs and projections for the remainder of the fiscal year was approved by the Board of Supervisors on February 28, 2006. Wraparound revenues and expenditures are included in the FY 2006-07 budget. The CAO is receiving program information via Interagency Advisory Council meeting minutes.

Recommendation 3.2
Direct the inter-departmental Wraparound management team and Chief Administrative Officer to prepare a budget plan each year based on the actual revenues and expenditures for the previous year and documented assumptions about the number of children to be served, both slotted and discretionary non revenue generating, and the nature of services to be provided in the budget year.

Original response to Recommendation3.2: The recommendation has not yet been implemented, but will be implemented in the future. Implementation of this recommendation will be incorporated into the regular budget process, beginning with the FY 2006-07 budget process.

Status as of June 1, 2006: The recommendation has been implemented. The Wraparound budget and program information are included in the County's FY 2006-07 proposed budget.

Recommendation 3.3
Direct the inter-departmental Wraparound management team to at least quarterly monitor actual program revenues and expenditures and number of children served for comparison to the budget.

Original response to Recommendation 3.3: The recommendation has not yet been implemented, but will be implemented in the future. The interagency advisory council will conduct this monitoring activity at its quarterly meetings.

Status as of June 1, 2006: The recommendation has been implemented. This monitoring activity has begun. The regular meetings of the management team began in March, 2006.

Recommendation 3.4
Direct the Chief Administrative Officer to separately present the Wraparound program budget each year in the proposed Department of Mental Health budget document presented to the Board of Supervisors and to include planned and previous year actual numbers of slotted and discretionary non-revenue generating children program participants, hours of staff service provided, contractor service hours and expenditures for unique external goods and services.

Original response to Recommendation 3.4: The recommendation has not yet been implemented, but will be implemented in the future. Appropriate data will be provided to the Chief Administrative Officer as part of the regular budget process.

Status as of June 1, 2006: The recommendation has been implemented. The Wraparound budget and program information are included in the County's FY 2006-07 proposed budget. However, the Human Services Department is the fiscal agent for the program, so the budget plan is presented as part of the Human Services Department's budget rather than Mental Health's.

Recommendation 3.5
Direct the inter-departmental Wraparound management team and Chief Administrative Officer to develop an expenditure plan for the approximately $173,244 Wraparound program fund balance and transmit the plan to the Board of Supervisors for review.

Original response to Recommendation 3.5: The recommendation has not yet been implemented, but will be implemented in the future. Proposed and planned activities will be brought forward both in the process described in Recommendation 3.1 and in the regular budget process.

Status as of June 1, 2006: The recommendation has been implemented. A review/expenditure plan has been developed as part of the FY 2006-07 budget process.

Recommendation 4.1

Direct the inter-departmental Wraparound management team to include in its annual program evaluation provided to the Board of Supervisors: statistics on the number of children referred to and considered for the program; the number and backgrounds of those admitted to the program and assigned to service allocation slots; and, the number and backgrounds of those receiving services with Wraparound funding but not assigned to service allocation slots.

Original response to Recommendation 4.1: The recommendation has not yet been implemented, but will be implemented in the future. This information will be provided during the process described in Recommendation 2.4.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. The recommendation will be implemented as indicated.

Recommendation 4.2

Direct the inter-departmental Wraparound management team to prepare written procedures regarding eligibility and services offered to children receiving services with Wraparound funding but not assigned to service allocation slots.

Original response to Recommendation 4.2: The recommendation has not yet been implemented, but will be implemented in the future. The Wraparound Plan will be amended by no later than September, 2006 to address this and other needed changes.

Status as of June 1, 2006: The recommendation has not yet been implemented, but will be implemented in the future. The recommendation will be implemented as indicated.

Recommendation 4.3

Direct the inter-departmental Wraparound management team to prepare annual estimates of staff and contractor availability for the program and to use this as a base line when service plans are prepared to ensure that there is greater consistency between service plans and service provider availability.

Original response to Recommendation 4.3: The recommendation has not yet been implemented, but will be implemented in the future. More specific planning will occur during the regular County budget process to ensure consistency of services and appropriate use of resources.

Status as of June 1, 2006: The recommendation has been implemented. The department has begun tracking service hours for the contracted service providers. FY 2006-07 will be the first year for which service hour details can be captured for reporting purposes. Progress has been reported to the Interagency Advisory Council and available information is being used in the budget process.

Status of Pending Grand Jury Recommendations

2003-04 Final Report

Subject	Rec #	Description	Original Response	Status at 6/1/06	Follow-Up
County Public Buildings:					
SLT Animal Control	1	Erect retaining wall	Not yet been implemented but will be in future	Will be included in new design	YES - completion of facility
SLT Animal Control	2	Grade parking lot and driveway	Not yet been implemented but will be in future	same as number 1	same as number 1
SLT Animal Control	3	Provide handicap accessibility	Not yet been implemented but will be in future	same as number 1	same as number 1
SLT Animal Control	4	Redirect access to public restroom	Not yet been implemented but will be in future	same as number 1	same as number 1
SLT Animal Control	5	Provide additional space for animal exercise	Requires further analysis	same as number 1	same as number 1
SLT Animal Control	6	Provide additional ventilation	Requires further analysis	same as number 1	same as number 1
SLT Assessor's Office	1	Replace single paned windows with double paned windows	Requires further analysis	Not yet been implemented but will be in future	YES - window upgrades by fall '06

2004-05 Final Report

Subject	Rec #	Description	Original Response	Status at 6/1/06	Follow-Up
County Public Buildings:					
SLT Mental Health	1b	Relocate function to ADA compliant facility	Not yet been implemented but will be in future	Not yet been implemented but will be in future	YES- relocation within 1-2 years

2005-06 Mid Session Report #1

Subject	Rec #	Description	Original Response	Status at 3/1/06	Follow-Up
Mental Health Audit Report:					
Wraparound Program	2.2	Direct IGC to meet regularly	Not yet been implemented but will be in future	Has been implemented	None
Wraparound Program	2.4	Direct IGC to prepare annual summary evaluations of program and cost effectiveness	Not yet been implemented but will be in future	Not yet been implemented but will be in future	YES-first report due in 1st quarter of FY 2007-08
Wraparound Program	2.5	Direct Wraparound management team to amend Wraparound plan to improve procedures and protocols	Not yet been implemented but will be in future	Not yet been implemented but will be in future	YES-plan to be amended by Sep. 2006
Wraparound Program	2.6	Direct Wraparound management team to amend Wraparound plan to define "cost savings to be reinvested in children's services"	Not yet been implemented but will be in future	Not yet been implemented but will be in future	YES-plan to be amended by Sep. 2006
Wraparound Program	3.1	Direct Wraparound management team and CAO to review FY 2005-06 budget and adjust as necessary	Not yet been implemented but will be in future	Has been implemented	None

2003-04 Final Report					
Subject	**Rec #**	**Description**	**Original Response**	**Status at 6/1/06**	**Follow-Up**
Wraparound Program	3.2	Direct Wraparound management team and CAO to prepare budget plan each year	Not yet been implemented but will be in future	Has been implemented	None
Wraparound Program	3.3	Direct Wraparound management team to monitor program revenues and expenditures quarterly	Not yet been implemented but will be in future	Has been implemented	None
Wraparound Program	3.4	Direct CAO to present Wraparound program budget separately in the proposed budget document	Not yet been implemented but will be in future	Has been implemented	None
Wraparound Program	3.5	Direct CAO and Wraparound management team to develop plan for fund balance	Not yet been implemented but will be in future	Has been implemented	None
Wraparound Program	4.1	Direct Wraparound mangement team to include specified informaiton in annual report to BOS	Not yet been implemented but will be in future	Not yet been implemented but will be in future	YES-first report due in 1st quarter of FY 2007-08
Wraparound Program	4.2	Direct Wraparound management team to prepare written procedures	Not yet been implemented but will be in future	Not yet been implemented but will be in future	YES-plan to be amended by Sep. 2006
Wraparound Program	4.3	Direct Wraparound management team to prepare annual estimates of staff and contractor time to be used as baseline	Not yet been implemented but will be in future	Has been implemented	None

EL DORADO IRRIGATION DISTRICT
HIRING PROCESS
GJ 05-029

Reason for the Report

The 2005/2006 Grand Jury received a complaint regarding the hiring, by the El Dorado Irrigation District (EID), of a high level employee with an alleged criminal background. This matter was reported locally in the newspaper.

Background

EID had a procedure in place requiring prospective employees to fill out an application. This procedure was not followed in this case.

Scope of the Investigation

People Interviewed

- None

Documents Reviewed

- Copies of newspaper articles
- Employment agreements between the employee and EID
- Job description of affected employee's position
- Current employment packet for new applicants to EID
- Letter from EID Counsel

Facts

1. In January 2004, an agreement was entered into by EID and the employee to perform the duties of Human Resources Director.
2. In June 2005 the employee's alleged criminal past came to light and he was placed on administrative leave while the matter was investigated by EID.
3. In June 2005, the employee and EID entered into a new agreement for the employee to resign as Human Resources Director and to assume the duties of Assistant to the General Manager.
    - The new duties were to perform organizational analysis and other duties as assigned by the General Manager
    - The employee has no supervisory duties and no district employees report to him

Findings/Recommendations

1F. Finding: By EID's own admission, in a letter dated November 7, 2005, they failed to follow their own procedure for a completed employment application in the hiring of the employee in question.

> **1R. Recommendation:** Training of department managers to ensure compliance with established procedures.

2F. Finding: New procedures have been put in place for a completed employment application, as well as a full background check, on all new employees. Applicants must also sign a Certification of Information/Release when filing an application for employment.

> **2R1. Recommendation:** Clearly establish a central repository in Human Resources for all employment applications filed with EID

> **2R2. Recommendation:** Periodic review of all applications to ensure procedures are followed by all department managers.

A response is required by the El Dorado Irrigation District within sixty (60) days. See Table of Contents, *"Notice to Respondents."*

EL DORADO IRRIGATION DISTRICT
EXECUTIVE WELLNESS PROGRAM
GJ05-028

Reason for the Report

On October 24, 2005 the Grand Jury received a complaint concerning the implementation of the Executive Wellness Program (EWP), also known as the Management Wellness Program of the El Dorado Irrigation District (EID).

Scope of the Investigation

People Interviewed:

- General Manager of EID
- Employee of EID

Documents Reviewed:

- E-mails:
  - July 12, 2004 from Human Resources Director to EID Board of Directors and Department Heads
  - July 12, 2004 from Human Resources Director to EID Board of Directors
  - July 19, 2004 from Human Resources Director to Payroll Clerk
  - July 28, 2004 from employee to EID Counsel
- EID Website
- Memorandum from employee to EID General Manager, May 10, 2004
- Letter from CPA to Human Resources Director, August 2, 2004
- Letter from EID General Manager to Grand Jury, December 23, 2005
- Letter from EID General Manager to Grand Jury, February 28, 2006
- Government Code Section 53200

Background

A health insurance plan for EID employees was in effect from 1980 with revisions made in 1983 and 1994. Prior to July 2004 the Board of Directors received "cash-in-lieu" benefits for medical expenses.

The EWP, also known as Management Wellness Program, was implemented on July 1, 2004. It provides benefits up to $5,000 annually for medical, dental, vision and healthcare costs and expenses incurred that are not covered by an insurance plan. This applies only to the Board of Directors, General Manager, General Counsel, Department Heads, Assistant Department Heads, their spouses and their dependents.

An additional $250 (an all employee benefit) is provided, if the eligible EWP member belongs to a health club.

Also, paid administrative leave for the management group was increased to 80 hours (from an unknown base) in addition to vacation and holiday time.

This EWP was initiated by and under the authority of the General Manager and the then Human Resources Director.

Facts:

1. The General Manager and the Director of Human Resources made an executive decision to initiate this EWP.

2. An e-mail notice sent on July 12, 2004, stated that the EWP was retroactively implemented on July 1, 2004. Reimbursements under the Program are subject to Section 105 of the Internal Revenue Code.

3. No written notice was given to the Board of Directors and no discussions were held with the Board before this announcement.

4. The Grand Jury requested copies of minutes regarding this program and was informed by the General Manager that no minutes existed.

5. No written records exist regarding the criteria or codification of the EWP.

6. In response to an inquiry of the EID Human Resources Director, a certified public accountant (CPA), in a letter dated August 2, 2004, stated the following:

    > "I researched the discrimination rules for 'self funded' insurance plans. Section 105 of the IRC states a self-insured health plan may not discriminate in favor of certain individuals and must satisfy certain 'nondiscriminatory rules' which include covering 70% of the total employees or make at least 70% of employees eligible to participate, provided 80% if those eligible actually participate; or cover a classification of employees that the IRS finds does not discriminate in favor of 'highly compensated individuals.' For purposes of applying for these tests, the El Dorado Irrigation District's proposed plan did not qualify under these rules. Consequently any benefits payable to any individuals under the proposed plan would be deemed discriminatory and therefore taxed to the individuals. Research of current revenue rulings and other associated regulations failed to yield an allowable exception to the above law."

7. When the EWP policy was initiated no source of funding was identified.

8. During the same time frame, employees were asked to give up raises for 2 years and rate payers were billed for rate increases in both January, 2005 and January, 2006.

9. The General Manager had the authority to approve expenditures of up to $50,000 annually without Board approval.

10. The maximum cost of the EWP was estimated not to exceed $60,000.

Findings/Recommendations:

1F. Finding: The EID General Manager violated district administrative procedures that has a $50,000 limitation by implementing a benefit program exceeding approved expenditure guidelines.

> **1Ra. Recommendation:** The EWP should be formally brought before the Board of Directors for public hearing and vote.
>
> **1Rb. Recommendation:** In the future, all employee benefit plans, including management's, should be presented before the Board of Directors for public hearing and vote.
>
> **1Rc. Recommendation:** Suspend the $5,000 EWP benefit until an independent audit determines the legality under IRS guidelines.

2F. Finding: The criteria utilized for benefit coverage under the EWP is very broad in terms of eligibility, dependents and coverage.

> **2Ra. Recommendation**: Define specific criteria for those activities eligible for reimbursement.
>
> **2Rb. Recommendation:** Specifically define what constitutes a dependent.

3F. Finding: No requirement exists for certification of a medical condition and related expenses not covered by an insurance plan.

> **3R. Recommendation**: Certification should be required from a physician for reimbursement of expenses eligible under the EWP.

4F. Finding: The practice of giving Board of Directors "cash-in-lieu" benefits prior to 07-01-2004 appears to be illegal.

> **4R. Recommendation:** An audit must be conducted by an independent agency to determine the legality of the "cash-in-lieu" program.

A response is required by the El Dorado Irrigation District within sixty (60) days. See Table of Contents, *"Notice to Respondents."*

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EL DORADO COUNTY COMMISSION ON AGING
GJ05-022

Reason for the Report

The El Dorado County Grand Jury received a complaint regarding a meeting of the Commission on Aging, on November 18, 2004, wherein a violation of *The Brown Act* is alleged to have occurred.

Scope of the Investigation

People Interviewed
- Commission on Aging Members

Documents Reviewed
- Meeting Agenda for November 18, 2004
- Meeting Minutes for November 18, 2004
- California Government Code Sections 54950-54963
  - *The Brown Act*
- Meeting Minutes and Agendas for random months
  - *November 2004*
  - *August 2005*
  - *September 2005*
  - *October 2005*
  - *November 2005*

Background

The Commission on Aging is an advisory body to the Department of Human Services and the El Dorado County Board of Supervisors, regarding programs administered by the Department of Human Services.

The Commission on Aging meets monthly to conduct business. Agendas are posted to inform the public of the time, place, and subject matter. Minutes of the meeting are published.

During the meeting of November 18, 2004 a member of the Commission suggested that they adjourn to closed session. According to testimony they did adjourn to a closed session and excluded members of the public.

The Agenda did not include that a closed session was planned at that particular meeting. The Minutes reflect that a closed session was held; however, no synopsis of the discussion was posted.

Testimony also indicates that the Commission routinely asks members of the public in attendance to identify themselves and whom they represent.

As a sanctioned Commission of El Dorado County, the Commission on Aging is covered by **California Government Code Sections 54950-54963**. These sections are known as *The Brown Act* and cover what is allowed and how meetings must be conducted, and to insure full public disclosure.

The following sections are a summary of the legislation wording.

Section 54954 (a) in summary states that if an advisory committee or standing committee posts an agenda at least 72 hours in advance of the meeting the meeting shall be considered as a regular meeting of the legislative body for purposes of *The Brown Act.*

Section 54954.2 (a) in summary states that the agenda must be posted at least 72 hours before a regular meeting and must contain a brief general description of each item of business to be transacted or discussed at the meeting, **including** items to be discussed in closed session. The only exceptions to the requirement of posting agenda items are: "(1) Emergency situations, (2) Two-thirds vote of the body determines there is need for immediate action and the item came to their attention after the posting of the agenda, and (3) The item was posted for a prior meeting and the meeting was not more than five calendar days prior and the item was continued to the meeting where action is being taken".

Section 54957.1 (a) in summary requires a public report of any action taken in closed session and the vote or abstention of every member present. If no action is taken the minutes should reflect that fact.

Section 54953.5 (a) in summary states that a member of the public **shall not** be required, as a condition of attendance, to register his or her name, to provide other information, to complete a questionnaire, or otherwise fulfill any obligation precedent to his or her attendance

Section 54960.1 In summary, by subsections, lists penalties regarding violations of *The Brown Act.*

<u>Facts</u>

1. On November 18, 2004 at a regular meeting of the Commission on Aging a closed session was held.
2. This closed session had not been properly noticed as required by *The Brown Act.*
3. The Minutes reflect that a closed session was held, however, no indication as to the subject matter discussed was recorded.
4. Members of the public in attendance at Commission on Aging meetings are routinely asked to identify themselves.

Findings/Recommendations

1F. Finding: The members of the Commission on Aging are not well versed in the requirements and penalties of *The Brown Act*.

> **1R. Recommendation:** Members of the Commission on Aging be issued copies of *The Brown Act* to be read and applied.

2F. Finding: On November 18, 2004 the Commission on Aging went into closed session without prior public notice on the Agenda. Government Code Section **54954.2 (a)** grants exception where a body may go into closed session without notice, however, none of the exceptions were met in this instance.

> **2R. Recommendation:** Future closed sessions should strictly adhere to the provision of the law.

3F. Finding: Minutes of the November 18, 2004 meeting reflect the closed session, however, no synopsis of the item discussed was recorded.

> **3R. Recommendation:** Amend the Minutes of the November 18, 2004 meeting to reflect the item discussed and the result.

4F. Finding: The Commission on Aging does not hold closed sessions often. This is supported by testimony and review of Agendas.

> **4R1. Recommendation:** Protocol be put into place to ensure new members, when appointed, receive proper training and a copy of *The Brown Act.*

> **4R2. Recommendation:** Support staff must become familiar with *The Brown Act* to ensure that proper posting and notification of closed sessions is provided in public documents.

5F. Finding: The Commission on Aging routinely asks people in the audience to identify themselves and whom they represent.

> **5R. Recommendation:** The Commission on Aging require identification only from those persons addressing the Commission as a whole on a specific matter.

A response is required by the Board of Supervisors within ninety (90) days. See Table of Contents, "*Notice to Respondents.*"

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EL DORADO COUNTY COURT SECURITY
GJ05-032

Reason for the Report

The Grand Jury received a citizen complaint regarding the security provided for the Superior Courts in El Dorado County. Upon investigation, the Grand Jury believes that the security needs to be improved. In addition, budgetary accounting from the County for the security provided is not detailed and does not fully substantiate payment requests.

Scope of the Investigation

During jury year 2005-2006, members of the Grand Jury made visits to all the court facilities in El Dorado County.

People Interviewed:

- El Dorado County Sheriff
- Various Sheriff Department Employees
- Sheriff Sergeant In Charge Of Court Security
- Superior Court Executive Officer
- Various Superior Court Employees

Documents Reviewed:

- 2001-2002 Memorandum of Understanding (MOU) between Court and Sheriff
- Draft of 2006-2007 MOU

Buildings Inspected:

- 2850 Fairlane Court, Bldg. C, Placerville
- 495 Main Street, Placerville
- 1354 Johnson Blvd., South Lake Tahoe
- 3321 Cameron Park Dr., Cameron Park

Background

The employees of the Superior Courts of El Dorado County are State employees. Many of the court's support services are provided by El Dorado County. Court security is provided by the El Dorado County Sheriff's Department. The court buildings are owned by El Dorado County, although they are to be turned over to the State in the future. Security is contractually documented in a Memorandum of Understanding (MOU) between the Court and the Sheriff. While the most recent MOU expired in 2002, service has continued with all requirements and pricing handled without a contract. A new MOU is being developed for FY 2006/2007. This MOU draft specifies a fixed amount to be paid by the court.

Department 7 is located downstairs in County Building C and has a metal detector, but the detector is only functional while court is in session. The unscreened access beyond the metal detector is still accessible when court is closed. A weapon could be hidden in this area while court is closed and then retrieved later while court is in session.

Department 7 has two small holding areas, one each for men and women. These areas are often loaded beyond their capacity.

Department 8 is located on the ground floor of County Building C and has no metal detector for screening court entry. Department 8 is not a criminal court, but does have family court and traffic court hearings, both potentially volatile situations.

The Court and the Sheriff's Department both wish to improve security in Departments 7 and 8. This would require relocating the metal detection unit upstairs to service both courts. It would also require limiting downstairs access near Department 7 to prevent off-hour access. These efforts have been rebuffed by the county because it would be a hindrance to other county departments and/or citizens who do business in building C.

Departments 3, 4, 11, and 12 are co-located in South Lake Tahoe. Departments 3 and 4 are criminal courts, without a holding cell. Prisoners enter through employee hallways and often must remain in public or employee hallways (albeit with a Sheriff) until called to court.

Facts

1. MOU for court security expired 2002
2. 2006/2007 MOU calls for fixed dollar amount to be paid
3. Departments 7 and 8 are in County Building C, which was never built to be a court
4. Holding area in Department 7 is often over-crowded
5. Department 8 has no metal screening
6. Courts in South Lake Tahoe do not have a holding area

Findings/Recommendations

1F. Finding: Memorandum of Understanding for court security specifies a fixed dollar amount for the year with some provision for changes.

> **1R. Recommendation:** All payment requests from the Sheriff for court security should be based on the actual hours the Sheriff spent on court security. Time keeping reports should be provided detailing all hours and other expenditures.

2F. Finding: Both the Sheriff and Court management agree that security for Departments 7 and 8 needs to be improved. Failure to do so exposes the Court employees and Court clients to unnecessary risk.

> **2R. Recommendation:** Immediately relocate the metal detector in Building C to provide screening of both Departments 7 and 8. Install gates to close off court areas when in recess.

3F. Finding: South Lake Tahoe does not have a holding cell.

> **3R. Recommendation:** Provide a holding cell in South Lake Tahoe court.

4F. Finding: The west slope courts are located in logistically diverse locations, in buildings that are not suited for the issues that a 21st century court must face.

4R. Recommendation: Aggressively pursue consolidating the west slope courts into a new, single facility, co-located with the county jail. Identify County and State funding required to move forward quickly.

A response is required by the Board of Supervisors within ninety (90) days. See Table of Contents, *"Notice to Respondents."*

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EL DORADO COUNTY JAILS/JUVENILE HALLS
GJ05-060

Reason for the Report

Per Penal Code §919(b) members of the 2005-2006 Grand Jury inspected the correctional facilities located within the boundaries of the county.

Scope of the Inspection

Members of the Grand Jury made a physical visit to each facility. All accessible areas were toured.

- At the Jails and Juvenile Halls, Managers and Supervisory Staff briefed Grand Jury members on the operations and conducted tours.
- Explanations were given for:
    1. Staffing levels.
    2. Programs in each facility.
    3. Future expansion plans

Background

With the exception of the South Lake Tahoe Juvenile Hall all facilities are aging and, for the most part, are well maintained. (Exceptions noted under findings)

Outside agencies, such as U.S. Marshals, will house prisoners on as needed basis in the County Jails. Alpine County contracts with El Dorado County for jail services.

A contract nurse is on duty and a doctor is on call at all Jail and Juvenile Hall facilities. A contract dentist provides emergency dental care on premises.

Food at all facilities is provided by on premise kitchen staff as well as inmate workers. The menus are varied and provide necessary nutritional value. The facilities are inspected on a regular basis for compliance with applicable health codes. Staff receives periodic training to insure proper food handling.

Facts

1. Employees at each facility are well trained and appear to enjoy their jobs.
2. Supervisory staff at each facility encourages employee participation in resolving problems encountered in the workplace.
3. El Dorado County Jail in Placerville was visited April 3, 2006. No adverse conditions were observed.
4. El Dorado County Juvenile Hall in Placerville was visited March 13, 2006. No adverse conditions were observed.

5. El Dorado County Juvenile Hall in South Lake Tahoe was visited May 4, 2006. No adverse conditions observed.

Findings/Recommendations

1F. Finding: El Dorado County Jail in South Lake Tahoe was visited May 4, 2006. It was noted that the carpet in the control room is frayed.

1R. Recommendation: Inspect all carpeted areas and repair/replace carpeting as needed.

COMMENDATION

May 25, 2006, the Grand Jury toured the Growlersburg Conservation Camp located in Georgetown. This facility is to be commended for their on-site program. The facility is jointly run by the CA Department of Corrections and CA Department of Forestry.

A garden provides a large number of fresh vegetables for inmates throughout the growing season that saves a substantial amount of budget monies.

The wood shop constructs furniture for governmental agencies on a cost of materials basis. The quality of work is excellent. The wood shop manages to continue running despite recent budget cuts. This shows a dedication by staff to have a meaningful program in place for inmates.

A response is required by the El Dorado County Board of Supervisors within ninety (90) days. See Table of Contents, "*Notice to Respondents.*"