

2005-2006



Amador County Grand Jury Final Report

Laura Faye Mah
Main Street, Sutter Creek

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Functions of the Grand Jury

The Grand Jury, as mandated by the California Constitution, is part of the Judicial Branch and is an arm of the Court. The Civil Grand Jury has two responsibilities: to act as a civil watchdog conducting investigations and to answer citizen complaints.

The Grand Jury investigates city and county government, as well as special districts, to ensure the interests of Amador County citizens are being served. Procedures, methods and systems are reviewed and evaluated to determine if more efficient and economical programs might be employed.

The Grand Jury issues final reports that describe problems encountered and make recommendations for solutions. The County Board of Supervisors and/or the affected agencies or districts must comment on these recommendations.

The Grand Jury is required to:

- Evaluate conditions of jails and detention centers within the county.

The Grand Jury is also authorized to:

- Inspect and audit county books, ensuring that public funds are properly and legally accounted for.
- Investigate and report on the performances of special districts or commissions.
- Investigate charges of willful misconduct by public officials or employees.
- Investigate and report on “questionable business practices” of such agencies.

As part of the civil function, the Grand Jury receives letters from citizens alleging mistreatment by officials, suspicions of misconduct or government inefficiencies. The complaints are acknowledged and reviewed to determine if they will be investigated by the Grand Jury. All complaints are kept confidential.

Judge's Letter to the Grand Jury

Superior Court of the State of California
County of Amador



CHAMBERS OF
SUSAN C. HARLAN
JUDGE

108 COURT STREET
JACKSON, CA 95642-2398

May 22, 2006

John Mills, Foreman
Amador County Grand Jury
P.O. Box 295
Jackson, CA 95642

Dear Mr. Mills and Members of the 2005-2006 Grand Jury:

Congratulations on completing your service on the 2005-2006 Grand Jury! This year certainly had its share of trials and tribulations; nevertheless you endured, and produced a well-reasoned Report. I look forward to seeing the Report in final form along with the stunning artwork you selected. Your willingness to donate countless hours of your precious time in order to improve the quality of our lives in Amador County is very much appreciated. I truly have enjoyed the times we shared and hope our paths will cross again in the near future.

It has been a privilege to work with you over this past year. On behalf of the residents of Amador County and myself, thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan C. Harlan".

Susan C. Harlan
Judge of the Superior Court
County of Amador

GRAND JURY

P.O. BOX 249 JACKSON, CA 95642



The Honorable Susan C. Harlan
Amador Superior court
108 Court Street
Jackson, CA 95642

Dear Judge Harlan:

The 2005/2006 Grand Jury Final Report is submitted to you in accordance with applicable California law. The report is comprised of seven individual reports, one of which was previously released to the Amador County Board of Supervisors. This was in regards to the purposes and functions of Local Agency Formation Commissions (LAFCOs).

A significant number of our inquiries did not result in a full report, however, believing they were important to our constituents, we have included them in the final report. One of the most difficult aspects of the Civil Grand Jury's undertakings is the selection of topics or citizen complaints to be investigated. Although some topics are mandated by law, the majority of works accomplished are investigations of the Grand Jury's choosing. The objective is to conduct investigations relating to current problem areas and not necessarily those attracting the most media attention. The goal is not just to highlight the problems but also to propose obtainable solutions to each problem. These proposed solutions are embodied in the recommendations of each individual investigative report.

Just as the duty of all citizens is to answer the call to serve on jury trials, any citizen with the time, inclination and ability to serve on the Civil Grand Jury should consider doing so. It is not enough to sit back and complain about what you may perceive are the ills of our government, but by volunteering for service on a Civil Grand Jury, a citizen has the ability to do something proactive for the community.

This year's Grand Jury was comprised of a team of dedicated and talented individuals who worked harder than any county citizen has a right to expect. Amador County benefits greatly each year from the efforts expended by these volunteers and this year was no exception. I congratulate my fellow Grand Jurors for what they have achieved and for their spirit of cooperation and mutual respect. Thank you for allowing us to serve the citizens of Amador County in this capacity. It has been a privilege to work along side such a great group of people.

Finally, I want to thank Christine Price of the Amador County Superior Court who has been of great assistance to the Grand Jurors and myself this year.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Mills". The signature is written in a cursive, flowing style.

John Mills, Foreman
2005/2006 Amador County Grand Jury

The 2005/2006 Amador County Grand Jury

Katherine Batchelder
Georgia Farrell
Clint Gregory
Thalice Hatten
Patricia Eileen Johnson
Richard Lamb
Ramona J. Longero
Mike Martinez
Michael Melvin
John Mills
Thomas Rodenbaugh
Susan Schmidt
David Shevey
Patricia Steele-Golden
Elizabeth Vogl
Geraldine Windsor
Evelyn Wysopal
Armando Zambrano
Robert Zender

Acknowledgements

The 2005/2006 Grand Jury could not have fulfilled its obligations to the citizens of Amador County without the help and support of a great many people and organizations. We wish to thank all those in city and county government and the employees of special districts and agencies that so graciously gave us their cooperation and time; Christine Price, Judge Harlan's Administrative Assistant, was especially generous in her support; Up-Country Community Center gave us the use of their facilities; Rapid Solutions Group provided assistance throughout the process of editing the final report. Thank you, all.

This Grand Jury is especially grateful to the American Legion, Amador Post 108 for giving us the cost free use of their facility for our general meetings. The American Legion serves Amador County well, providing programs for youth, community service projects and ambulance services for the citizens of this county. Thank you, Post 108!

Our thanks to local photographer/artist Laura Faye Mah who gave us her beautiful renderings of Amador County to use in this final report. Ms. Mah exhibits her work at the Fine Eye Gallery, Sutter Creek.

Grand Jury Citizen Complaint Form

To:
Amador County Grand Jury
P.O. Box 249
Jackson, CA 95642

Date: _____

⇒ READ SIDE TWO OF PAGE BEFORE FILLING OUT THIS FORM

1. **This complaint is against:**

Name, Title:

Organization:

Address:

Phone:

2. **My complaint against the above is:**

3. **Before filling out this form I have contacted:**

4. **Complainant:**

Name:

Address:

Phone:

5. **I request the following action:**

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

(Signature)

ALL COMMUNICATIONS TO THE GRAND JURY ARE CONFIDENTIAL

Grand Jury Citizen Complaint Form

Citizen Complaints:

The Grand Jury is empowered to investigate complaints from citizens, civic groups, government employees, and others, about the workings of local governments, prisons/jails, some private non-profit organizations, certain schools and schools districts, and other organizations, and the conduct of their officers and employees. The Grand Jury is the guardian of public trust in local government and the proper use of public funds.

Confidentiality:

In all its proceedings and investigations the Grand Jury is sworn to maintain complete secrecy. The members of the Grand Jury apply the same objective standard of conduct and responsibility to all persons and entities, and are not influenced by sentiment, conjecture, sympathy, public feelings, passion or prejudice.

Complaint Process:

The Grand Jury investigates complaints presented to it in any form, but it is desirous that this form is used whenever possible. Please identify the specific problem and describe the circumstances. Present your complaint with all available evidence and submit copies of all available documents. The Grand Jury will acknowledge receipt of your complaint. Mail this complaint to:

*Amador County Grand Jury
P.O. Box 249
Jackson, CA 95642*

Instructions for completing form:

1. **This complaint is against:** Give as much information as possible to locate the person or organization.
2. **My complaint against the above is:** Describe the problem in your own words. Be concise, provide dates, times, and names of individuals involved. Cite specific instances as opposed to broad statements. Attach photographs, correspondence, or documentation that support the complaint. If a longer explanation is necessary, attach extra sheets and show the number on the last line of the first sheet (i.e. 3 additional sheets attached).
3. **Before filling out this form I have contacted:** Attempt to correct the problem before contacting the Grand Jury and explain what you have done in that regard so that we do not repeat the same steps you have taken.
4. **Complainant:** Please tell us how we may contact you for further information, if necessary. Your confidentiality will be rigorously protected.
5. **I request the following action:** The Grand Jury will acknowledge receipt of your complaint and may advise you whether or not an investigation will be undertaken. If the Grand Jury feels your issue is not within its jurisdiction, we will so advise you.

ALL COMMUNICATIONS TO THE GRAND JURY ARE CONFIDENTIAL

Notice to Respondents

Response Requirements:

Effective January 1, 1997, there was an extensive change in the law affecting Respondents and responses to Grand Jury findings and recommendations. The legal requirements are contained in California Penal Code, Section 933.05. Each Respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel before responding.

For the assistance of all Respondents, California Penal Code Section 933.05 is summarized as follows:

How to Respond to Findings:

The responding person or entity must respond in one of two (2) ways:

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

How to Report Action in Response to Recommendations:

Recommendations by the Grand Jury require action. The responding person or entity must report action on all recommendations in one of four (4) ways:

- The recommendation has been implemented, with a summary of the implemented action.
- The recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation.
- The recommendation required further analysis. If a person or entity reports in this manner, the law requires a detailed explanation of the analysis or study and timeframe not to exceed six months. In this event, the analysis or study must be submitted to the officer, director or governing body of the agency being investigated.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

Chapter One

Water, Wastewater and Infrastructure



Laura Faye Mah, Amador Rock Wall 1, Sutter Creek

1.1 Investigation of Airport Infrastructure**1.1.1 Introduction**

The 2005/2006 Amador County Grand Jury elected to continue the review of Westover Field, Amador County Airport begun by the 2002/2003 Grand Jury.

1.1.2 Background

The General Services Administration (“GSA”) office oversees the operation of the Amador County Airport. The County contracts with an Airport Manager to oversee day-to-day operation of the airport. Westover Field is a General Aviation Airport with hangars, tie downs, fuel and aircraft maintenance services.

The airport grounds and buildings were visited on numerous occasions. The Amador County 2005/2006 Grand Jury interviewed the County General Services Administration Director, Airport Manager, Animal Control Director, building inspection personnel and airport hangar lease holders. Information relative to citizen complaints and Grand Jury observations were discussed during these interviews.

1.1.3 Responsible Agency, City, County Department or Special District

The building inspection and code enforcement sections of the Amador County Planning Department monitors and enforces pertinent County code. Responsible agencies are the County General Services Administration and the County Board of Supervisors.

1.1.4 Jurisdiction, Justification, Penal Codes and or Laws

California Penal Code Section 925

1.1.5 Facts

1. The current Grand Jury and the two previous Grand Juries received citizen complaints regarding violations of county hangar lease agreements and violations of the County airport code Chapter 12.44.
2. Amador County uses space at the airport to store excess County vehicles and equipment.
3. A review of past airport budgets shows that the largest source of airport funding is Federal and State aid as well as grants.

4. County owned hangar leases include the following section:
Use of Premises: “Lessee shall use the premises for the purposes of aircraft storage and directly related activities, and for no other purpose without the prior written consent of the Lessor. Lessee may not use said premises for equipment storage for purposes other than construction of improvements on the property described herein.”
5. County Ground Lease agreements include the following sections:
 - a. “Assignment. Tenant shall not voluntarily assign or encumber its interest in this Lease or in the Premises, or sublease all or any part of the Premises, or allow any other person or entity (except Tenant’s authorized representatives) to occupy or use all or any part of the Premises, without first obtaining Landlord’s consent.”
 - b. “Landlord’s Entry on Premises. Landlord and its authorized representatives shall have the right to enter the Premises at all reasonable times to determine whether the Premises are in good condition and whether Tenant is complying with its obligations under this Lease.”
6. Airport code section 12.44.250 Vehicle Operations states:
 - a. Vehicles shall not be parked on the airport other than in the manner and locations indicated by posted traffic signs and markings.
 - b. Vehicles that are to be left unattended may be parked only in designated airport vehicle parking lots.
 - c. Vehicles parked other than specified in subsections F and G of this section may be moved by airport personnel, and in such event a towing charge will be levied prior to releasing the vehicle from impound.
 - d. Motor vehicles shall not be driven or parked upon, or within fifty feet of aircraft parking areas, ramp areas, or aprons without express approval of the airport manager. Exceptions: airport maintenance or emergency vehicles, or fuel or service vehicles.

1.1.6 Findings

1. Vehicles (including county owned vehicles) are routinely observed parked at the airport not in compliance with Airport code 12.44.250.
2. In November 2005 the County Board of Supervisors authorized the GSA Director to publish a Request for Proposals offering for lease airport property in the “commercial” zone. Lessees would construct buildings to house aviation related businesses. The Grand Jury applauds this effort to develop Westover Field in a manner that will benefit Amador County and generate revenues to support airfield improvements listed in the Airport Master Plan.
3. Numerous hangar lease agreement and County code violations persist at Westover Field.

1.1.7 Recommendations

1. A copy of Westover Field Rules and Regulations (County code chapter 12.44) commonly known as “Airport Code,” shall be mailed to all airport hangar tenants. A cover letter should explain that in addition to the terms of lease agreements, all users are subject to the Airport Code.
2. Building inspectors and County code enforcement officers should perform an inspection of all airport hangars.
3. Provide copies of the Amador County Customer Service Survey form at the Airport Terminal building and the lobby of the GSA building.
4. Amador County shall hire a dedicated grants writer to aggressively seek funding for projects listed in the Airport Master Plan as well as provide support to other County departments that could benefit from available grants.
5. GSA Director shall schedule excess equipment auctions whenever the volume of surplus vehicles and equipment threaten to exceed the vehicle maintenance yard or warehouse capacity.
6. Increase hangar lease fees annually by the percentage provided by the Bureau of Labor Statistics commonly known as the Cost of Living Index (“COL”).

1.1.8 Pertinent References, Documents and Materials

1. Westover Field Rules and Regulations (Chapter 12.44 of Amador County code), available at <http://www.codepublishing.com/CA/amadorcounty.html>
2. 2005-2007 Strategic Administrative Priorities available at <http://www.co.amador.ca.us/depts/cao>
3. Notice of Intention to Lease Airport Property: GSA Summary Memorandum November 1, 2005 available in the County Board of Supervisors November 1, 2005 Agenda Transmittal form.
4. FY 2006 Amador County Final Budget – Airport Budget, available at <http://www.co.amador.ca.us/budget/index.htm>
5. Westover Field Airport Master Plan prepared by Cortright & Seibold, 25 May 1991

1.2 Citizen Complaint on Excessive Water Borne Contaminants

1.2.1 Introduction

The Grand Jury received a citizen’s complaint regarding the Amador Water Agency (“AWA”) Buckhorn Water Treatment Plant in Pioneer. The complainant was concerned that Environmental Protection Agency (“EPA”) standards may have been exceeded for a group of by-products of the purification process known as Haloacetic Acids (“HAA5s”).

1.2.2 Responsible Agency, City, County Department or Special District

The Amador Water Agency

1.2.3 Jurisdiction, Justification, Penal Codes or Laws

California Penal Code Section 925

1.2.4 Facts

1. The Maximum Contaminant Level (“MCL”) for HAA5s is 60 micrograms per liter.
2. The frequency of readings and reporting requirements vary as a function of the size of the water utility (number of customers).
3. The AWA is currently required to notify its customers if the running annual average exceeds the MCL for any EPA designated contaminant.
4. One of the differences, between the Buckhorn and Tanner facilities, is that no activated carbon is used in the filtration process at Buckhorn.

1.2.5 Findings

1. The AWA is complying with current notification requirements.
2. Unusually high readings for the second quarter of 2005, at the Buckhorn facility, has driven the running annual average above the MCL of 60 and will likely cause this average to remain high for another few quarters. This will require customer notification for the next few quarters, even if the new readings are well below the MCL.
3. The AWA is investigating methods of pre-treating the water at the Buckhorn facility, with forms of activated carbon that will bind with the precursors so they can be filtered out before the purification process. Equipment is available from the old Buckhorn facility to facilitate the treatment process.
4. The AWA is investigating the addition of a chlorination substation midway in the length of the delivery system. This would allow for smaller amounts of the disinfecting agent to be used at the Buckhorn facility. This option may reduce the “chlorine smell” in the water of customers living near the Buckhorn facility.
5. An agenda item for the March 9, 2006 AWA Board of Directors meeting was the Buckhorn water treatment plant water quality report. The report led to a discussion of the regulations involving HAA5.

1.2.6 Recommendations

1. The AWA continue to aggressively pursue solutions to reduce high levels of HAA5s occurring at the Buckhorn facility.
2. When agenda items of high interest to AWA customers are scheduled for AWA Board of Directors meetings, the agency issue a press release to encourage greater public participation.

1.2.7 Pertinent References, Documents and Materials

1. California Department of Health Services Regulation Title (R-62-00) Disinfectants and Disinfection Byproducts in Drinking Water, Section 64534.2 Disinfection Byproducts Monitoring.
2. Pine Grove Community Services District letter of notification dated March 17, 2006 sent to its customers regarding HAA5 levels.
3. First Mace Meadow Water Association, Inc. letter of notification dated November 11, 2005 sent to its customers regarding HAA5 levels.
4. The U.S. Environmental Protection Agency Ground Water & Drinking Water website available at <http://www.epa.gov/safewater/>
5. Local water quality reports and meeting agendas can be viewed at the Amador Water Agency website available at <http://www.amadorwa.com/>
6. The California Department of Water Resources website available at <http://www.water.ca.gov/>
7. State Water Resources Control Board website available at <http://www.swrcb.ca.gov/>
8. Scientific Facts on Water Disinfectants & Disinfectant by-products available at <http://www.greenfacts.org/water-disinfectants/index.htm>
9. Proposed changes to regulations on water quality and reporting are available at the California Department of Health Services website <http://www.applications.dhs.ca.gov/regulations/searchRegulation.asp> Select R-62-00, click on the SUBMIT button, and then select item 08 – Text of changes to proposed regulations.

Chapter Two

Education



Route 88, Pioneer

2.1 Introduction

The 2005-2006 Grand Jury elected to review and evaluate the Amador County School District (“ACUSD”). Previous Grand Jury Reports indicated deficiencies in various facets of the school district including transportation, safety, and building maintenance. Overall, the 2005/2006 Grand Jury is pleased to note that there have been improvements in these areas.

2.2 Background

The 2003/2004 Grand Jury Final Report included several responses from the ACUSD that referred to items not addressed or completed. These issues were investigated by the 2005/2006 Grand Jury.

2.3 Responsible Agency, City, County Department or Special District

Amador County Unified School District

2.4 Jurisdiction, Justification, Penal Codes and or Laws

78 Op. Atty Gen. Cal. 290
California Penal Code Section 933.5

2.5 Facts

1. The 2002/2003 Grand Jury Report reported that the California Highway Patrol issued over 800 school bus violations in a four-year period.
2. State Law requires that buses in service must be manufactured after 1977.
3. In January 2003, ACUSD shut down the school bus fleet for about six weeks, while numerous repairs were made. Preventative maintenance was seen as non-existent.
4. Structural integrity inspections of classroom buildings and preventative maintenance procedures were not followed.
5. Water damage caused possible harmful mold and mildew to form in various classrooms. When members of the 2005/2006 Grand Jury toured Plymouth Elementary School, a wooden border around the jungle gym area was deteriorated.

6. The policy regarding residency of ACUSD school board district members states that members may not reside outside of the district.

2.6 Findings

1. ACUSD now has detailed record keeping and preventative maintenance plans. Buses are inspected before every shift and regular maintenance inspections are done every 45 days or 3,000 miles, whichever comes first. A computer program keeps track of mileage, scheduled maintenance dates, and the status of each bus.
2. ACUSD now uses buses manufactured after 1990. The only exceptions being spare buses that were manufactured in 1980.
3. A complete inspection was done by the California Highway Patrol in July and August of 2005. The maintenance program, driver records and the equipment were all given a "satisfactory" rating. (Possible ratings are Satisfactory, Unsatisfactory, and Conditional.)
4. Some safety issues have been addressed by the ACUSD, including installation of locks on the classroom doors and telephones in each room.
5. The school district received two awards for safety improvements that resulted in lower insurance premiums.
6. ACUSD has a process in place for reporting and completing maintenance at all schools.
7. Two ACUSD Board of Trustee members residing outside the district boundaries had resigned from the Board.

2.7 Recommendations

The 2005/2006 Grand Jury recommends that the wooden border around the jungle gym play area at Plymouth Elementary shall be replaced immediately to reduce the risk of injury to students.

2.8 Pertinent References, Documents and Materials

Documents:

1. Safety Compliance Report/Terminal Record
2. Most Improved Fire Safety 2005, Tuolumne JPA Excellence Award
3. ACUSD Meeting Minutes, Award mention
4. Final Progress Report, Pleasanton Unified School District, Independent Inspector
5. Work Orders for Ione and Plymouth Elementary Schools
6. Grand Jury Transportation Request/written communication
7. Daily Bus Inspection Report

8. ACUSD/ACOE Transportation Daily Vehicle/Time Report
9. Chapter 4, School Buses, School Pupil Activity Buses, and General Public Paratransit Vehicles
10. Bus Maintenance & Safety Inspection form

Interviews/Tours Conducted:

1. Superintendent and Assistant Superintendent for Business Services Interviewed
2. Director of Transportation and Assistant Manager of Bus & Vehicle Maintenance, Tour of Bus Depot
3. Plymouth Elementary School Secretary Interviewed, Tour of Plymouth Elementary School
4. Ione Elementary School Principal, District Facility Manager, and PG&E Employee Interview; Tour of Ione Elementary School.
5. For access of the Amador County Unified School District via Internet, please visit: <http://www.teachnet.k12.ca.us/>

Chapter Three

Planning and Development



Laura Faye Mah, Ratto Theater, Sutter Creek

3.1 Amador County Technical Advisory Committee (“TAC”)

3.1.1 Introduction

Interest in the planning and development process in Amador County prompted the 2005/2006 Grand Jury to review the Amador County Technical Advisory Committee (TAC).

3.1.2 Background

The Amador County TAC is established under Amador County Ordinance 2.94. The TAC shall review all discretionary projects and actions coming within the provisions of Title 7 (Health and Safety), Title 14 (Water and Sewage), Title 15 (Buildings and Construction), Title 17 (Divisions of Land) and Title 19 (Zoning) of this code, prior to said projects being heard and decided by the Planning Commission, Board of Supervisors, or other hearing and decision-making body or officer. The Technical Advisory Committee shall also review any other matter referred to it. The Technical Advisory Committee shall report its findings, recommendations, and comments to the hearing and decision-making or referring body or officer.

3.1.3 Responsible Agency, Districts, Councils or County Departments

Amador County Planning Department
Board of Supervisors

3.1.4 Jurisdiction for Investigation

California Penal Code Section 925

3.1.5 Facts

1. The Technical Advisory Committee meets monthly or more frequently as needed. The Ralph M. Brown Act shall apply to the meetings of the Technical Advisory Committee. The Ralph M. Brown Act requires that the public’s business be conducted in public, exceptions being personnel actions and pending legal matters where only an agenda must be published. The TAC must also be organized and operate in accordance to the Amador County Ordinance 2.94.

2. The Technical Advisory Committee shall be composed of the following county officials or those officials' designated alternate:
 - a. Public Works Director
 - b. Planning Director
 - c. Building Official
 - d. Health Officer
 - e. Water Resources Director (per Ordinance 1158 sec.1, 1988) and Amador County Ordinance 2.94
3. Primary responsibility for water resources and their distribution lies with the Amador County Water Agency.

3.1.6 Findings

1. In compliance with the Ralph M. Brown Act, agendas for meetings of the TAC have been made public. However, since October 24, 2004, minutes for those meetings have not been publicly posted nor made available on the Amador County website.
2. The position of County "Water Resources Director" does not exist. The responsibility for representing that position is now part of public works.
3. Amador County Water Agency is currently an "ex-officio" member of the TAC, communicating with the committee via e-mail or an occasional attendance at their meetings.

3.1.7 Recommendations

1. The Amador County Board of Supervisors amends County Ordinance, Chapter 2.94 to formally grant Technical Advisory Committee membership status to a representative of the Amador Water Agency and allow that member voting status on the committee.
2. To conform to the spirit of the Ralph M. Brown Act and avoid the appearance of impropriety, the Technical Advisory Committee should publish and/or post a summary of their meeting minutes and the agenda items addressed therein, including the date of the meeting and attendees, within a reasonable time following its meetings; not to exceed 15 days.

3.1.8 Pertinent References, Documents and Materials

Amador County Code <http://www.codepublishing.com/CA/amadorcounty.html>

Amador County Web site: Meeting Agendas and Minutes
http://www.co.amador.ca.us/agenda_minutes/2004/tac.htm

Ralph M. Brown Act [Government Code sections 54950 – 54963] text may be found at http://www.cfac.org/Law/BrownAct/Text/ba_text.html click the link at the top of the page for the full text.

Referenced Penal Code 925 may be found at <http://www.leginfo.ca.gov/calaw.html> by checking the penal code checkbox and typing in the search box 925 then clicking on “Search”. Click on penal code section 925 to read the full text.

3.2 Local Agency Formation Commission (“LAFCO”)

3.2.1 Introduction

The Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 (“Act”) establishes procedures for local government changes of organization, including city incorporations, annexations to a city or special district, and city and special district consolidations.

Local Agency Formation Commissions (LAFCOs) have numerous powers under the Act, but those of primary concern are the power to act on local agency boundary changes and to adopt spheres of influence for local agencies. Among the purposes of LAFCOs are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies.

3.2.2 Background

Growth and planning continue to claim the attention of the population of Amador County as well as the various agencies involved in the process. The LAFCO plays a large role in development of local growth issues.

The composition of a LAFCO varies from county to county but generally is composed of the following members:

1. The Board of Supervisors appoints two of its members to serve and selects a third as an alternate.
2. A “city selection committee”, composed of the Mayors in the incorporated cities, appoints two elected city officials (city council members or Mayors).
3. An “independent special district selection committee” composed of the presiding officers of independent districts in the county may appoint two district board members and one alternate.
4. The four (or six) appointed LAFCO commissioners choose the fifth (or seventh) commissioner; a member of the general public and one alternate.

LAFCO does not report to the Board of Supervisors but is a quasi-independent commission.

Each agency, the cities and the county are required to fund LAFCO. In Amador County, funding is 50% from the county and 10% from each of the five incorporated cities.

LAFCO is responsible for coordinating changes in local boundaries, conducting special studies to streamline government and outline “spheres of influence” for each city and special district within the county. The purpose is to provide for efficient and economical services within the county, while protecting agricultural and open space lands. LAFCO must also conduct reviews to evaluate municipal services.

3.2.3 Responsible Agency, Districts, Councils, Cities or County Departments

1. County of Amador, Board of Supervisors
2. City Councils of:
 - a. Amador City
 - b. Ione
 - c. Jackson
 - d. Plymouth
 - e. Sutter Creek

3.2.4 Jurisdiction for Investigation

California Penal Code Section 925

3.2.5 Facts

1. California Government Code Section 56000 requires that:
 - a. All counties implement and maintain a LAFCO.
 - b. Each LAFCO have written policies and procedures.
 - c. Each LAFCO maintain a proper website.
 - d. Each LAFCO have readily available forms and documents required for petitioning said organization.
2. The California Assembly Bill for establishment of LAFCOs, AB 2838, states that LAFCOs shall adopt “spheres of influence” within the county and cities and shall review, amend or modify these “spheres” every five years.
3. The law considers LAFCO to be both a “regulatory” and “planning” Commission.

3.2.6 Findings

1. Currently, Amador County does not have an effective LAFCO.
2. There are no available written policies or procedures for Amador County’s LAFCO.
3. There is no Amador County LAFCO website.

4. There are no readily available forms for petitioning LAFCO.
5. Amador County Administration states that LAFCO has “no planning function within the county”.
6. No evidence has been found that the current Amador County LAFCO has defined or adopted “spheres of influence” in the county.
7. Growth and planning continue to claim the attention of the population of Amador County, as well as the various agencies involved in the process.

3.2.7 Recommendations

The 2005-2006 Amador County Grand Jury strongly recommends that the following be implemented in order to promote “smart and controlled” growth within the county:

1. Establish an effective Amador County LAFCO by December 31, 2006. (By effective it is meant that the County LAFCO adhere to the principles addressed in State of California Documents regarding the setup of a LAFCO.)
2. If Amador County finds the need to issue a Request for Proposal (“RFP”) in order to seek guidance and advice for the proper establishment of the county LAFCO, this Grand Jury recommends that:
 - a. An impartial proposal evaluation committee, including members of the general public, be formed.
 - b. A proposal evaluation schedule and LAFCO implementation schedule be published.
3. Amador County and the incorporated cities provide funding (at the 50/10 ratio specified by state law) to implement the establishment of LAFCO.

3.2.8 Pertinent References, Documents and Materials

In order to answer the publics’ questions about LAFCOs and their reason for how they are formed, their being, their powers, etc., the Grand Jury has appended “Time to Draw the Line - A Citizen’s Guide to LAFCOs”, is also available on line at http://www.calafco.org/docs/TimetoDrawLine_03.pdf

Updates to the above “guide” can be found at the California Legislature Senate Committee on Local Government website at <http://www.sen.ca.gov/locgov/LAFCOGUIDEUPDATE2003.doc>

“Final Plan for Allocation of Regional Housing Needs for Central Sierra Counties” Copies may be requested at cfpc@mlode.com. This is the Central Sierra Planning Council.

“The California Planners Book of Lists 2005”. This is the reference work for information related to the planning process. It contains the who, what, where, when and how to find information as well as survey information as to the attitudes and progress each county has made. This may be found at <http://www.calpin.ca.gov/Archives/pdf/2005bol.pdf>

Documents such as:

- Amador County Approved Tentative Subdivision Map Applications
- Amador County Tentative Subdivision Map Applications
- Amador County LAFCO Web site

can be found at <http://amador.co.ca.gov>

The Guide to Cortese-Knox-Hertzberg Government Reorganization Act, (a complete text of the Law with helpful indexing) of 2000 through 2004, may be found at <http://www.calafco.org/ckh.htm>

Current State of California LAFCO Review for Amador County may be found at <http://www.calpin.ca.gov/information> by checking the County button, radio button, type Amador in the field space and then click the “view” button.

The CALAFCO Site provides links to all County LAFCO websites.
www.calafco.org/resources.htm

California State Assembly Bill AB2838

California Government Code 56000

Chapter Four

Criminal Justice



Laura Faye Mah, Sutter Creek Oaks 1, Sutter Creek

4.1 Introduction

The Grand Jury is required to conduct an annual review of the conditions and management of all penal facilities located within the county. The 2005/2006 Grand Jury toured:

1. Mule Creek State Prison on March 6, 2006
2. The Preston Youth Correctional Facility on November 4, 2005
3. Pine Grove Youth Conservation Camp on November 18, 2005
4. Amador County Detention Center on December 2, 2005

4.2 Background

The Mule Creek State Prison (“MCSP”) opened for occupancy on June 10, 1987. It is primarily a high-medium custody institution with a new focus on inmates with mental health needs. The prison is located in Ione, California. Medical, dental and mental health services are provided. Academic and vocational education, religious programs, prison industries and self-help groups are also available to inmates.

Preston was opened in 1894 as a reform school for boys ages 14-24, with a goal to rehabilitate youthful offenders rather than just imprison them. The facility encompasses 264 acres in Ione, California. The original building, “The Castle”, was vacated in 1960 and is designated an historical landmark.

Pine Grove Youth Conservation Camp is located two miles east of Pine Grove. It has been in operation for 61 years rehabilitating young men, ages 18-25, to prepare them to return to society. The camp provides fire protection and works on conservation projects for Amador County and the State.

Amador County Detention Center is the only facility in the county that houses both pre-trial and sentenced male and female inmates.

4.3 Responsible Agency, City, County Department or Special District

1. California Department of Corrections and Rehabilitation
2. The California Department of Forestry and Fire Protection
3. The Amador County Sheriffs’ Department

4.4 Jurisdiction, Justification, Penal Codes and or Laws

California Penal Code Section 919(b)

4.5 Mule Creek State Prison

4.5.1 Facts

1. The facility's capacity is 1,700 inmates. The total staff is 1,151.
2. MCSP provides many services to the inmate population. They include inmate employability programs that provide training in meat processing, laundry, fabric products, coffee roasting, and digital services. Some of these programs are unique to this prison. In addition, vocational training is offered in cabinet making, welding, small engine repair, air conditioning and refrigeration.
3. The recidivism rate on the average for all state prisons including Mule Creek is 73%.

4.5.2 Findings

1. The current prisoner population at Mule Creek is 3,850 inmates, 200% over capacity.
2. All gymnasium facilities have been converted to inmate housing with a current population approximating 260 prisoners per converted facility.
3. Bunk beds have added to increase capacity of many cellblocks.

4.5.3 Recommendations

1. The 2005/2006 Amador County Grand Jury recommends that, in order to address the continued question of prison over-crowding, the State of California explore all options available to it, including the privatization of the State Prison system.
2. The 2005/2006 Amador County Grand Jury also recommends changes in the California State Parole System to reduce the recidivism rate at Mule Creek.

4.5.4 Pertinent References, Documents and Materials

Mule Creek State Prison Fact Sheet dated February 2006.

4.6 Preston Youth Correctional Facility

4.6.1 Facts

1. Preston is the only youth facility in the state with a Specialized Behavioral Treatment Program designed to serve wards in need of a higher level of mental health treatment by trained mental health staff.
2. A special-use building known as Tamarack Lodge was closed in March 2004 because of safety issues and the deteriorating condition of the building. It contained 64 sleeping units and was designated to house wards that had a previous history of assaulting other wards and staff.
3. Some of the buildings at Preston that are still in use are 50-100 years old.

4.6.2 Findings

1. Preston staff personal alarm systems are inadequate.
2. Ward-on-ward assaults prior to the closing of Tamarack Lodge averaged 18 per month; following closure, they average 61 per month.
3. The current electrical supply at Preston is at capacity and the heating; ventilation and air conditioning systems (“HVAC”) are inefficient.

4.6.3 Recommendations

1. Staff personal alarm systems need to be upgraded as soon as possible.
2. Because Preston houses youth who are otherwise difficult to place in the youth correction and rehabilitation system, housing, such as that provided by Tamarack Lodge, needs to be available at the facility.
3. Upgrades in the electrical and HVAC systems need to be implemented.

4.6.4 Pertinent References, Documents and Materials

California Department of Corrections and Rehabilitation Staff Safety Evaluation
Dated, July 12-15, 2005

4.7 Pine Grove Conservation Camp

4.7.1 Facts

1. At the time of the tour, 77 wards were in the program. The camp has facilities for 120 and recruitment for additional wards is on-going.
2. Eligibility for admission to the camp is difficult, as a ward must have been tried as a juvenile, not as an adult, and have the ability and willingness to participate in strenuous training.
3. The camp is not fenced. Youth who are guilty of arson, sex offenses, murder or who are escape risks, and those with violent backgrounds are not eligible for the camp program.

4. The wards work from 8:00 AM until 4:00 PM, and then attend academic education classes for 4 hours.
5. Currently, there are no resources for vocational training at the camp and “partnering” with the community is the only source of parole placement.

4.7.2 Findings

The present rate of recidivism is 70%.

4.7.3 Recommendations

Vocational training should be a priority. This Grand Jury encourages Amador County to partner with Pine Grove Camp and the community to facilitate parolee placement.

4.8 Amador County Detention Center

4.8.1 Facts

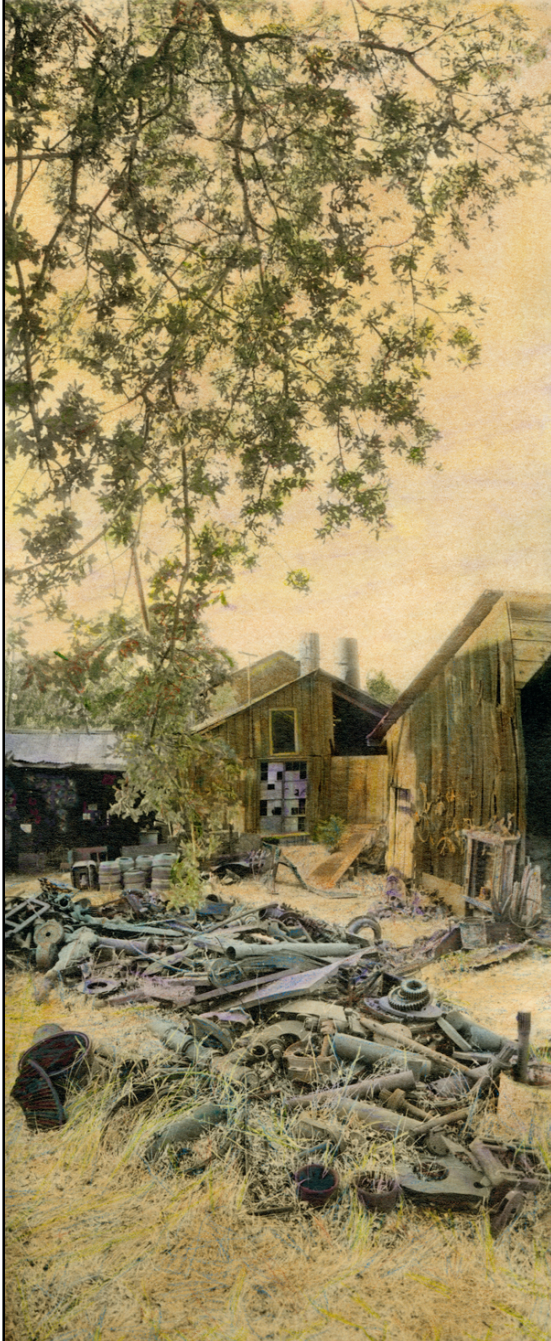
1. Inmate capacity at the facility is 76.
2. From 2000 to 2005, the average inmate population has grown to 88. On the day of the tour, inmates totaled 100.
3. Inmates are screened when admitted and their prescribed medications are assembled in individual blister packs to be administered by prison staff. Special dietary needs are also noted.
4. A Registered Nurse is on staff from 7:00 AM until Noon, Monday through Friday and is on call over the weekends. A physician, based in Modesto, is available on a 24-hour basis.
5. At the time of the visit, 8-10% of the inmates were eligible for home electronic surveillance. Home surveillance costs \$8.00 per day versus \$68.00 per day to house an inmate in the detention facility.

4.8.2 Findings

1. Jail overcrowding creates a potentially dangerous situation for inmates and staff.
2. The Sheriff’s Department addressed letters to the Judicial Branch, Superior Court of Amador requesting on-site release of non-violent felons, per State guidelines, to reduce inmate population.

4.8.3 Recommendations

1. Home electronic surveillance should be a sentencing option.
2. Amador County should investigate building an additional detention facility. The County owns 100 acres near Carbondale Road that could be considered.



Laura Faye Mah, Knight Foundry, Sutter Creek

Chapter Five

Health and Human Services

5.1 Introduction

An anonymous complaint was received by the Amador County Grand Jury. It stated that Amador County did not receive a grant it was entitled to for the fiscal year 2004-2005, while other counties did receive this grant.

5.2 Background

In November 2004, California voters passed Proposition 63, which became known as the Mental Health Services Act. This act provides grant monies to each county in the State. It is to be used for innovative mental health services. The State of California requires each county to present a plan. The State then approves the plan and the funding for that particular county. The State can reject the plan and the county will be required to re-submit after appropriate changes are made.

5.3 Responsible Agency

Health and Human Services Agency
Board of Supervisors

5.4 Jurisdiction

California Penal Code Section 925

5.5 Facts

1. Under the Mental Health Services Act, grants are available to all counties in the State of California.
2. Amador County did not receive a grant in fiscal year 2004-2005.

5.6 Findings

1. Amador County's first plan submitted under the Act was rejected. Amador County has hired a writer experienced in soliciting grants to prepare the next plan for submission to the State.
2. The Grand Jury of 2005/2006 finds that no counties received their grants.
3. The first grant was funded to Stanislaus County in January 2006.
4. As of March 2006, only one other grant has been approved. That grant was awarded to Los Angeles County.

5.7 Recommendations

In as much as the County has hired a grant writer to submit a new plan, the Grand Jury offers no recommendations and no additional actions are required.

5.8 Pertinent References, Documents and Materials

Mental Health Services Act may be found on the web at: www.dmh.ca.gov/MHSA

Amador County's plan for participating in the Mental Health Services Act grant program is available at: www.co.amador.ca.us/depts/mental

Chapter Six

Follow - up



New Animal Control Building

6.0 Preface

In addition to providing follow-up information for this report, the 2005/2006 Amador County Grand Jury elected to continue the investigation of:

1. Amador County Airport (Westover Field) - Section 6.1
2. Amador County Animal Control Center – Section 6.2
3. Amador County Mental Health Department – Section 6.3
4. The City of Plymouth – Section 6.4

Responses to the 2005/2006 Grand Jury findings and recommendations are required by the Board of Supervisors and referenced agencies.

The portions of this chapter that are italicized are the verbatim findings and recommendations and the subsequent responses to the 2004/2005 Grand Jury Final Report.

6.1 Amador County Airport Follow-up Report

6.1.1 Introduction

The 2005/2006 Grand Jury determined that “compliance on inconclusive matters” has not been met and elected to continue investigation of operations at the Amador County Airport.

6.1.2 Background

The 2002/2003 Grand Jury and all subsequent Amador County Grand Juries investigated the Amador County Airport. The 2003/2004 Grand Jury recommended that “subsequent Grand Juries follow up on inconclusive matters until compliance is met. The following section contains verbatim responses to the 2004/2005 Grand Jury report.

Verbatim 2004/2005 Grand Jury Report

Findings of the 2004/2005 Grand Jury

Finding #1. Progress is extremely slow or non-existent in meeting the agreed-to recommendations of the 2002/2003 Grand Jury.

Response by Department Head:

I agree that progress has been slow, but due to extenuating circumstances, such as changes in Department Heads of the Building Department. The hangar guidelines were necessary to resolve issues with regard to the regulation of hangar modifications, new lease agreements, Building Department issues, trailer, and airport security

Response by Board of Supervisors:

The Board of Supervisors agrees with this finding

Finding #2. The "airport car" draft policy is severely lacking in several key areas that would protect the County from liability.

Response by Department Head:

I agree that the draft policy was lacking the recommendations of the Grand Jury regarding "key areas," however an "Airport Car Policy" was adopted by the Board of Supervisors on February 1, 2005. This policy was reviewed by County Counsel and our Risk Manager prior to the Board's action to approve it. The policy does not contain the Grand Jury's suggested "key areas" requirements for current registration and proof of insurance for "airport cars". Since State law already requires all vehicles to be registered with DMV and insured, staff feels a County requirement for the same would be a duplication of effort.

Response by Board of Supervisors:

The Board of Supervisors disagrees with this finding based upon the information provided in the Department Head's response.

Finding #3: When follow up questions about a project's status were pursued (for example the Building Code violations at the trailer behind hangar #6) responses changed. They went from "We forgot about that" to "We're handling that with the Building Department" to "The trailer is being moved."

Verbatim 2004/2005 Grand Jury Report

This was a common response pattern about other issues, also. For example, we were told in September 2004 that debris and junk near hangar #6 were the responsibility of the tenant, who was supposedly moving out of state soon.

As of April 2005 the trailer had not been moved, the Building Code violations still existed, and there is still the same amount (if not more) of debris and junk near hangar #6.

Response by Department Head:

I agree with the Grand Jury's finding and offer the following explanation. The confusion expressed by the Grand Jury members is partially due to the fact that there is a trailer and a motor home and both are sometimes referred to as RV's. This has been confusing to staff as well. The trailer is used for storage while the motor home is used as a residence. The Building Department's issues were with the motor home not the trailer.

It is true that the debris and junk near hangar #6 is/was the responsibility of the tenant and he advised staff that he was moving it with him out of state.

Again, the trailer was not the subject of any issues with the Building Department. The tenant has moved debris and "junk" aircraft out of the area. A twin-engine trailer which had been on a trailer for six months is now gone, along with many other items.

Response by Board of Supervisors:

The Board of Supervisors agrees with this finding.

Recommendations from the 2004/2005 Grand Jury:

Recommendation #1. *Provide a specific time frame for implementation of the 2002/2003 Grand Jury recommendations pursuant to California Penal Code Section 933.05.*

Response by Department Head:

Listed below are specific time frames and/or dates for implementation of each of the 2002/2003 Grand Jury recommendations:

Verbatim 2004/2005 Grand Jury Report

- Grand Jury Recommendation: *The Airport Manager and a representative of the county should regularly inspect the airport as required in the concessionaire Contract with Amador County.*

Implementation: *(April 22, 2003)*

The Airport Manager and representatives of the County began inspecting the airport periodically after the 2002/2003 Grand Jury's Final Report. The Airport Manager continually inspects hangars.

- Grand Jury Recommendation: *All unauthorized trailers; machinery, vehicles and debris should be removed from the airport property.*

Implementation: *(June 14, 2005)*

Board of Supervisors approved Caretaker Agreement allowing tenant to park and reside in a recreational vehicle at the airport in exchange for his providing security services at the airport. During the past year tenant has removed much of the debris and junk.

- Grand Jury Recommendation: *GSA should develop a policy for the parking of unattended vehicles (also known as "airport cars") on airport property.*

Implementation: *(February 1, 2005)*

Board of Supervisors approved Airport Car Policy.

- Grand Jury Recommendation: *Amador County General Services Administration should immediately enter into a lease agreement with the occupants of all the hangars at Westover Airport*

Implementation: *(August 15, 2005)*

Deadline for finalization of last two remaining leases.

- Grand Jury Recommendation: *Amador County Risk Manager should define the amount of coverage and type of insurance required by the county for leased or rented property, and insure that all the occupants of the hangars obtain insurance appropriate to meet the requirements of the county.*

Verbatim 2004/2005 Grand Jury Report

Implementation: (Ongoing)

Risk Manager always has and still does define the amount of coverage and type of insurance required and maintains a 'tickler file' to insure that tenants obtain and maintain the appropriate insurance.

- Grand Jury Recommendation: *Remove the mobile home from county property or rectify the code violations.*

Implementation: (June 14, 2005)

Board of Supervisors approved Caretaker Agreement allowing recreational vehicle (mobile home).

- Grand Jury Recommendation: *The GSA should provide airport security if needed.*

Implementation: (June 14, 2005)

Board of Supervisors approved Caretaker Agreement to provide security services.

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

Implementation: (April 22, 2003)

The General Services Administration, Airport Manager, and representatives of the County began inspecting the airport periodically after the 2002/2003 Grand Jury's Final Report. The Airport Manager continually inspects hangars for modifications or alterations.

- Grand Jury Recommendation: *The County should require that all occupants of hangars or buildings on airport property which have additions or modifications to their structure for which there is not a valid building permit, either obtain the proper permit or demolish the modifications or additions.*

Implementation: (May 2005)

Verbatim 2004/2005 Grand Jury Report

Airport Manager notified all airport tenants of the new guidelines for existing and new tenant improvements including and the requirement that all improvements must have a Building Permit.

Response by Board of Supervisors:

The Board of Supervisors concurs with the Department Head's response.

Recommendation #2:

Rewrite the draft "airport car" policy to include requirements for current registration and proof of insurance. (Proof of insurance is to be kept on file by the Airport manager.)

Response by Department Head:

I disagree with the Grand Jury's recommendation to rewrite the draft "airport car" policy. An "Airport Car Policy" was adopted by the Board of Supervisors on February 1, 2005. This policy was reviewed by County Counsel and our Risk Manager prior to the Board's action to approve it. The policy does not contain requirements for current registration and proof of insurance for "airport cars" as State law already requires all vehicles to be registered with DMV and insured, and staff feels this would be an unnecessary duplication of effort.

Response by Board of Supervisors:

The Board of Supervisors notes that the Department Head has indicated that this recommendation will not be implemented. The Board will ask the Department Head to schedule this issue for further discussion as part of an Airport Committee meeting this Fall.

End: Verbatim 2004/2005 Grand Jury Report

6.1.3 Responsible Agency

Responsible agencies are the County General Services Administration and the County Board of Supervisors.

6.1.4 Jurisdiction, Justification, Penal Codes and or Laws

California Penal Code Section 933.5.

6.1.5 Findings of the 2005/2006 Grand Jury

1. As noted in the past Grand Jury reports, debris and junk continue to be located near hangar #6.
2. The Board of Supervisors was to ask the GSA Director to schedule the airport car policy for further discussion at an airport committee meeting last fall. This has not appeared on any agenda. Current registration and proof of insurance are still not required.
3. As they agreed to do in their response to the 2004/2005 Grand Jury report, the General Services Administration has not inspected all hangars at the airport. Instead, GSA assigned this task to the Airport Manager.
4. The Airport committees' "action plan" is to be commended. The status of many items has changed from "in process, ongoing, or future" to "complete, applied for, or Federal Aeronautics Administration reviewing".
5. On June 14, 2005, the Board of Supervisors approved a caretaker agreement allowing a tenant to park and reside in a single recreational vehicle at the airport; two recreational vehicles remain. One is being used for residential purposes and the other is being refurbished. This is in direct violation of the agreement.
6. Numerous building permits for hangar modifications were finalized in April 2006; others are expected to be completed within 20-60 days.
7. As of April 2006, an electrical permit has still not been applied for to cure inadequacies at hangar #6.

6.1.6 Recommendations of the 2005/2006 Grand Jury

1. The GSA Director shall conduct quarterly reviews of Amador County Airport including investigation of code violations, lease agreements or other issues that are non-compliant with Airport Code.
2. Subsequent to the review, the GSA Director shall report his/her findings to the Board of Supervisors.
3. Amador County shall conduct monthly inspections of airport grounds and hangars and issue citations to those in violation of the Airport Code.
4. Remove illegally parked recreational vehicle.

6.1.7 Pertinent References, Documents and Materials

Airport Committee Action Plan
Draft “Airport Car” Parking policy
2002/2003 Amador County Grand Jury Report
2003/2004 Amador County Grand Jury Report
Signed Caretaker Agreement dated 06-01-05

6.2 Amador County Animal Control Follow-up Report

6.2.1 Introduction

In response to a citizen complaint, the 2004/2005 Amador County Grand Jury elected to review the manner in which Amador County Animal Control (“ACAC”) receives records and tracks complaints alleging animal mistreatment. Responses were required from the Amador County Animal Control office and Sheriffs Office (“ACSO”) pursuant to California Penal Code Sections 933(c) and 933.05.

6.2.2 Background

See the following 2004/2005 Grand Jury report sections referring to Animal Control.

Verbatim 2004/2005 Grand Jury Report

2004/2005 Grand Jury Findings

1. ACAC lacks an adequate record keeping system in place to document complaints, investigations, or disposition of those complaints.
2. ACAC lacks an adequate method of determining whether complainants want to be contacted again to learn the disposition of their complaint.
3. The ACSO has a proactive policy with regard to investigation of complaints aired in a public forum in which law violations are alleged.

Amador County Animal Control Response to Findings

Findings One and Two: Agree

Finding Three: No response

Amador County Sheriff's Office Response

Finding One and Two:

The Sheriff can neither agree nor disagree with the finding. The Sheriff does not run nor supervise Amador County Animal Control. Therefore, the Sheriff lacks a basic set of knowledge that would allow for an intelligent response to the finding of the Grand Jury.

Finding Three:

The Sheriff agrees with the finding. The Sheriff's Office endeavors to discover instances of law violation by any means possible. This includes investigating allegations of law violation that are aired in a public forum.

2004/2005 Grand Jury Recommendations

1. *ACAC shall develop procedures to document complaints . These shall include a system to:*
 - A. *Record the name, address and telephone number of complainants and whether they wish to be contacted after the disposition of their complaint.*
 - B. *Record the nature of the complaint, when it was received and the location of occurrence,*

Verbatim 2004/2005 Grand Jury Report

- C. *Record ACAC response to the complaint, including who responded, when they responded, what was found and what action, if any, was taken.*
- D. *Record who made the follow-up contact of the complainant (if requested) and include when that contact was made.*

Amador County Animal Control Response to Recommendations

Recommendation 1.

The Department Head agreed with the recommendation to develop procedures to document complaints. Listed below are time frames and/or dates for implementation of the 2004/2005 Grand Jury recommendation.

Implementation:

A new form was developed and implemented on July 7, 2005 This provides a formal record of complaint information; ACAC staff have also been instructed to ask if the reporting person would like to be contacted. ACAC officers have been instructed to contact the reporting people on all complaints regarding the form information.

Sheriff's Office Response to Recommendations

Recommendation 1.

The Sheriff will not implement this recommendation. The Sheriff neither runs nor supervises Amador County Animal Control. Therefore, the Sheriff lacks the authority to unilaterally implement this recommendation. The Sheriff agrees that the recommendations of the Grand Jury should be implemented by ACAC. The ACAC could establish the computer connections to utilize the Sheriffs computer system to accomplish the record keeping recommended by the Grand Jury. The three police departments and the Amador County District Attorney have already become partners in the Sheriffs computer system to record similar information on complainants and reports on the actions taken by the department. However, there are other ways that ACAC could accomplish this record keeping without using the Sheriffs computer system and dispatch center.

End: Verbatim 2004/2005 Grand Jury Report

6.2.3 Responsible Agency, City, County Department or Special District

Amador Animal Control
Amador County Sheriffs Department

6.2.4 Jurisdiction, Justification, Penal Codes and or Laws

The responses from the Amador County Animal Control office and Sheriffs office were received in accordance with California Penal Code Section 933(c).

6.2.5 Findings of the 2005/2006 Grand Jury

1. On September 25, 2005 and October 20, 2005 the 2005/2006 Grand Jury visited Amador County Animal Control. We found ACAC to be in compliance with last year's recommendations.
2. The Department Head for ACAC requested software and hardware to run the program that would track complaints received by the agency. Retrieval of the information could be sorted by location, address, reporting person, telephone number, animal owner, etc. The software and upgraded hardware have been received by the county and is to be installed in the new Amador County Animal Control facility.

6.2.6 Recommendation of the 2005/2006 Grand Jury

The Amador County Animal Control Office is in compliance with the recommendations of the previous Grand Jury.

6.2.6 Pertinent References, Documents and Materials

The 2005/2006 Amador County Budget for the Animal Control Facility
www.amadorshelter.petfinder.org
www.co.amador.ca.us/depts/animal
Animal Control Office, 12340 Airport Road, Jackson, CA 95642
Telephone: (209) 223-6378
Animal Control Activity/Complaint Form

Animal Control Activity/Complaint Form

ANIMAL CONTROL ACTIVITY

NUMBER _____ **Date** _____ **Call received by** _____

ACTIVITY LOCATION: _____

TYPE ACTIVITY	SUBTYPE	TYPE ANIMAL
ASSIST AGENCY <input type="checkbox"/>		DOG <input type="checkbox"/>
DEAD ANIMAL <input type="checkbox"/>		CAT <input type="checkbox"/>
INVESTIGATION <input type="checkbox"/>	BARK <input type="checkbox"/> NEGLECT <input type="checkbox"/>	HORSE <input type="checkbox"/>
OTHER <input type="checkbox"/>		SHEEP <input type="checkbox"/>
OWNED ANIMAL <input type="checkbox"/>		GOAT <input type="checkbox"/>
PATROL <input type="checkbox"/>		PIG <input type="checkbox"/>
PROTECTIVE CUSTODY <input type="checkbox"/>		BIRD <input type="checkbox"/>
RESCUE <input type="checkbox"/>		REPTILE <input type="checkbox"/>
STRAY <input type="checkbox"/>	AT LARGE <input type="checkbox"/> CONFINED <input type="checkbox"/>	
TRANSPORT <input type="checkbox"/>		
WILD <input type="checkbox"/>		
YARD CHECK <input type="checkbox"/>		

Details: _____

Directions: _____

Owner information:

Name _____
 Address _____
 City _____ Incorporated County
 Phone _____

Caller information:

Name _____
 Address _____
 City _____ Incorporated County
 Phone _____ Contact caller before responding Yes No

Officer assigned: _____ Caller requests contact with action Yes No

Dispatched date: _____ Time: _____

Arrived date: _____ Time: _____

Depart date: _____ Time: _____

Results:

Additional page(s) attached

Scanned document provided by
 Amador County Animal Control.

6.3 Mental Health Follow-up Report to the 2004/2005 Grand Jury

6.3.1 Introduction

The 2004/2005 Amador County Grand Jury received an anonymous complaint alleging that mismanagement and low morale in the Mental Health Department. The complaint also alleged a pervasive fear of retaliation by management against staff members who came forward with their concerns.

6.3.2 Background

The 2004/2005 Grand Jury issued their report on May 10, 2005, prior to publishing the final Grand Jury Report. The first response issued by the Health and Human Services Agency was not in compliance with the California Penal Code Sections 933(c) and 933.05. The following is the revised response written September 13, 2005; an addendum to the response, dated November 29, 2005, was also submitted by the Health and Human Services Agency Director.

Verbatim 2004/2005 Grand Jury Report

Findings and Responses from the 2004/2005 Grand Jury Investigation

The following "findings" are from the 2004/2005 Grand Jury with the responses for each finding from both the Amador County Mental Health Department Head and the Amador County Board of Supervisors.

Finding #1: *There is low morale among staff at Amador County Mental Health*

Response by Department Head: *We agree that morale among Mental Health staff was low during the period of time mentioned in the report; however, morale has begun to improve since then, and continues to do so. We will continue to monitor this important issue and will continue with the team building efforts as well as continued departmental participation by the HHS Agency Director.*

Response by Board of Supervisors: *The Board of Supervisors concurs with the Department Head's response.*

Finding #2: *Morale problems at Amador County Mental Health are contributing to a high rate of staff turnover in the department.*

Response by Department Head: *We agree in part with this finding, and disagree in part. Morale problems have contributed to some of the staff turnover in the Mental Health Department, but there were other factors, too, such as relocation, retirement and accepting other jobs elsewhere.*

Response by Board of Supervisors: *The Board of Supervisors concurs with the Department Head's response.*

Finding #3: *High turnover is expensive. The loss of a trained employee and the subsequent advertising, recruitment, interviewing and finally hiring and training of a new employee is a significant expense and can result in a significant loss of productivity while the new employee is brought up to speed. The high turnover in the Amador County Mental Health Department results in ongoing expenses and lower productivity.*

Verbatim 2004/2005 Grand Jury Report

Response by Department Head: *We agree that high turnover is expensive; however, we disagree with the statement that it lowered productivity. As our individual services to the clients seen by Mental Health Department staff have doubled in the past three years, we believe that some of the turnover was caused by increased demands for accountability and productivity. We will continue to monitor our turnover, and will look at what the underlying reasons are. We will then address those issues as they arise.*

Response by Board of Supervisors: *The Board of Supervisors concurs with the Department Head's response.*

Finding #4: *High turnover results in lower quality patient care. It lowers productivity and quality of service to the community.*

Response by Department Head: *Please refer to response for item #3. We are significantly increasing our level of service.*

Response by Board of Supervisors: *The Board of Supervisors partially agrees in that as a general management theory increased turnover can result in lower productivity and performance. In this situation, however, the Board notes that the only quantifiable factors for department performance provided to the Board are those noted in the Department Head's response to number three which would seemingly indicate that at a minimum productivity has increased at the same time as the increase in turnover.*

Finding #5: *High turnover contributes to a loss of continuity and interagency cooperation in addressing patient problems. In many cases, the needs of county mental health patients are best served by interagency cooperation and communication.*

Response by Department Head: *We agree that high turnover contributes to a loss of continuity and interagency cooperation. We disagree that we are not involved with persons from other agencies as we continue to participate in interagency meetings and to collaborate with agencies and departments where mental health services are clearly an elemental part of the agenda. In fact, we have a meeting scheduled with representatives from the law enforcement community, the Board of Supervisors, Sutter Amador Hospital, the Mental Health Director and HHS Agency Director on August 25, 2005 to work on improving our communication and better service to our mutual clients.*

Verbatim 2004/2005 Grand Jury Report

Response by Board of Supervisors: *The Board of Supervisors concurs with the Department Head's response.*

Finding #6: *Since therapists work on-call hours, flextime schedules, and in off-site settings, time keeping in ACMH can be complicated.*

Response by Department Head: *We agree that time keeping in the Mental Health Department can be complicated. We continue to look at ways to improve the ways in which we keep track of time, schedule client appointments and cover for staff who are away from the job site for a variety of reasons. Suggestions from staff are encouraged.*

Response by Board of Supervisors: *The Board of Supervisors agrees with this finding.*

Finding #7: *Team building cannot be accomplished with three sessions if there is no follow-up on a day-to-day basis. This follow-up should be done by ACMH management and emphasized on a daily basis with a plan to foster this "team building" environment. If taxpayer money is going to be spent on workshops, then the results of those workshops need to be implemented and fostered.*

Response by Department Head: *We agree that team building cannot be accomplished with three sessions if there is no follow-up on a day-to-day basis. The workshops that were held were never approached as a series of three disconnected sessions. Following the first training a team building committee, made up of staff from all levels and categories within the department, began to meet weekly to address the day-to-day challenges of developing a sense of team within the department. They are continuing with these meetings, and have even developed a department newsletter.*

Response by Board of Supervisors: *The Board of Supervisors agrees with this finding.*

Finding #8: *An adverse work environment, such as reported by ACMH employees and former employees, exposes the County to potential litigation and the attendant expenses.*

Response by Department Head: *We agree with this finding, and note that we have addressed any items that are potentially litigious, and continue to address others through contact with the Union, appropriate work place environment trainings and daily monitoring of issues.*

Verbatim 2004/2005 Grand Jury Report

Response by Board of Supervisors: *The Board of Supervisors concurs with the Department Head's response.*

Finding #9: *The problems encountered in ACMH, have not been addressed by the Director of Health and Human Services.*

Response by Department Head: *We disagree with this finding. Although Fact #17 indicates that five people went to the Director of the Health and Human Services Agency with some of the problems stated above and reported no resolution of the problems. There is not enough information to give a specific response. The Agency Director's records show that when staff has approached her with a problem, it has been investigated and handled. As some complaints have involved personnel issues, they cannot be shared with other staff. The HHS Director has met with Mental Health Department staff in the past and continues to do so. Staff has been advised that they can contact the Director at any time there is a problem to be addressed. Additionally, the Director meets with the Union leadership on a monthly basis and responds to issues for all HHS departments that are raised.*

Response by Board of Supervisors: *The Board of Supervisors disagrees with this finding. The Board recognizes that there are ongoing issues in the Mental Health Department which require resolution. The Board has found the Director of Health and Human Services to be extremely concerned and willing to embrace various techniques to better understand these issues and develop appropriate solutions.*

Recommendations and Responses for the 2004/2005 Grand Jury

The following recommendations of the 2004/2005 Grand Jury are presented below along with the responses to each from both the Amador County Mental Health Department Head and the Amador County Board of Supervisors.

Recommendation #1: *There should be ongoing training to improve supervisory, managerial and communications skills for the management of ACMH. If performance evaluations warrant it, additional training should be tailored to address specific issues or weaknesses. Examples of additional training might include communications skills and anger management.*

Verbatim 2004/2005 Grand Jury Report

Response by Department Head: *This recommendation has been implemented. Amador County is providing a Leadership Academy through Los Rios Community College. Both the Mental Health Director and the Administrative Support Supervisor are attending these classes. Additionally, the County has been providing ongoing workshops to address a variety of management and/or supervisory skills, including increased communication skills. Each workshop is attended by management and supervisory personnel of the department. If there is a need in the future for specific types of training to address a particular skill or issue or as a result of a performance improvement plan, it will certainly be provided.*

Response by Board of Supervisors: *The Board of Supervisors concurs with the Department Head's response and notes that improvement of both the evaluation process and training programs has been an ongoing goal for County Administration.*

Recommendation #2: *Require the Director to supply his superior and the County a written plan to improve the working environment and effectiveness of ACMH. The plan should include how to implement the team building recommendations from the workshops into the day-to-day functioning of the Department. It should include a timeline and measurable goals. The plan should also be a part of the performance evaluation of the Director and be reviewed by his supervisor and the County Administration, and be included in the response to the Grand Jury.*

Response by Department Head: *The recommendation has not yet been implemented, but will be implemented by December 31, 2005. Although we have begun utilizing the recommendations from the workshops within the department, the director will be asked to expand on these efforts in a written plan of implementation. This plan will be given to his supervisor and County Administration and will be used to monitor progress toward improving the working environment within the department.*

Response by Board of Supervisors: *This recommendation has not yet been implemented; however, County Administration is currently working with the Director of Health and Human Services to effectively transition to a Behavioral Health Agency. As part of this transition, Administration fully expects to seek the development of a strategic plan which would include the Mental Health Department. Development of this plan will commence once the new Behavioral Health Director position is filled which may be as early as Fall 05.*

Verbatim 2004/2005 Grand Jury Report

Addendum response by Health and Human Services Agency Director: Refer to the attached improvement plan submitted by the Mental Health. This plan is now in effect and will be used as a benchmark for current and future performance evaluations.

Recommendation #3: Such a plan should include, but not be limited to, quarterly meetings of ACMH employees (management and staff) with staff input into a published agenda. These meetings should address current issues and problems, problem solving, suggestions and/or exercises, goal-setting for the next time period, and recognition of good performances and successes from the previous time period.

Response by Department Head: This recommendation has been implemented. All committees and meetings within the Mental Health Department have agendas and minutes and continue to meet on a regularly scheduled basis. These meetings do address current issues/problems, problem solving, suggestions, etc. Additionally, the HHS Director has conducted a SWOT analysis with all staff to look at the strengths, weaknesses, opportunities and threats for the department. A follow-up meeting will be held with staff by December 31, 2005 to determine our progress and challenges still facing us. We are currently working on placing all minutes of the committees and meetings in e-files available to all departmental staff. Successes are celebrated in addition to dealing with issues and/or problem solving. Additionally, a monthly newsletter is being published with input from all staff. This newsletter recognizes successes and achievements and serves to improve communication within the department and with the Agency Director.

Response by Board of Supervisors: The Board of Supervisors concurs with the Department Head's response.

Recommendation #4: If the goals in the plan are not being met, this should be reflected in the Director's performance evaluation. There should be a specific structure for ongoing evaluation, of the ACMH Director's management of the staff, by the Health and Human Services Agency and the County Administrative Office.

Verbatim 2004/2005 Grand Jury Report

Response by Department Head: *The recommendation has not been implemented, but will be completed no later than December 31, 2005. The Health and Human Services Agency Director and the Deputy CAO are currently conducting interviews with staff of the Mental Health Department to address issues, concerns and suggestions. Findings will be compiled into a report that will assist in establishing goals for the department and the Mental Health Director. Performance Evaluations are a tool utilized to monitor an individual's ongoing ability to perform his/her essential job functions. As required, the HHS Agency Director will continue to monitor the performance of the Mental Health Director, and will set expectations, goals, and corrective actions to be performed as deemed appropriate and as approved by the County Administrative Office.*

Response by Board of Supervisors: *The Board of Supervisors has implemented this recommendation across the organization. All departments are required to annually submit goals and conduct evaluations.*

Addendum response by Health and Human Services Agency Director: *The HHS Agency Director and Deputy County Administrative Officer conducted interviews with a majority of staff from the Mental Health Department to determine how we are currently functioning and meeting their needs. Part of this process was to look at employee morale as well as how the Director is performing the essential functions of the job. A report was then prepared based upon these interviews and was given to the Board of Supervisors in Closed Session (because it dealt with personnel issues). The conclusions reached were shared with the Director only to the extent that they will be used to set over-all department as well as specific performance goals.*

Recommendation #5: *Supervisors should be responsible for keeping track of employee time and ensuring that rules regarding timekeeping are applied evenly to all staff. If supervisors cannot manage the appropriate monitoring of employees' work hours, ACMH should install and use a time-recording device to standardize the record keeping of employees' work time arrival and departure. Also this device should be used to record employee breaks, lunchtime, and other office departures.*

Verbatim 2004/2005 Grand Jury Report

Response by Department Head: *This recommendation has been implemented. Keeping track of employee time was addressed in memos to all staff on October 8 and 28, 2004. The first memo was asking for cooperation from staff, and the second memo spelled out that we must be open and available for clients during clinic hours. Additionally, the subject of time was addressed at a staff meeting on October 28th, and supervisors are now managing and monitoring employees' work hours. Since the issuance of the second memo, tracking of time has not been an issue within the department.*

Response by Board of Supervisors: *The Board of Supervisors concurs with the Department Head's response.*

Recommendation #6: *Develop an informal grievance procedure for ACMH. The procedure should include, guidelines for how the grievances would be handled by the receiving person and what sort of response is required when an employee uses the informal process. Orient ACMH staff at all levels to this policy.*

Response by Department Head: *This recommendation has not been implemented, but will be process for conflict resolution that could also be used as an informal grievance procedure. As the process is completed, it will be presented for discussion/comment in an all-staff meeting as well as in the department newsletter. Recommendations will then be put into place in a plan that will be covered with all staff.*

Response by Board of Supervisors: *The Board of Supervisors concurs with the Department Head's response*

Addendum Response by Health and Human Services Agency Director; *Teach Team Building Committee has begun working on this item. However, the team invited the Deputy CAO to participate in our efforts and we are working on this for all county employees. There is a grievance procedure in the current MOU so we are now developing a "Conflict Resolution" process/procedure. As this will go beyond the department, it has not yet been completed. We anticipate that such a process/procedure will be in place by March, 2006 at the latest.*

Recommendation #7: *Identify a management team, to clarify supervisory roles, responsibilities and lines of communication. Publish this information for all staff and schedule management team meetings on a regular basis. Members of the management team should be chosen by position in the department.*

Verbatim 2004/2005 Grand Jury Report

Response by Department Head: *This recommendation has not been completed, but will be in place by December 31, 2005. The Mental Health Department is merging with the Alcohol/Drug Prevention Department to become the Behavioral Health Services Division within the Health and Human Services Agency. A recruitment process is currently underway to hire a new Behavioral Health Director. Once this process is completed a management team will be established based upon job specifications. An organizational chart will then be published and presented to all staff with roles and responsibilities defined. The management team will meet on a regular basis, no less frequently than monthly, but more often if needed.*

Response by Board of Supervisors: *The Board of Supervisors concurs with the Department Head's response.*

Addendum response by Health and Human Services Agency Director: *This recommendation has been completed in part (see attached information from the ACMH Director). Additionally, Social Entrepreneurs, Inc. has received a contract with the County to undertake a structural analysis of both the Mental Health and Alcohol/Drug Prevention Departments. This analysis will allow us to move towards combining the two departments into a Behavioral Health Division and will look at current job descriptions as well as make recommendations for changes in descriptions/duties. Once this is completed (March 2006) we will identify an ongoing Management Team, define their roles/responsibilities and publish this for all the staff.*

Recommendation #8: *Where appropriate, staff input should be solicited and considered when developing new policies and procedures.*

Response by Department Head: *This recommendation has been implemented. The Mental Health Department utilizes a committee structure to develop new policies and procedures as appropriate unless they are a direct result of a change in Federal or State regulation. When these policies and/or procedures are completed, they are then presented at the next all-staff meeting after being distributed to all staff for preview. Staff then has the opportunity to express comments and/or concerns.*

Response by Board of Supervisors: *The Board of Supervisors concurs with the Department Head's response.*

Verbatim 2004/2005 Grand Jury Report

Recommendation #9: *Adhere to the personnel guidelines of the County and to County policy and the expectations (both the letter and the spirit of the law) of the Department regarding sexual harassment, ethnic, racial and religious tolerance, understanding and sensitivity, and workplace dress code and behavior (Review page 7, MOU and County of Amador Policies and Procedures Manual-number 2-100 and 2-900 (see Appendices C & D) Note: these policies are currently being updated by County Administration). All employees must review the policies and expectations on a yearly (or sooner, if needed) basis and sign an agreement stating that they know the policies and will comply with them. This documentation should be placed in an employees' personnel files.*

Response by Department Head: *This recommendation has not been implemented, but will be implemented by December 31, 2005. Mental Health Departmental staff is expected to adhere to all County Policies and Procedures, and are further expected to review them yearly. We will implement a system by December 31, 2005 to ensure that this is completed in keeping with County policy and will place documentation in the employees' personnel files.*

Response by Board of Supervisors: *While the Board concurs with the Department Head's response the Board adds the following. First, the Board notes that all new employees are required to review the County's anti-harassment policy, which is then acknowledged in writing. Secondly, County Administration currently provides harassment training on an annual basis. Each employee's participation is tracked and employees are required to attend trainings on a schedule that is determined by their job duties.*

Addendum response by Health and Human Services Agency Director: *Please refer to the attached Policies/Procedures Follow-up with Employees and Review Affidavits. These were developed by our Compliance/Utilization Review staff and are being shared with all department employees. In accordance with the Grand Jury recommendations, a copy will be kept in each personnel file.*

Recommendation #10: *Management should foster an atmosphere of cultural sensitivity. Respect for diverse populations and cultures is important in the work place. The environment of the work place must be free of any intimidation, influence or distraction that interrupts the delivery and quality of the services provided to the citizens of Amador County.*

Verbatim 2004/2005 Grand Jury Report

Response by Department Head: *This recommendation has been implemented. The Mental Health Department has an active Cultural Competency Committee whose charge it is to oversee that cultural diversity is acknowledged and respected. This committee meets no less than monthly. Issues then are brought up to the committee that indicates that something needs to be done to improve in this area can be brought up to the Agency Director and County Administration to ensure compliance.*

Response by Board of Supervisors: *The Board of Supervisors concurs with the Department Head's response.*

Recommendation #11: *Remove all posters, flyers, jokes, stories or other items that are inappropriate to be displayed or said in the workplace. Management must enforce this and set an example for employees to follow.*

Response by Department Head: *This recommendation has been implemented. Management has taken action to see the workplace is free of all posters, flyers, jokes, stories or other materials that may foster ill will, distractions to completion of job tasks or an otherwise hostile work environment. Management does not condone inappropriate jokes, comments, mannerisms or behaviors. Management began to oversee all reading materials placed in the department for appropriateness and relevancy as soon as it was discovered that inappropriate materials were in the workplace. This is an important recommendation and is taken very seriously by department management. We will continue to enforce this area on an ongoing basis.*

Response by Board of Supervisors: *The Board of Supervisors concurs with the Department Head's response.*

Recommendation #12: *The Director of Health and Human Services should become more involved in ACMH, both on a regular basis and especially when there are unresolved personnel issues affecting morale and quality of service to the community.*

Verbatim 2004/2005 Grand Jury Report

Response by Department Head: *This recommendation is implemented. The Health and Human Services Agency Director is more involved in the Mental Health Department, both on a regular basis and when there are unresolved issues that effect employee morale and services to the community. The HHS Director has begun attending all-staff meetings as well as some Team Building meetings and recently facilitated a SWOT analysis with staff for the needs and strengths of the department. See item #4 for additional involvement. The Mental Health Department is an integral piece of the Health and Human Services Agency, and the HHS Director will continue with her involvement on an ongoing basis.*

Response by Board of Supervisors: *The Board of Supervisors both concurs with the Department Head's response and also notes that County Administration finds it important to seek additional opportunities to communicate with Health and Human Services Agency departments. The County Administrative Officer is working with the Health and Human Services Agency Director to identify staff meeting opportunities for County Administration participation. These meetings are expected to commence in Fall 05.*

End: Verbatim 2004/2005 Grand Jury Report

6.3.3 Responsible Agency, City, County Department or Special District

Amador County Health and Human Services Agency
Amador County Board of Supervisors

6.3.4 Jurisdiction, Justification, Penal Codes and or Laws

California Penal Code Section 925, 933(c), 933.05

6.3.5 Findings of the 2005/2006 Grand Jury

1. The Amador County Grand Jury of 2005/2006 reports that interviews have been conducted with the Amador County Mental Health Department. Questions covered procedures; policies; cultural, ethnic, morale issues; and general requirements mandated by the County. Eighteen (18) current employees were interviewed with the only exceptions being personnel out on leave.
2. Since publication of the 2004/2005 Grand Jury Report, employee retention has increased from sixty-two (62) percent to ninety-five (95) percent.
3. Amador County Mental Health Department was ranked number two (2) out of fifty-eight (58) counties in the State, as reported by the State Managed Care Review Audit. This audit was performed by the California Department of Mental Health. Two hundred nine (209) of two hundred thirteen (213) items audited were in compliance. Many of the issues found by the 2004/2005 Grand Jury appear to no longer exist and the others are in the process of being corrected.
4. The 2005/2006 Grand Jury finds that issues reported have been satisfactorily resolved. The 2005/2006 Grand Jury commends the employees and management for their achievements.

6.3.6 Recommendations

No further actions or recommendations required.

6.3.7 Pertinent References, Documents and Materials

1. State of California Review of Amador County Mental Health Plan.
2. Interviews with Staff and Management.
3. Web Site www.co.amador.ca.us/depts/mental

6.4 City Of Plymouth

6.4.1 Introduction

The 2004/2005 Amador Grand Jury elected to investigate a number of citizen complaints. Following is a synopsis of the actions taken and the responses from the City.

6.4.2 Background

See the following 2004/2005 Grand Jury report sections referring to City of Plymouth.

Verbatim 2004/2005 Grand Jury Report

Findings of the 2004/2005 Grand Jury

1. *Brown Act Violation*

The Grand Jury could not establish that a violation of the Brown act occurred and made no recommendation

2. *Maintenance Supervisor*

2.1 *The Grand Jury could not establish that a violation of the Brown act occurred and made no recommendation The City of Plymouth selection process failed to mandate open positions be advertised and therefore did not ensure the selection of the best candidate.*

2.2 *The City of Plymouth's hiring practice was not violated but the Jury believes the spirit of fair employment practices was violated.*

3. *Special Counsel*

The 2004/2005 Grand Jury elected to investigate a citizen complaint and a City Council request to investigate the manner in which a special counsel was hired to review the Municipal Services agreement adopted February 22, 2004

Responses from The City of Plymouth

1. *The City of Plymouth has submitted a response dated December 6, 2005 agreeing with the Grand Jury that a Brown Act violation could not be established. Therefore, no corrective action is deemed necessary.*
2. *Regarding Finding 2.1, the City partially disagreed and stated the person selected has exceptional experience and is above reproach.*
3. *Regarding Finding 2.2, the City agrees. The City will review the current process and bring to the City Council a revised policy. The City has since been advertising in the Ledger-Dispatch and Job Connections*
4. *The City agreed with the findings of the Grand Jury and has implemented a new purchasing/expense authorization policy. Copies of the policy were attached to the City's response.*

End: Verbatim 2004/2005 Grand Jury Report

6.4.3 Responsible Agency, City, County Department or Special District

The City of Plymouth City Council
Plymouth City Manager

6.4.4 Jurisdiction, Justification, Penal Codes and or Laws

California Penal Code Section 925(a)

6.4.5 Findings of the 2005/2006 Grand Jury

1. The current hiring practices are satisfactory.
2. The implementation of the new purchasing procedures should prevent a recurrence of the problems reported to the previous Grand Jury.

6.4.6 Recommendations

The 2005/2006 Jury urges continuing education and sensitivity to the Brown Act by the Plymouth City Council.

6.4.7 Pertinent References, Documents and Materials

Plymouth City Hall Address: 9426 Main Street. Plymouth, CA 95669

Telephone (209) 245-6941

The Purchasing/Expense Policy: See attached document.

City Of Plymouth Purchasing/Expense Policy

RESOLUTION NO. 2005-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLYMOUTH ADOPTING A REVISED PURCHASING AND EXPENSE AUTHORIZATION POLICY P100

WHEREAS, the City Council desires to provide for a purchasing and contracting system assuring a maximum of competition for the lowest price consistent with a stated level of quality; and

WHEREAS, it is appropriate to provide a general code of conduct for all personnel who may be engaged in the City's purchasing function; and

WHEREAS, it is essential that all personnel involved in the procurement process conducts themselves in a manner that maintains impartiality and complete objectivity to meet the continuing scrutiny of suppliers and the public.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Plymouth hereby adopts Purchasing and Expense Authorization P100 consistent with the Council's Strategic Plan Goals and Objectives.

The foregoing resolution was duly passed and adopted by the City Council of the City of Plymouth at their regular meeting of August 11, 2005, by the following vote:

AYES: Greg Baldwin, Jon Colburn, Patricia Shackleton

NOES: None

ABSENT: Pat Fordyce, Michael O'Meara


Vice Mayor

ATTEST:


Gloria Stoddard, City Clerk

Scanned document provided by
Amador County Animal Control.

Chapter Seven

Recreation



Pine Grove Community Park

Chapter 7 Recreation

7.1 Introduction

The Amador County Recreation Agency (“ACRA”) is a member of a Joint Powers Agency (“JPA”) established in 2003. The members include:

1. Amador County Unified School District
2. City of Amador City
3. City of Ione
4. City of Jackson
5. City of Plymouth
6. City of Sutter Creek
7. County of Amador
8. County Service Area #3 (Camanche area)
9. Volcano Community Service District/Upcountry Recreation Organization

The mission statement of ACRA states, *“Our mission is to maximize recreation opportunities for all the people in all the areas of Amador County by working collaboratively and thinking regionally.”* Amador County Recreation Agency owns and maintains three parks within the County and jointly operates a fourth with the Sacramento School District. The five cities are responsible for care and maintenance of parks within their city limits. There are two State Parks (Fairgrounds and Chaw’Se) and one church-owned public ball field in the County, also maintained by the owners.

7.2 Responsible Agency

Amador County Recreation Agency
Amador County Board of Supervisors

7.3 Jurisdiction for Investigation

California Penal Code Section 925, 925(a)

7.4 Background

ACRA identified three major goals it intended to implement in fiscal year 2005/2006. The goals were:

1. Refurbish tennis courts, signage and playgrounds at Pioneer and Fiddletown Parks. Refurbish bleachers and backstops at Pioneer Park.
2. Obtain public access to restroom at Pioneer Park year round.
3. Acquire public lands for recreation purposes.

The 2005/2006 Grand Jury interviewed the agency Executive Director and visited Pioneer and Fiddletown parks to determine if the goals have been met.

7.5 Facts

1. ACRA has completed refurbishing of the tennis courts at Pioneer and Fiddletown Parks. Refurbishment of park playgrounds, ball fields, backstops, and bleachers should be completed by June 30, 2006.
2. Year-round public access to restroom facilities at the Pioneer Park Scout Hut is still being negotiated.
3. Acquisition of public land for recreation purposes is ongoing.

7.6 Findings

1. ACRA has been unsuccessful in negotiating an agreement with the Boy Scouts regarding restroom facilities at Pioneer Park.
2. Amador County Recreation Agency is working to acquire public land to expand recreational opportunities for county residents:
 - a. ACRA is negotiating with Bureau of Land Management to purchase 100 acres of land across Buckhorn Ridge Road from Pioneer Park. If successful, this new public land could be developed to include mountain bike and hiking trails.
 - b. The Agency is working with Sacramento School District to formalize a lease agreement that would permit further development of Molly Joyce Park in Pioneer. This development may include a horseback riding arena and ropes course.
 - c. Sutter Creek Lions Club has contacted ACRA regarding the donation of Lions Park to the County.
 - d. One-hundred, fifty-five (155) acres of land between the Jackson Senior Center and Kennedy Mine site is being considered as county parks.
3. Amador County Recreation Agency continues to work to provide recreation opportunities and special events for the County.

7.7 Recommendations

Restroom facilities located in the Scout Hut in Pioneer Park are in a County-owned building and on public land. The facilities should be available to all users of the park. This Grand Jury recommends ACRA and the Boy Scouts complete negotiations for public access by July 1, 2006. In addition, all community organizations should have complete access and use of the Scout Hut facility.

7.8 Pertinent References, Documents, and Materials

<http://www.co.amador.ca.us/depts/acra/>

Chapter Eight

2005/2006 Citizen Complaints



Chapter 8

2005/2006 Citizen Complaints

Complaint Number	Date Received	Details
04/05-11 05/06-01	03-07-05	A complaint was filed against the Registrar of Voters in all counties in the state alleging mishandling of selection of Grand Jurors in criminal cases. (Held over from 2004/2005 Grand Jury) <i>2005/2006 Grand Jury declined to investigate.</i>
04/05-12 05/06-02	03-31-05	A complaint alleged accounting irregularities and illegal charges at the River Pines Public Utility District. (Held over from 2004/2005 Grand Jury) <i>2005/2006 Grand Jury sub-committee performed an informal investigation and determined issues raised had been addressed by the addition of new infrastructure. Subsequent to the initial investigation, the Grand Jury was unable to successfully contact the complainant so the investigation was closed.</i>
04/05-13 05/06-03	04-28-05	A citizen filed a complaint against the City of Ione and the management at Howard Park alleging mismanagement of funds, mistreatment of animals and in-action of authorities on the issue of alleged drug use in the park. (Held over from the 2004/2005 Grand Jury) <i>A 2005/2006 Grand Jury sub-committee visited the park and determined there was no basis for the allegations. Declined to investigate further.</i>
05/06-04	08-15-05	Seven complaints were filed by a citizen against multiple county agencies alleging professional misconduct. <i>A Grand Jury sub-committee made an initial investigation and determined that the 2005/2006 Grand Jury could not further pursue the complaint as the matters presented by the complainant were being addressed in ongoing civil litigation.</i>
05/06-05	08-15-05	A citizen complained that the City of Ione had violated the Brown Act. <i>Following a review of the complaint by a Grand Jury sub-committee, the Grand Jury declined to investigate further.</i>
05/06-06	08-15-05	A complaint was received alleging lack of a functioning computer printer at the Jackson branch of the Amador County Library. <i>Grand Jury members visited the library and found the computer printer in working order. The Grand Jury declined further investigation.</i>
05/06-07	08-15-05	A citizen with Attention Deficit Disorder (ADD) filed a complaint against the Amador County Superior Court alleging a violation of the Americans with Disabilities Act. <i>The Grand Jury found that it lacked the authority to investigate.</i>

05/06-08	09-19-05	An inmate at Mule Creek State Prison filed a complaint against the California Department of Corrections alleging corruption. <i>The Grand Jury declined to investigate.</i>
05/06-09	10-26-05	A citizen complained that Amador City did not enforce its sign ordinance. <i>The Grand Jury declined to investigate.</i>
05/06-10	11-01-05	Complaint against Amador City was filed alleging the city did not enforce ordinances pertaining to historic buildings. <i>The Grand Jury declined to investigate.</i>
05/06-11	11-15-05	A complaint was filed alleging the Ione City Council misused public funds and wasted tax payers' dollars. <i>A letter from the Grand Jury was sent to complainant requesting clarification of allegations. Since corroborating documents were received late in its term, the Grand Jury forwarded to complaint to the 2006/2007 Grand Jury.</i>
05/06-12	11-15-05	A complaint was received alleging favoritism by a city official. <i>The Grand Jury declined to investigate.</i>
05/06-13	11-30-05	A County Jail inmate filed a complaint alleging harassment by a County Correctional Officer. <i>The Sheriff's Department confirmed that the inmate had been issued and received an Inmate Information Handbook and the necessary forms to file a report on her behalf. The Grand Jury declined further investigation.</i>
05/06-14	11-30-05	The Grand Jury received an anonymous complaint against an Amador City Councilperson alleging violations of the Brown Act. <i>Subsequent to meeting with County Council to review the matter, the Grand Jury declined to investigate.</i>
05/06-15	12-30-05	Two citizens issued a complaint against an elected official alleging misuse of public funds. <i>The complaint was referred to the California State Attorney General.</i>
05/06-16	01-03-06	A citizen filed a complaint against Amador County General Services Administration alleging continued violations of the County Building Code at Westover Field. <i>The Grand Jury investigated; see Chapter 1, Section 1.1 and Chapter 6, Section 6.1 of the 2005/2006 Final Report.</i>
05/06-17	01-03-06	A complaint against the California Department of Corrections alleged low staffing levels put prison personnel at risk. <i>The Grand Jury investigated and determined that, effective March 6, 2006; staff was increased to make up for the short fall in personnel. The Grand Jury declined to investigate further.</i>
05/06-18	01-17-06	A complaint was received from an Amador County jail inmate requesting Grand Jury assistance with issues surrounding credit for time served. <i>The Grand Jury referred the complainant to the court system and declined to investigate.</i>

05/06-19	02-15-06	A complaint was filed against River Pines Public Utility District alleging misuse of public funds and willful misconduct in office. <i>The complaint was referred to the Amador County District Attorney's Office.</i>
05/06-20	02-23-06	A complaint was received requesting that the Grand Jury investigate violations of EPA standards by the Amador Water Agency at the Buckhorn Water Treatment Plant. <i>The Grand Jury investigated; see Chapter 1, Section 1.2 of the 2006/2006 Final Report.</i>
05/06-21	02-28-06	The Grand Jury received a complaint alleging multiple infractions of code by an official of the City of Ione. <i>Following a review of the complaint, the Grand Jury declined further investigation</i>
05/06-22	02-28-06	A letter was forwarded to the Grand Jury detailing the controversy surrounding Ione City government. <i>The Grand Jury declined to investigate.</i>
05/06-23	02-28-06	The Grand Jury received an anonymous complaint that Amador County Health and Human Services Agency did not apply for nor receive a grant entitled to it through the Mental Health Services Act. <i>The Grand Jury investigated: see Chapter 5 of the 2005/2006 Final Report.</i>
05/06-24	03-06-06	An inmate at Mule Creek State Prison filed a complaint regarding the administrative process at the prison. <i>The Grand Jury referred the prisoner to the prison systems established appeal process and declined further investigation.</i>
05/06-25	03-24-06	An inmate at Mule Creek State Prison complained that he was denied access to the law library. <i>The Grand Jury referred the prisoner to the prison systems established appeal process and declined further investigation.</i>
05/06-26	04-21-06	A citizen filed a misconduct complaint against a public official. <i>The Grand Jury referred the complaint to the Amador County District Attorneys' Office.</i>
05/06-27	05-03-06	A complaint was filed against the Amador County Planning Department alleging prejudice during the investigation of a code violation. <i>The complaint was referred to the 2006/2007 Grand Jury for their consideration.</i>