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# **County Government**

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Waste Management Contract

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Nevada County Grand Jury Report with Responses  
2012-2013

# **2012-2013 Nevada County Grand Jury Report on the Waste Management Contract**

## **Summary**

In January of 2012, Nevada County entered into a twenty-year contract with Waste Management of Nevada County for management of the solid waste stream for unincorporated western Nevada County, including operation of the McCourtney Road and satellite transfer stations.

During the implementation of the contract there were several areas of public concern which the Nevada County Grand Jury elected to investigate.

The Nevada County Grand Jury found that the negotiation process and contracting were performed with a high degree of diligence and protection of the public interest, although there were areas of concern during the implementation phase.

## **Reasons for Investigation**

Prompted by public response to a sharp increase in fees for Residential Yard Waste at the McCourtney Road Transfer Station (Transfer Station), the size of the trash containers provided to residential customers, and billing questions the Nevada County Grand Jury (Jury) conducted an investigation into the process of letting Nevada County's contract with Waste Management for the period of July 1, 2012 through June 30, 2032.

Pursuant to Sec. 925 of the California Penal Code the Grand Jury has the authority to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county.

## **Background**

Waste Management is a comprehensive waste and environmental services company in North America. Founded in 1894, the company is headquartered in Houston, Texas. The company's network includes 367 collection operations, 355 transfer stations, 273 active landfill disposal sites, 16 waste-to-energy plants, 134 recycling plants, 111 beneficial-use landfill gas projects and six independent power production plants. Waste Management offers environmental services to nearly 20 million residential, industrial, municipal and commercial customers in the United States, Canada, and Puerto Rico. With 21,000 collection and

transfer vehicles, Waste Management has the largest trucking fleet in the waste industry. Waste Management is a publicly traded corporation.

Board of Supervisors Resolution 12-052, "AWARD AND APPROVAL OF CONTRACT BETWEEN THE COUNTY OF NEVADA AND USA WASTE OF CALIFORNIA, INC. FOR COLLECTION, TRANSPORT, PROCESSING AND DISPOSAL OF SOLID WASTE, RECYCLABLES, GREEN WASTE, CONSTRUCTION AND DEMOLITION DEBRIS, AND HOUSEHOLD HAZARDOUS WASTE, AND OPERATION OF TRANSFER STATION FOR WESTERN NEVADA COUNTY", was approved on January 24, 2012 to take effect on July 1, 2012.

Subsequently, the Jury was asked to investigate certain provisions of the contract relating to fees and service level changes.

### **Procedures Followed**

The Jury interviewed a number of county officials and Waste Management personnel who were involved in the negotiations and writing of the final contract as well as members of the public. The Jury received and reviewed the Nevada County Board of Supervisors (BOS) Resolution 12-052, approving the contract including the actual document and its various appendices.

### **Facts**

- F.A.1.** On May 26, 2011, the BOS authorized the Department of Public Works to solicit requests for proposals for an exclusive franchise agreement related to the operations, collections, and recycling of the solid waste system in western Nevada County, including operation of the Transfer Station.
- F.A.2.** Four proposals were received.
- F.A.3.** The selection committee consisting of representatives of Nevada County (County), including the Department of Public Works, Solid Waste Program Management, Purchasing, Community Development Agency, Solid and Hazardous Waste Commission, and the Chief Executive Office identified the top two proposals.
- F.A.4.** Interviews were conducted and USA Waste of California, Inc., dba Waste Management of Nevada County (WM) was unanimously selected as the firm with which the County would enter into negotiations.
- F.A.5.** A contract was negotiated for an exclusive franchise agreement with WM to provide collection, transport, processing, and disposal of solid waste, green waste, construction and demolition debris (C&D), and household hazardous waste, and operation of the Transfer Station for western Nevada County through June 30, 2032.

- F.A.6.** On January 24, 2012 the BOS passed Resolution 12-052, awarding and approving the contract.
- F.A.7.** The County granted WM the exclusive right to collect, transport, and dispose of all solid waste materials and recycling materials unless exempted from collection.
- F.A.8.** A Franchise Fee of 12% of all revenues collected by WM as service fees will be paid to the County, with certain exceptions as stipulated in the contract.
- F.A.9.** A Host Fee will be paid to the County by WM for transfer services, excluding recycling and green waste. WM shall pay a Host Fee on all solid waste and C&D received or processed at the Transfer Station or satellite transfer stations.
- F.A.10.** WM provides carts for waste, recycling, and green waste collection.
- F.A.11.** Four waste collection cart sizes are available for residential customers; 20, 35, 64, or 96 gallon.
- F.A.12.** Standard residential service is for one 35 gallon cart.
- F.A.13.** There is an option for low volume customers to utilize an "on call" service level, having waste collected only when needed.
- F.A.14.** WM provides food waste recycling service for commercial customers and multi-family dwellings.
- F.A.15.** Rate changes have been implemented as shown in Attachments I through III.
- F.A.16.** WM is phasing in replacement of its fleet of diesel trucks with trucks powered by compressed natural gas.
- F.A.17.** Waste from the Transfer Station is transported to a WM landfill facility in Nevada.
- F.A.18.** The contract for transport was awarded by WM to a local trucking company.
- F.A.19.** WM has set aside the sum of \$5.6 million to be applied to either construction of a new transfer station at a location yet to be determined, or the renovation of the Transfer Station.
- F.A.20.** WM agreed to submit a proposal no later than December 31, 2012 for construction of a new transfer station. This was received on time.
- F.A.21.** The County has 120 days to respond to the proposal.
- F.A.22.** If the County and WM agree on the construction of a new facility, the current Transfer Station will be replaced.
- F.A.23.** As specified in *California Public Resources Code* (PRC) Section 41780, counties are subject to a diversion mandate that at least 50% of solid waste (as defined in the PRC) generated in the county be source-reduced, recycled or composted, and, as more specifically provided in PRC Section 41780.01, the county is subject to a goal

that not less than 75% of solid waste generated in the County be source reduced, recycled, or composted by the year 2020.

- F.A.24.** Contractually, WM will bear primary responsibility for meeting required solid waste diversion goals.
- F.A.25.** Contractually, WM will report to the County annually a summary of the previous year's activities, including but not limited to, service begun or discontinued during the year and the number of customers for each service level and a revenue statement setting forth franchise fees and host fees and the method of calculation.
- F.A.26.** Contractually, WM shall submit to the County monthly reports of the amount/weight of waste and materials collected, transported, disposed, and recycled. All monthly reports shall be submitted to the County by the 20th day of the following month.
- F.A.27.** Contractually, there are potential rate changes allowable based on certain economic conditions, including changes to the Consumer Price Index and fuel costs.
- F.A.28.** Public notification of the new contract included neighborhood flyers attached to garbage cans at least three times. There were approximately 10,000 flyers handed out to the public during the notification campaign.
- F.A.29.** Costs of public notification were paid by WM.
- F.A.30.** Additional public notification was via the newspaper, radio notification and direct mail campaign to existing users and flyers attached to the residential containers. The flyers addressed the cost basis for the standard container to the 96 gallon container. There is also a fourteen page supplement to phone directories on the recycling and collection process.
- F.A.31.** Calls from customers during the rollout period went to a call center in Sacramento. During the rollout, the number of telephone lines needed to be increased due to call volume.
- F.A.32.** According to County officials, there was a period of approximately three weeks of failure by WM to adequately handle complaints. Most calls were related to the size of carts delivered to customers.
- F.A.33.** Solid waste collection contracts in the cities of Grass Valley and Nevada City have been negotiated with WM. Implementation has been completed.

## **Findings**

- F.I.1.** The County conducted thorough due diligence in the selection of WM as the exclusive provider of solid waste disposal and recycling in the unincorporated areas of Western Nevada County.
- F.I.2.** Rates at the Transfer Station are unchanged with the exception of White Goods (appliances) or Yard and Wood Waste, which have increased.
- F.I.3.** Residential Yard Waste collection rates have increased.
- F.I.4.** Residential Solid Waste collection rates have slightly decreased.
- F.I.5.** Commercial and Multi-family rates are unchanged.
- F.I.6.** Despite public notification of the process there were a large number of complaints, mainly around the changes in service.
- F.I.7.** The Jury found the County and WM carried out an information campaign prior to implementation of the changes in service.
- F.I.8.** The Jury also found there were many cases where the public did not receive or understand the changes.
- F.I.9.** The Jury found the County and WM failed to sufficiently prepare for the volume of calls received during the implementation of changes, resulting in long waits for many customers.

## **Recommendations**

- R.1.** The Jury recommends when future changes in rates or service levels are approved, the County and WM should identify procedures to better inform the public and prepare for the volume of customer calls anticipated with the experience gained from this change.

## **Responses**

None Required

<b>Attachment 1</b>		
<b>Residential Service Fee Changes</b>		
<b>Service Type</b>	<b>Before July 1, 2012</b>	<b>After July 1, 2012</b>
<b>Residential MSW Service</b>		
20 gallon can/cart	\$13.15	\$13.26
35 gallon can/cart	\$17.58	\$16.94
2-32 gallon cans	\$25.03	\$0.00
64 gallon cart	\$25.03	\$24.27
96 gallon cart	\$36.52	\$36.39
<b>Residential Yard Waste Service</b>		
64 gallon cart	\$3.86	\$5.11
96 gallon cart	\$4.05	\$5.30
<b>Residential Recycling Service</b>		
All sizes with trash service	\$0.00	\$0.00
1 -35 gallon (no trash service)	\$2.17	\$7.50
1-96 gallon (no trash service)		\$7.50

**Attachment 2**

**Commercial and Multi-Family Fee Changes**

<b>Service Type</b>	<b>Before July 1, 2012</b>	<b>After July 1, 2012</b>
<b>Commercial and Multi-family Bin Service - 2-yard bin</b>		
One collection/week	\$249.61	\$249.61
Two collections/week	\$426.51	\$426.51
Three collections/week	\$613.83	\$613.83
Four collections/week	\$806.37	\$806.37
Five collections/week	\$995.75	\$995.75
Six collections/week	\$1,187.29	\$1,187.29
<b>Commercial and Multi-family Bin Service - 3-yard bin</b>		
One collection/week	\$319.86	\$319.86
Two collections/week	\$544.16	\$544.16
Three collections/week	\$775.74	\$775.74
Four collections/week	\$1,001.08	\$1,001.08
Five collections/week	\$1,225.55	\$1,225.55
Six collections/week	\$1,470.53	\$1,470.53

<b>Commercial and Multi-family Bin Service - 4-yard bin</b>		
One collection/week	\$408.97	\$408.97
Two collections/week	\$706.49	\$706.49
Three collections/week	\$1,042.71	\$1,042.71
Four collections/week	\$1,371.60	\$1,371.60
Five collections/week	\$1,704.66	\$1,704.66
Six collections/week	\$2,019.00	\$2,019.00
<b>Commercial and Multi-family Bin Service - 6-yard bin</b>		
One collection/week	\$504.63	\$504.63
Two collections/week	\$870.09	\$870.09
Three collections/week	\$1,275.04	\$1,275.04
Four collections/week	\$1,712.21	\$1,712.21
Five collections/week	\$2,075.50	\$2,075.50
Six collections/week	\$2,472.12	\$2,472.12
<b>Commercial and Multi-family Can Service</b>		
1-32 gallon can	\$17.22	N/A
2-32 gallon cans	\$24.58	N/A
35 gallon cart	\$17.22	\$17.22
96 gallon cart	\$36.67	\$36.67

2-yard bin, semi-weekly collection	\$190.65	\$190.65
<b>Commercial Recycling</b>		
All sizes with trash service	\$0.00	\$0.00
<b>Temporary Bin and Debris Box Service</b>		
2-yard bin - refuse	\$71.37	\$71.37
3-yard bin - refuse	\$91.21	\$91.21
4-yard bin - refuse	\$115.44	\$115.44
6-yard bin - refuse	\$149.50	\$149.50
20 to 40-yard bin - refuse	\$230.80	\$230.80
20 to 40-yard bin C&D	\$230.80	\$230.80
20 to 40-yard bin - metals	\$202.84	\$202.84
20 to 40-yard bin -wood	\$202.84	\$202.84

**Attachment 3**

**McCourtney Road Transfer Station Fee Changes**

<b>Service Type</b>	<b>Before July 1, 2012</b>	<b>After July 1, 2012</b>
<b>Trash Only</b>		
2 cans	\$6.00	\$6.00
3 cans	\$6.50	\$6.50
4 cans	\$7.00	\$7.00
5 cans	\$7.50	\$7.50
6 cans	\$8.00	\$8.00
Per Ton	\$70.00	\$70.00
<b>Trash Only -Non County Resident</b>		
Per Ton	\$140.00	\$140.00
<b>Trash Containing Recycling</b>		
2 cans	\$10.00	\$10.00
3 cans	\$10.50	\$10.50
4 cans	\$11.00	\$11.00
5 cans	\$11.50	\$11.50
6 cans	\$12.00	\$12.00
Per Ton	\$80.00	\$80.00

<b>C&amp;D</b>		
Per Ton	\$59.50	\$59.50
<b>Tires</b>		
Up to 16" without rim	\$2.00	\$2.00
17" to 17.5" without rim	\$6.00	\$6.00
Up to 16" with rim	\$9.00	\$9.00
17" to 17.5" with rim	\$18.00	\$18.00
Tires greater than 17.5" can be recycled at Les Schwab		
<b>White Goods</b>		
Refrigerated	\$20.00	\$30.00
Non - refrigerated	\$0.00	\$25.00
<b>Yard &amp; Wood Waste</b>		
Cubic Yard	\$3.38	\$9.25
Minimum Charge	\$4.75	\$10.75
<b>Mattresses/Furniture</b>		
Single/Double without box spring	\$6.00	\$6.00
Single/Double with box	\$7.00	\$7.00

spring		
Queen/King without box spring	\$6.50	\$6.50
Queen/King with box spring	\$8.00	\$8.00
Couch	\$7.00	\$7.00
Hide a bed	\$7.50	\$7.50
<b>Propane Tanks</b>		
Less than 5 gallons	\$0.00	\$0.00
5 to 25 gallons	\$10.00	\$10.00

# **County Government**

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2012 Nevada County General Election

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Nevada County Grand Jury Report with Responses  
2012-2013

# **November 2012 Presidential General Election in Nevada County**

## **Summary**

The Nevada County Grand Jury is pleased to report to the citizens of Nevada County that the November 6, 2012 Presidential General Election in Nevada County ran smoothly, problems were minor, and the election was conducted effectively.

Members of the Nevada County Grand Jury visited most of the 56 precincts in Nevada County on Election Day. During interviews conducted with poll workers it was determined that some precincts had difficulty in setting up the voting equipment, some precincts had voting equipment failures and some precincts were crowded. In most cases poll workers who had difficulty with setting up their voting equipment were able to shut them down and re-start the set-up process with assistance from the Field Elections Deputy or the Elections Office. In cases of voting equipment failures the Field Elections Deputy was able to replace the equipment which failed.

Several members of the Nevada County Grand Jury and poll workers commented that the class room at the Rood Center is too crowded. The Grand Jury recommends the training sessions be conducted in a larger venue.

The Grand Jury also followed up on the recommendations of the 2010-11 Grand Jury Report and found all had been implemented.

## **Reasons for Investigation**

The Nevada County Grand Jury (Jury), exercising its oversight responsibilities pursuant to California Penal Code Section 925, conducted an investigation of the November 6, 2012 Presidential General Election (Election).

## **Background**

The Nevada County Elections Office has the responsibility to select polling places in accordance with the California Election Codes. Each polling place contains one or more precincts. Each precinct is staffed by a Precinct Board (poll workers), consisting of an Inspector and two or more Judges. The Inspector has overall responsibility for the election activities of that precinct. All poll workers are volunteers. They are compensated for their time on Election Day and for training sessions.

### Poll workers' duties include

- knowing and enforcing State Code and regulations,
- knowing the voting process,
- insuring ballot security,
- instructing voters in the proper operation of electronic voting equipment,
- answering voters' questions,
- troubleshooting equipment problems.

### Procedures Followed

#### The Jury

- interviewed staff of the Nevada County Elections Office prior to and after the election,
- attended training for poll workers,
- interviewed Inspectors and Judges,
- had observers at most of the 56 precincts on Election Day,
- reviewed the 2010-11 Nevada County Grand Jury report "November 2010 General Election in Nevada County".

### Facts

- F.A.1.** Training is required for all poll workers.
- F.A.2.** Some poll workers did not attend the required training, but had recent election experience.
- F.A.3.** Jury members attended poll worker training classes.
- F.A.4.** The poll worker training at the Rood Government Center was conducted in the Providence Mine Room, a long narrow room.
- F.A.5.** Some training sessions were overcrowded as observed by Jury members.

- F.A.6.** The County Elections Office has updated existing training modules and developed a comprehensive hands-on training program to simulate the operations of a precinct on Election Day.
- F.A.7.** Several of the training modules included an opportunity to practice on the actual equipment.
- F.A.8.** Check lists to set up each precinct were provided, including an *Opening Flip Book* guide with detailed instructions on operations and equipment set-up.
- F.A.9.** Jury members observed that some poll workers did not practice equipment set-up during the training classes.
- F.A.10.** Jury members observed that the instructors did not ensure that all trainees participated in the equipment practice.
- F.A.11.** Voting equipment could not be set up at several precincts without a call to the Field Elections Deputy (FED) or to the Elections Office.
- F.A.12.** There were several voting equipment failures.
- F.A.13.** Jury members visited some precinct locations and observed them to be inadequate in terms of efficient space allocation.
- F.A.14.** New polling place locations are surveyed in advance for compliance with the Americans with Disabilities Act (ADA) by County Elections employees to ensure that the polling places meet ADA requirements.
- F.A.15.** Once a precinct has been established as compliant there is no further ADA survey made.
- F.A.16.** Poll worker evaluation surveys are mailed by the Elections Office to all poll workers six to eight weeks after the elections.
- F.A.17.** Jury members reviewed a sampling of the poll worker evaluation surveys and determined the interviews with the same poll workers differed from their written surveys.
- F.A.18.** The 2010-11 Nevada County Grand Jury recommended the following:
- “The Nevada County Clerk Recorder should direct staff to include the following with the Vote-by-Mail ballots:
- Instructions for replacement of spoiled or lost Vote-by-Mail ballots for those instances when it is too late to use the U.S. Postal Service.

- Instructions for Vote-by-Mail voters on how and where to vote in person.
- The phone number of the Elections Office on the Vote-by-Mail envelope.”

## **Findings**

- F.I.1.** The Jury found the crowded conditions of the room used for training resulted in ineffective training outcomes.
- F.I.2.** The Jury found not all instructors ensured that every attendee received hands-on equipment training.
- F.I.3.** After initial set-up, some equipment did not function properly.
- F.I.4.** The Jury found that failure on the part of some poll workers to refer to check lists and the *Opening Flip Books* resulted in some equipment apparently not functioning properly.
- F.I.5.** The Jury found when these same poll workers called for assistance and were told to follow instructions, the equipment functioned normally.
- F.I.6.** Voting equipment that had actual technical malfunctions was replaced by the FED or the Elections Office as necessary.
- F.I.7.** Jury members found that inadequate space hampered efficient operations in several polling places.
- F.I.8.** The Jury found the lengthy interval between Election Day and the actual mailing date of the poll workers evaluation surveys sent out by the Elections Office was too long to ensure accurate results.
- F.I.9.** The Jury believes that including the poll workers evaluation surveys in the set-up packages and requiring prompt completion and return would result in more useful data.
- F.I.10.** In following up on the 2010-11 Nevada County Grand Jury Final Report the current Jury found
- instructions have been included in the Sample Ballot for replacement of spoiled or lost Vote-by-Mail ballots for those instances when it is too late to use the U.S. Postal Service,
  - instructions have been included for Vote-by-Mail voters on how and where to vote in person,

- the phone number of the Elections Office has been included on the Vote-by-Mail envelope.

## **Recommendations**

**R.1.** The Nevada County Clerk Recorder should direct staff to

- identify a larger venue to more efficiently accommodate the number of trainees per training session,
- increase the number of training classes given to the poll workers with fewer numbers of trainees in each class,
- require the instructors to verify with each precinct team that they can demonstrate their competence in setting up the equipment before leaving the training class,
- make every effort to relocate those precincts with crowded conditions to a location with more floor space before the next election,
- include poll worker evaluation surveys with the precinct kits and require completion by the end of their shifts.

## **Responses**

Nevada County Clerk-Recorder: Date: July 30, 2013



# Nevada County Clerk Recorder/ Registrar of Voters

**County Clerk - Recorder**  
950 Maidu Avenue, Suite 210  
Nevada City, CA 95959  
Phone: (530) 265-1221  
Fax: (530) 265-9842  
[mynevadacounty.com/nc/recorder](http://mynevadacounty.com/nc/recorder)

**Gregory J. Diaz**  
County Clerk - Recorder

**Gail Smith**  
Assistant County Clerk-Recorder

**County Elections**  
950 Maidu Avenue, Suite 250  
Nevada City, CA 95959  
Phone: (530) 265-1298  
Fax: (530) 265-9829  
[mynevadacounty.com/nc/elections](http://mynevadacounty.com/nc/elections)

July 24, 2013

The Honorable Thomas M. Anderson  
Presiding Judge of the Grand Jury  
Nevada County Superior Court  
201 Church Street  
Nevada City, California 95959

## RESPONSE TO THE MAY 31, 2013 GRAND JURY REPORT: NEVADA COUNTY PRESIDENTIAL ELECTION-NOVEMBER 2012

Dear Judge Anderson,

As required by California Penal Code Section 933, the Clerk-Recorder hereby submits his response to the 2012 Presidential Election in Nevada County, as requested by the members of the Grand Jury.

### FINDINGS:

1. The Jury found the crowded conditions of the room used for training resulted in ineffective training outcomes.

#### Partially Agree:

**The space that was available resulted in crowded conditions; however, the training outcome was successful as reflected in Election Day performance.**

2. The Jury found not all instructors ensured that every attendee received hands-on equipment training.

#### Agree

3. After initial set-up, some equipment did not function properly.

#### Agree

4. The Jury found that failure on the part of some poll workers to refer to check lists and the *Opening Flip Books* resulted in some equipment apparently not functioning properly.

#### Agree

5. The Jury found when these same poll workers called for assistance and were told to follow instructions, the equipment functioned normally.

#### Agree

6. Voting Equipment that had actual technical malfunctions was replaced by the FED or the Elections Office as necessary.

#### Agree

7. Jury members found that inadequate space hampered efficient operations in several polling places.

#### Agree

8. The Jury found the lengthy interval between Election Day and the actual mailing date of the poll workers evaluation surveys sent out by the Elections Office was too long to ensure accurate results.

#### Agree

9. The Jury believes that including the poll workers evaluation surveys in the set-up packages and requiring prompt completion and return would result in more useful data.

**Agree**

10. In following up on the 2010-11 Nevada County Grand Jury Final Report the current Jury found
- Instructions have been included in the Sample Ballot for replacement of spoiled or lost Vote-by-Mail ballots for those instances when it is too late to use the U.S. Postal Service,
  - Instructions have been included for Vote-by-Mail voters on how and where to vote in person,
  - The phone number of the Elections Office has been included on the Vote-by-Mail envelope

**Agree**

**RECOMMENDATIONS:**

**R.1: The Nevada County Clerk Recorder Should Direct Staff to:**

- R.1.1. Identify a larger venue to more efficiently accommodate the number of trainees per training session.

*The recommendation will be implemented, beginning with the June 2014 Poll Worker Training.*

- R.1.2. Increase the number of training classes given to the poll workers with fewer Numbers of trainees in each class.

*The recommendation will not be implemented because it is not warranted or is not reasonable.*

**By securing a larger facility to accommodate our training needs we hope to decrease the number of classes and increase the number of trainers at each class to ensure effective training.**

- R.1.3. Require the instructors to verify with each precinct team that they can demonstrate their competence in setting up the equipment before leaving the training class.

*The recommendation will be implemented, beginning with the June 2014 Poll Worker Training.*

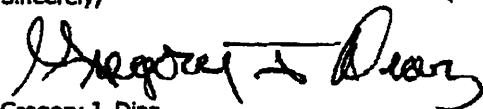
- R.1.4. Make every effort to relocate those precincts with crowded conditions to a location with more floor space before the next election.

*The recommendation will be implemented for the June 2014 Election.*

- R.1.5. Include poll worker evaluation surveys with the precinct kits and require completion by the end of their shifts.

*The recommendation will be implemented in June 2014 Election.*

Sincerely,



Gregory J. Diaz  
Nevada County Clerk-Recorder/  
Registrar of Voters

# **Law Committee**

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Nevada County Courthouse Holding Facility

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Nevada County Grand Jury Report with Responses  
2012-2013

# **Nevada County Courthouse Holding Facility**

## **Summary**

The replacement/remodel of the Nevada County Courthouse in Nevada City has gone from being an approved project to being placed on indefinite delay. The California Penal Code requires the Nevada County Grand Jury to annually inspect the holding facility located in the Nevada County Courthouse as to its condition and management.

Although the holding facility was determined to be adequate, the Nevada County Grand Jury found two areas of concern regarding safety of inmates, court and county employees, and independent contractors. A previous Nevada County Grand Jury report issued in 2010-11 identified the need for additional surveillance cameras in the parking garage of the facility. The response to that report stated the California Superior Court did not have the funding to accommodate the recommendation. The 2012-13 Nevada County Grand Jury has determined the cost would be minor, given the need to protect those using the facility, and the cost would be shared by Nevada County and the California Superior Court. The Nevada County Grand Jury also found that no formalized security training is provided to court and county personnel.

The Nevada County Grand Jury recommends that these areas of concern be addressed promptly by both the Nevada County Sheriff and the Nevada County Superior Court.

## **Reasons for Investigation**

California Penal Code Section 919(b) requires: "The grand jury shall inquire into the condition and management of the public prisons within the county." The Nevada County Grand Jury (Jury) defines public prisons as any adult or juvenile correction or detention facility within the county.

## **Background**

The Nevada County Courthouse (Courthouse) has occupied the present location since 1855. The current courthouse was completed in 1865, replacing the previous one destroyed by fire. In 1900, the building was remodeled and in 1936-37, an extensive renovation of the building was done under the depression-era Works Project Administration (WPA). The courthouse annex was added in 1963. It housed the county jail until the building of the Wayne Brown Correctional Facility in 1992 and still houses the court holding facility. The Courthouse is

jointly owned by the Administrative Office of the Courts (AOC) of the State of California and Nevada County.

The Jury is aware that the AOC plans to replace or remodel the Courthouse at some time in the future. That project has been placed on indefinite delay due to lack of funding.

The 2010-11 Jury issued a report on the holding facility which recommended a number of changes regarding security of inmates, courthouse employees, and the public.

### **Procedures Followed**

The Jury inspected the holding facility at the Courthouse on August 16, 2012 and interviewed staff. The Jury also interviewed members of the court staff and County Facilities Management. The Jury also verified that recommendations agreed to by the Nevada County Sheriff (Sheriff) subsequent to the 2010-11 report had been implemented.

### **Facts**

- F.A.1.** The fenced and gated area, commonly known as a sally port, allows inmates to be loaded and unloaded in a secure area before being taken to the holding cells.
- F.A.2.** The 2010-11 Jury recommended that the Sheriff should direct staff in the proper use of the sally port for loading and unloading of all inmates.
- F.A.3.** In-custody inmate movement between the holding cells and the courtrooms takes place in unsecured public corridors.
- F.A.4.** The 2010-11 Jury recommended that the Sheriff should direct staff to clear individuals from hallways when inmates are moved to courtrooms.
- F.A.5.** The parking garage is used by Sheriff's personnel, court and county employees, and independent contractors.
- F.A.6.** There are surveillance cameras installed throughout the Courthouse and the parking garage which are monitored by Sheriff's personnel.
- F.A.7.** The surveillance cameras installed in the parking garage do not provide viewing of all sections of the garage.
- F.A.8.** The 2010-11 Jury recommended that additional cameras be installed in the parking garage to ensure the safety of both Sheriff's personnel and court employees.
- F.A.9.** The recommendation for additional cameras was not implemented due to the lack of funding through the AOC.
- F.A.10.** Nevada County Facilities Management provided the Jury with an estimate of \$6400.00 to install three additional surveillance cameras in the parking garage.

- F.A.11.** Costs for additional cameras in the parking garage would be shared by the County and the courts, through a formula based on their percentage of usage of the garage space.
- F.A.12.** The Chief Executive Officer of the Superior Court is responsible for security throughout the facility.
- F.A.13.** No formalized security awareness training is provided to court and county employees.
- F.A.14.** Although the Superior Court is not required to respond to a Jury report, a representative of the Superior Court indicated that a response would be provided.

### **Findings**

- F.I.1** The sally port is now being properly used by staff.
- F.I.2** Staff is now clearing individuals from hallways when inmates are moved to and from courtrooms.
- F.I.3** The cost of installing additional surveillance cameras is justifiable when personal safety is at stake.
- F.I.4** The lack of formal security awareness training poses a potential risk to personnel.
- F.I.5** The inability to monitor all sections of the parking garage endangers those using the garage.

### **Recommendations**

- R.1.** The Nevada County Sheriff should promptly coordinate with the Nevada County Superior Court to provide additional surveillance cameras in the parking garage.
- R.2.** The Chief Executive Officer of the Superior Court should ensure that all personnel receive formalized security awareness training.

### **Responses**

Nevada County Sheriff: Date: July 30, 2013

Nevada County Superior Court: Date: July 30, 2013

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**NEVADA COUNTY  
SHERIFF'S OFFICE**



**KEITH ROYAL**  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR

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June 18, 2013

The Honorable Thomas M. Anderson  
Presiding Judge of the Grand Jury  
201 Church Street  
Nevada City, Ca. 95959

RE: Response to 2012-2013 Nevada County Courthouse Holding Facility Grand Jury Report

Dear Honorable Judge Anderson:

In response to the Grand Jury Report dated May 28, 2013 on the Nevada County Courthouse Holding Facility.

**FINDINGS:**

1. The sally port is now being properly used by staff.

**Agree**

**The sally port is being used to transport prisoners safely and securely from law enforcement vehicles to the interior of the courthouse holding facility.**

2. Staff is now clearing individuals from hallways when inmates are moved to and from courtrooms.

**Agree**

**Sheriff's Office personnel ask all non-essential personnel to clear the hallways when moving inmates to and from the courtrooms.**

3. The cost of installing additional surveillance cameras is justifiable when personal safety is at risk.

**Agree**

**Added Surveillance cameras on the exterior of the building could assist Sheriff's Office personnel in monitoring the area outside of the courthouse facility.**

5. The inability to monitor all sections of the parking garage endangers those using the garage.

**Partially Agree**

**While the ability to visually observe the parking area would increase the security of the garage, the area is accessed through security roll up doors and that access is maintained by the courthouse staff.**

**Should funding become available in the future, the Sheriff's Office would consider working with the AOC in a cost sharing upgrade and/or installation of security cameras.**

**RECOMMENDATIONS:**

1. The Nevada County Sheriff's Office should promptly coordinate with the Nevada County Superior Court to provide additional surveillance cameras in the parking garage.

**When a funding source becomes available through the AOC, the Sheriff's Office will work with courthouse personnel in the feasibility and installation of surveillance cameras in the courthouse parking garage.**

The Sheriff's Office would like to thank the members of the 2012-2013 Grand Jury for their participation and effort in preparing their reports. We are committed to providing the highest level of safety and security to our employees, the public, and inmates.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Royal', with a long horizontal line extending to the right.

Keith Royal  
Sheriff-Coroner

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
County of Nevada**

CANDACE S. HEIDELBERGER,  
*Presiding Judge*



G. SEAN METROKA,  
*Court Executive Officer*

**201 Church Street  
Nevada City, CA 95959  
(530) 265-1311**

July 11, 2013

Grand Jury, County of Nevada  
Attn: Keith Overbey, Foreperson  
950 Maidu Avenue  
Nevada City, CA 95959

Dear Mr. Overbey:

As requested in the 2012-2013 Nevada County Grand Jury Report on the subject of the Nevada County Courthouse Holding Facility, the following response is submitted.

**Findings**

- F.I.1** Agree
- F.I.2** Agree
- F.I.3** Partially agree. We agree that the expense of installing additional surveillance cameras may be justified by the potential increase in personal safety. This finding does not address the availability or source of funding necessary to augment the current surveillance camera system but simply states the expense "is justifiable". If funding is not available, justifying the expense will not solve this problem.
- F.I.4** Disagree. Implementing formal security awareness training will surely be beneficial to those working in the courthouse. However, the lack of such training does not pose a potential risk, or otherwise increase risk, to court personnel.
- F.I.5** Partially agree. Improved camera coverage of the courthouse garage would help to make the garage a safer place. We believe this Finding's assertion that the lack of improved coverage "endangers those using the garage" is incorrect. Regardless of the source of the danger, the additional cameras will only reduce the response time in addressing potential danger, not prevent the danger in the first place.

**Recommendation**

- R.1** Disagree. The current camera system was purchased by the Administrative Office of the Courts (AOC) and is the sole property of the Court. While the Court will coordinate any system changes and camera placement with the Nevada County Sheriff's Department, we do not expect that the County will contribute funds to purchase additional cameras for a system that they do not own.

The Court has submitted a funding request to the AOC to expand the current camera system such that the garage will be adequately monitored and surveillance of Court Holding and other (currently inadequately monitored) court spaces will be improved. We expect to have an answer to our request by December 2013. If our request is approved, we anticipate having the system expansion completed early in 2014. If our request is denied, we will take no further action until we can submit another request in fiscal year 2014-2015 or another source of funding becomes available.

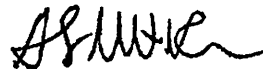
- R.2 Partially agree. The Court Executive Officer will ensure that appropriate security awareness training is developed and disseminated during fiscal year 13-14. The Court can only ensure that court employees will receive the training as we do not have the authority to impose training on County employees.

In addition to our responses to the Grand Jury's findings and recommendations listed above, we feel compelled to address Fact F.A.10 in the report. We have received and analyzed the estimate provided by Nevada County Facilities Management referred to in F.A.10. This proposal includes three cameras and one digital video recorder (DVR). This equipment is not compatible with our current camera system and would necessarily be a stand-alone system which would require separate monitoring by security personnel. The current system is integrated and consists of 48 cameras and three DVRs (between the Nevada City and Truckee courthouses) which can all be monitored simultaneously from a single workstation in various locations throughout the Nevada City and Truckee courthouses. If we add a stand-alone camera system, it will require separate monitoring and will be limited to a single monitoring station. The restrictions this would place on our limited security staff, assigned to monitor court surveillance cameras, would make the new cameras ineffective for lack of personnel to consistently monitor them. Despite the report's suggestion to the contrary, we do not agree with the Grand Jury that this proposal is a viable solution to the problem.

Respectfully submitted,



Candace S. Heidelberger  
Presiding Judge



G. Sean Metroka  
Court Executive Officer