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Amador County Grand Jury 2015-2016

Gary Reeder, Paul Keeton, Ken Perano, Art Weatherford, Terry Hale, Bob Stimpson, David Upton, Ray Mumolo, Donna Conrad, Amy Hess Crosby, Lynn Campbell, Doyle Grosz, Ralph Jarboe, Martha Gamble, Zach Talbert, and Alex Wisner

**2015-2016 AMADOR COUNTY CIVIL GRAND JURY**

# NOTICE TO RESPONDENTS

## **Response Requirements:**

The legal requirements for responses to the Grand jury findings and recommendations are contained in California Penal Code (PC) §933.05. Each respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel before responding. For assistance to all respondents, PC §933.05 is summarized as follows:

## **Responding to Findings:**

The responding person or entity must respond in 1 of 2 ways:

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

## **Reporting Action in Response to Recommendations:**

Recommendations by the Grand Jury require action. The responding person or entity must report action and all recommendations in 1 of 4 ways:

- The recommendation has been implemented, including a summary of the implemented action.
- The recommendation has not been implemented, but will be implemented in the future. This response should include a timeframe for implementation.
- The recommendation required further analysis. The law requires a detailed explanation of the analysis or study and the timeframe not to exceed 6 months. In this response, 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.

# Final Report Response Format

The following standard format is to be used when responding to the Grand Jury's report. It is used by all agencies when responding to grand jury reports.

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**Responding Agency**      **Response by** \_\_\_\_\_ (Governing Body, Department Head)

Finding #1                      (State the finding as written in the grand jury report)

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

Recommendation #1 (State the recommendation as written in the grand jury report)

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

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

**AMADOR COUNTY UNIFIED SCHOOL DISTRICT  
AMADOR COUNTY OFFICE OF EDUCATION  
SCHOOL BOARD INVESTIGATION**

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## **AUTHORITY**

California Penal Code 933.5 states that the Grand Jury may at any time examine the books and records of any special purpose assessing or taxing district located wholly or partly in the county, and may investigate and report upon the method or system of performing duties of such district (including school districts).

## **SUMMARY**

The 2015-2016 Amador County Grand Jury (Grand Jury) received several complaints regarding violations by more than one Amador County Unified School District/County Office of Education (ADUSD/COE) school board member (trustee), of school board procedures. These complaints alleged Brown Act violations, violations of Board Bylaws by more than one trustee, and on-going unprofessional and intimidating behavior by the ACUSD/COE School Board (Board) president. Additional complaints were received of more than one board member who took retaliatory action against an ACUSD/COE employee in response to a perceived whistleblower action.

The Grand Jury's method of investigation included a thorough review of the ACUSD School Board Bylaws (Bylaws) and review of the Brown Act to ascertain if any Brown Act violations did occur, and whether any Bylaws were violated. The Grand Jury interviewed relevant individuals to determine if the alleged behaviors did occur. The Grand Jury interviewed all of the trustees, the former District superintendent, eleven District principals, two District management staff, one former employee who had worked in the District office, and one member of a non-profit organization.

Early in its investigation, the Grand Jury determined that the alleged behavior of one trustee constituted a continuing pattern of behavior, and determined that the Grand Jury, in order to understand the severity of the new complaints, would need to understand past Board behaviors and actions. To gain this knowledge, the Grand Jury reviewed Board Agendas, Minutes, and Packets, listened to audio tapes of Board meetings, reviewed performance evaluations for the former District superintendent, and reviewed email communications of District staff and trustees.

In addition, the Grand Jury reviewed the Amador County Civil Grand Jury Final Reports from 2008 through 2015, including review of the 2013-2014 Grand Jury Education Committee Report titled, "Bad Behavior on the Board", and the 2013-2014 Grand Jury's supporting documentation. The Grand Jury also reviewed the follow-up documents and response provided by the Board to the 2013-2014 and 2014-2015 Grand Juries that are included in the 2014-2015 Grand Jury Final Report section titled "Grand Jury's Report Section 'Responses to the 2013-2014 Amador County Civil Grand Jury Final Report and Follow-Up Reports' ".

It is the Grand Jury's opinion that in 2014 and 2015, the Board made measurable progress towards implementing the 2013-2014 Grand Jury's recommendations and the 2014-2015 Grand Jury follow-up requests. When interviewed, the majority of trustees expressed a true desire to respectfully work together as a cohesive, knowledgeable, and effective Board. However, the Grand Jury determined that all trustees need additional training to acquire the skills needed to achieve this goal.

## **BACKGROUND**

The Board comprises 5 trustees, elected by the County voters. Since February, 2012, the Board's trustee districts are the same as the Amador County (County) Supervisors' districts. Their terms are four years. Every year the trustees elect one member to serve as President, and one to serve as Clerk of the Board. Three trustee terms expire in November 2018, and two trustees, the Board President and the Board Clerk, have terms which expire in November 2016.

The Board is guided by an extensive body of Bylaws, which govern the activities and behavior of the school board, and of the school district operations. These Bylaws are contained in "Section 9000" of the ACUSD/ACOE Board Policies and can be accessed at:

<http://gamutonline.net/PolicyCategoryList/2107/9>, and clicking "ok". If the Gamut sign-in boxes are blank, type in the word "amador" for the user name and "public1" for the password.

Other ACUSD/ACOE Board Policies can be accessed at:

<http://gamutonline.net/indexframes.html>

The School District's website is: <http://www.amadorcoe.org/>

## **METHOD OF STUDY**

This investigation followed several avenues of inquiry. Bylaws, governing trustee behavior and Board operations, were analyzed to determine what the Board policy actually states regarding the role and responsibilities of the Board and individual officers. Also analyzed were the trustees' working relationships, trustee behavior, trustee censure, Board conduct, Board development and orientation, Board policy development, Board meetings and agenda preparation, and the Board self-evaluation process. Other documents, including Board agendas, minutes, and packets, were reviewed, as were all Amador County Civil Grand Jury Reports from 2008 through 2015 which pertained to the District or the Board. Additionally, all of the supporting documents from the 2013-2014 and 2014-2015 Grand Juries were reviewed to gain information and to determine additional avenues of inquiry to pursue.

Interviews were conducted with all of the trustees, the County Superintendent, thirteen current and former District staff, and one officer of a non-profit organization. In addition, the current Interim District Superintendent compiled an extensive response to the Grand Jury's

request for trustee training records, and information on how Board and trustee correspondence is processed.

## **DISCUSSION**

The Grand Jury received complaints that identified inappropriate behavior by the Board, and in particular, by one trustee. The complaints alleged that:

- Violations of the Board Bylaws occurred
- Violations of the Brown Act occurred
- Conduct during Board meetings was inappropriate and unprofessional
- Interaction between the Trustees and the Superintendent was volatile
- More than one Trustee retaliated against District staff because of a perceived whistleblower action by District staff

One complaint stated that the Board president consistently uses demeaning language, raises his voice, and attempts to intimidate and control other participants' input during closed session meetings, thus violating Board Bylaws.

A second complaint stated that the Board president, on more than one occasion, acted as an individual in conducting Board business, thus violating Board Bylaws, and that another trustee acted as an individual when he responded to District staff, thus violating Board Bylaws.

The Grand Jury needed to determine if the alleged actions by the Board president and the alleged actions by the trustee had occurred. The Grand Jury also needed to determine if the Board president had acted as an individual in conducting Board business, and whether the trustee had acted as an individual in interacting with District staff.

A third complaint stated that more than one trustee retaliated against District staff in response to a perceived whistleblower action by District staff.

The Grand Jury needed to determine what the perceived whistleblower action had entailed, whether the alleged retaliatory behavior of more than one trustee had occurred, and if these allegations had occurred, whether that behavior was in part or in whole a response to the perceived whistleblower action.

In the course of the investigation into the complaints received by the Grand Jury, other areas of concern arose that resulted in the Grand Jury reviewing the majority of the Board Bylaws contained in "Section 9000 – Board Bylaws", on the District's website:

<http://gamutonline.net/PolicyCategoryList/2107/9>

The Grand Jury reviewed and investigated the Bylaws relevant to the complaints received, and those Bylaws which the Grand Jury's investigation showed to be problematic to effective Board performance.

The Grand Jury also reviewed the processes and forms which were used to evaluate the former District superintendent's job performance, trustee training policies and records, and Board legal expenses, and also investigated one school safety concern. The Grand Jury investigated District and Board policies relevant to Board correspondence, and researched the Board follow-up to previous Grand Juries' Findings and Recommendations.

### **School District Bylaw Violations:**

#### **a. Board Bylaw “9001 – Working Relationship Policy”**

The Grand Jury found that more than one trustee had violated Board Bylaw “9001 – Working Relationship Policy”. The majority of trustees interviewed in January and February, 2016 stated that closed session Board meetings are often volatile, that some trustees often raise their voices, and that the Board president yells at them. Some trustees reported that they found this behavior uncomfortable and sometimes intimidating. Some trustees interviewed also stated that the trustee interaction during some open sessions of Board meetings was tense, but that the Board interaction was getting better.

Board Bylaw “9001” in part states:

“An important aspect of the unique association that exists between a Board of Trustees, its individual members, and the Superintendent is the cooperative working relationship that is developed, refined and maintained over time. . . An effective Working Relationship Policy sets out the methods and standards by which individual members agree to work with each other, conduct themselves in public meetings, and while carrying out district and Board business. An effective Working Relationship Policy provides the guidelines by which the Board, Superintendent, and District staff works together in a cooperative, professional manner...”

The inability of the two trustees to congenially work together contributed to both of them violating another Bylaw: Board Bylaw “9322”.

#### **b. Board Bylaw “9322 – Agenda/Meeting Materials”**

The Grand Jury found that more than one trustee had violated Board Bylaw “9322 – Agenda/Meeting Materials”. This Bylaw requires the Board president, the Board clerk (vice-president), and the Superintendent to attend the Agenda Planning Meeting which occurs in the week prior to the Board meeting. The Board president and the Board clerk were responsible for the Board clerk not attending the Agenda Planning Meetings for several years.

Agenda Planning Meetings are important meetings for the participants to discuss and prepare the agenda for the next scheduled Board meeting. The attendees decide which items will be included on the agenda.

Board Bylaw “9322” in part states:

“Agenda Preparation-The Superintendent, as Secretary to the Board, in consultation with the Board president and vice-president shall prepare the agenda for each regular and special meeting.”

All trustees interviewed agreed that all required trustees should attend the Agenda Planning Meetings. As of January 2016, all required trustees are attending the Agenda Planning Meetings.

c. Board Bylaw “9200 – Limits of Board Member Authority”

Board Bylaw “9200” in part states:

“The Governing Board is the unit of authority over the district. It has broad but clearly limited powers. The exercise of its authority is restricted to the functions required or permitted by law, and then only when it acts in a legally constituted meeting...The Board member has no individual authority. Individually, the Board member may not commit the district to any policy, act or expenditure...”

The Grand Jury found that more than one trustee had violated Board Bylaw “9200”. The Board president acted as an individual when he individually contacted outside legal counsel to request legal counsel appear in the Closed Session of the May 13, 2015 Board meeting, in order to discuss the non-renewal of the then ACUSD/ACOE superintendent’s contract. On May 13, 2015, the Board in a Closed Session approved retention of this law firm. On October 14, 2015 the Board voted to retain the legal services of another law firm in the matter of the Andreason Trust. The Grand Jury found that this law firm had extensive knowledge regarding the matter prior to being hired, and concluded that at least one trustee had acted alone when communicating with this law firm.

d. Board Bylaw “9240 – Board Development”

The Grand Jury found that as of the completion of this Grand Jury report on May 25, 2016, the Board president had not received the Ethics training as required by California Government Code Section 53235, which requires that local agency officials receive Ethics training once in every subsequent two-year period after their initial Ethics training.

On May 14, 2016 the Interim District Superintendent informed the Grand Jury that the Tuolumne Joint Powers Association (JPA) will be providing, at no cost, Ethics training on June 13, 2016, and that he will attend this training along with the ACUSD Board of Trustees.

**School District Bylaws in Need of Revision**

a. Board Bylaw “9401 – Trustee Censure Policy”

The Board amended Bylaw “9401 – Trustee Censure Policy” on October 8, 2014, to have complainants who are alleging trustee misconduct use the existing Amador Public Schools Uniform Complaint (UCP) form. The Board also updated the existing censure policy to require a committee of two trustees from the five-member Board (previously three trustees from a seven-member Board).

Board Bylaw “9401” in part states:

“The Board will first consider the complaint to determine whether further investigation or consideration is warranted. If the Board does determine such further investigation or consideration is warranted, the complaint will be referred by the Board President for investigation and review to an ad hoc committee composed of two trustees not subject to the complaint. In a manner deemed appropriate by the committee, a thorough fact-finding process shall be initiated and completed within a reasonable period of time to determine the validity of the complaint...The Trustee subject to the charge of misconduct shall not be precluded from presenting information to the committee. The committee shall, within a reasonable amount of time, make a report of its findings to the Board for action.

The Grand Jury found that the trustee censure policy which was revised on October 8, 2014, requires complainants to fill out and submit a UCP form to the ACUSD/ACOE Compliance Officer/Executive Director of Personnel (CO/EDOP). However, the revised Bylaw does not involve the CO/EDOP or any other District management in the review of a complaint against a trustee. The revised Bylaw continues to allow the Board to decide whether a complaint of trustee misconduct has any merit, and whether the Board will investigate the complaint. The Bylaw does state that the trustee(s) who is (are) the subject of the complaint may offer testimony if the Board does investigate the complaint, but does not state whether the trustee subject to the complaint can vote on any action which the Board recommends. The Bylaw does not set specific timeframes for investigating the complaint, instead stating that “a thorough fact-finding process shall be initiated and completed within a reasonable period of time”.

b. Board Bylaw “9240 – Board Development”

Board Bylaw “9240 – Board Development”, adopted on November 14, 2001, in part states:

“Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education and develop boardmanship skills.

The 2013-2014 Grand Jury report, released in June, 2014, included Finding 8, which stated “Training is not required, but there is a wide disparity among trustees regarding the value of ongoing training and attendance of courses available”, and included Recommendation 3, which stated, “The Bylaws should mandate continuing training for all trustees.”

On February 11, 2015, the Board provided to the Grand Jury Board Bylaw “9240 – Board Development”, which the Board had amended on January 10, 2015, that included the addition of “This training and knowledge may be determined by the individual Board Member’s needs and experience.” The Board also provided to the Grand Jury the training which individual trustees had completed or were soon to complete, and which showed that between December of 2014 and

January of 2015, three trustees had received Brown Act training, one trustee would receive it online, two trustees had received supplemental training, and one trustee had received no training.

On March 4, 2015, the Grand Jury commended those trustees who had recently received Brown Act training and other training, and notified the Board that the Board's amendment "to Board Bylaw "9240" did not '... meet the standard of mandatory continuing training for all trustees as stated in Recommendation 3..., which stated that the Bylaws should mandate continuing training for all trustees' ". The 2014-2015 Grand Jury also notified the Board that "the State of California has mandated in Government Code 53235 topics of general ethics principles... and government transparency for local government officials (California Government Code 53235 mandates Ethics training, including the Brown Act)... The Grand Jury would find it acceptable if Bylaw 9240 was amended to state that the ethics and Brown Act training will comply with the requirements of Government Code 53235, and that trustees will also be required to receive appropriate training from the California School Board Association annually. The recent amendment, which is too vague, should be removed from the bylaws."

On April 22, 2015, the Board revised Board Bylaw "9240" by replacing: "This training and knowledge may be determined by the individual Board Member's needs and experience", with "Ethics and Brown Act training will comply with the requirements of Government Code 53235, and trustees may also receive supplemental training from a variety of sources including CSBA. Trustees will submit an annual report of mandated and supplemental training activities and costs."

Board Bylaw "9240", as revised, does not comply with the 2013-2014 and 2014-2015 Grand Juries' recommendation that all of the trustees receive both the mandated Ethics training as required once within the first year of taking office, and once in every subsequent two-year period, and that all trustees receive supplemental training each year from the California School Board Association. The Bylaw should be revised to add, "all trustees will receive supplemental training each year from the California School Board Association or other source", and be revised to add language which encourages trustees to attend more than one supplemental training each year.

The Grand Jury determined that all of the trustees have benefited from training in the last year, and that all of the trustees now agree that continuing training, both mandated and supplemental, is important for both individual trustee development and for overall Board development. All of the trustees attended a supplemental training, "Board Efficacy", on November 18, 2015, and all of the trustees plan to attend Ethics training, which will be provided by the Tuolumne JPA on June 13, 2016.

The Grand Jury commends all of the trustees for increasing their training, and recommends that all of the trustees continue to receive the supplemental training needed for them to improve their own performance and overall Board performance. Trustees should specifically seek out training which will help them to improve their communication and interpersonal skills, and help them acquire the skills and knowledge necessary to develop and conduct successful and productive

performance evaluations for the Board self-evaluation process, and for the Superintendent's performance evaluation.

c. Board Bylaw "9400 – Board Self-Evaluation"

Board Bylaw "9400 – Board Self-Evaluation" was adopted December 12, 2001, and in part states:

"Effective and efficient Governing Board operations are an integral part of creating a successful educational program. In order to measure progress towards its stated goals and objectives, the Board will annually, schedule a time and place at which all its members may participate in a formal self-evaluation.

The Board shall be evaluated as a whole and not as individuals. The evaluation will focus on the internal operations and performance of the Board. The Board members shall develop goals and objectives against which the Board will be evaluated. A self-evaluation instrument will be based on these goals and objectives and not on goals set for the district...

Each Board member will complete a self-evaluation instrument independently. The ensuing evaluation will be based on the resulting composite picture of Board strengths and weaknesses. The Board will discuss the tabulated results as a group.

The evaluation process should include the establishment of strategies for improving Board performance. Revised priorities and new goals will be set for the following year's evaluation.

...The evaluation process shall include suggestions for continued Board member development..."

The 2013-2014 Grand Jury found that the trustees couldn't state the last time that the Board had conducted a Board self-evaluation, and therefore included in the 2013-2014 Grand Jury Report, released in June, 2014, Recommendation 4: "The Board should conduct written self-evaluations, presented publicly during a Board meeting, where both the Board goals and a statement assessing whether those goals were met, are presented."

On September 10, 2014, the Board sent its response to the 2013-2014 Grand Jury Report to the 2014-2015 Grand Jury. In response to Recommendation 4, the Board had replied that "The Amador County Unified School District Board of Trustees agrees with Recommendation #R4 and will publicly present written self-evaluation on or before their December 17, 2014 Board meeting."

The Board approved a self-evaluation process and form on November 19, 2014, and notified the 2014-2015 Grand Jury that they would present a Board self-evaluation in December of 2015 at a Board meeting. The 2014-2015 Grand Jury requested that the Board conduct an initial Board self-evaluation by April of 2015, prior to presenting one in December of 2015, and also requested that the Board add a section for "Board Goals".

The Board added a section titled “Board Goals” to the Board Self-Evaluation form. This section included only one goal, #26, which stated that “The Board and Superintendent have agreed on the annual Vision and Goals (attached)”. The comment section on the Board Self-Evaluation form included a reference to this goal and stated “#26: We are currently establishing new goals for the superintendent. This part is not complete. We are still going by the former Vision and Goals”. The Vision and Goals statement which the Board attached is a general vision and goals statement for the District, and as such, does not specifically contain goals that are intended to improve Board performance, as intended by the 2013-2014 and 2014-2015 Grand Juries’ recommendations.

At their April 22, 2015 Board meeting, the Board publicly presented an initial Board self-evaluation.

Review of the April 22, 2015 Board meeting minutes and audio recordings, and trustee interviews, showed that although the Board introduced “Item 16.2 Governing Board’s Initial Self-Evaluation: Internal Functions”, they did not discuss it other than to say that the Board had agreed to complete one by April 15, 2015 and present it at the April 22, 2015 regular Board meeting. The April 22, 2015 Board minutes show that the Board discussed the possibility of a Board Efficacy workshop for the trustees, and also expressed concern that possible Brown Act violations could occur when a trustee asked or received information. The audio recording and the minutes both show that the Board “agreed it would be best to let this matter rest at this time”. After listening to the audio recording and reading the minutes, it was unclear as to exactly what the trustees were talking about. What is clear from listening to the audio recording and reading the minutes is that the Board did not discuss the Board self-evaluation process, its purpose, or its results. Trustee interviews conducted in January and February of 2016 confirm that the Board did not discuss the Board self-evaluation process prior to April 22, 2015, on April 22, 2015, or after April 22, 2015.

Board Bylaw “9400” requires that the Board discuss the Board Self-Evaluation composite results as a group. The 2013-2014 Grand Jury recommendation stated that the Board presentation of the Board Self-Evaluation should contain both the Board goals and a statement assessing whether the Board had met these goals. The Bylaw states that the process should include revised priorities, and that new goals will be set for the following year’s evaluation.

The Grand Jury finds that although all of the trustees thought that the Board self-evaluation process was a good exercise, there was no forethought or afterthought to the process, or to the results of the Board self-evaluation. The Bylaw requires that a Board self-evaluation should occur annually, and its intent is that the Board commits the time and effort necessary to make the process an effective tool for improving overall Board performance. The Board did not fulfill the intent of the Bylaw, although they did complete a Board self-evaluation. The Board did not do a Board self-evaluation in December of 2015 for the Board to compare with the initial April, 2015 Board self-evaluation, as intended by the 2014-2015 Grand Jury. Individual trustees completed their independent self-evaluations during May, 2016. These individual self-evaluations were

compiled into a composite Board Self-Evaluation entitled “Governing Board Self-Evaluation--- May 2016”, which was listed as “Item 13.3: Board Self-Evaluation—May 2016” on the June 8, 2016 Board Agenda, which was included in the May 25, 2016 ACUSD Board Packet.

Board Bylaw “9400” should be revised to make the Board self-evaluation process more effective. The Bylaw should state whether the Board evaluation period will be based upon the calendar, fiscal, or school year, and that the Board adheres to this schedule each year to ensure that the Board evaluates their performance on an annual basis. The Bylaw should include specific timeframes for the Board to meet, establish their goals prior to the beginning of the evaluation period, and to assess whether they had met their goals prior to the end of the evaluation period. It should also state that at the meeting prior to the end of the evaluation period, when the Board assesses their performance, that at this time, based upon the results, the Board will also set new goals designed to address any Board weaknesses which were revealed in the completed evaluation results. The revised Bylaw should emphasize that the form which is used for the Board self-evaluation process should contain specific goals intended to improve Board performance. The current Board self-evaluation form, Section: “Board Goals”, should be revised to include these specific goals.

**Other Concerns:**

a. District Superintendent’s Performance Evaluation

Over the years, a consensus has developed about the minimum elements of an effective performance management system, particularly in three areas: goal setting, performance review, and performance improvement plans. Performance management is the system for improving the job performance through the use of performance-planning processes, along with mentoring and providing continuous feedback.

The performance process which is used by the Board to evaluate the District superintendent each year has not been consistent. A review of the performance evaluations for the former ACUSD Superintendent, whose contract ended on June 30, 2015, shows that the Board used different performance evaluation forms each year from 2008 through 2015. Also, the performance evaluation forms contained goals that were not specific or measurable, and that some final performance ratings, if there were any, conflicted with the written summaries. No performance evaluation was done for the former ACUSD Superintendent in the 2014-2015 evaluation period.

A well-thought out and planned performance evaluation process can be an effective tool to maintain and improve employee performance. The trustees do not have the training they need to conduct effective performance evaluations, and should receive this training, which should include both effective processes and how to write goals that are specific and measurable.

#### b. Board Correspondence

There is no specific Bylaw which addresses a process to receive, review, and forward Trustee and Board mail. Any mail which is retrieved from the District mail room that is addressed to a trustee or to the Board is date stamped by the Superintendent's staff, and date stamped on the envelope the day which it is received. This mail is then forwarded to the trustees, often being enclosed with the board packet or hand delivered at the next board meeting. There is no guideline to log correspondence to ensure that all correspondence has been forwarded to the Board or trustees, and no way to know what action, if any, the Board or trustee took regarding the correspondence. Additionally, there is no way to know if information received by one trustee is shared with the other trustees. A review of the Bylaws pertaining to Board officers showed that Bylaw "9122-Secretary", mentions Board and trustee correspondence, but only in the context that it is the Superintendent's duty to "submit to Board officers the correspondence addressed to them" and to "submit to Board members all correspondence addressed to the Board".

One trustee replied to a letter sent to all of the trustees. Although the trustee's reply stated that he was responding on his own behalf and not for the Board, any individual reply from a trustee could be mistakenly seen as representing the whole Board. California Government Code section 54963. (a) states that "A person may not disclose confidential information that has been acquired by being present in a closed session authorized . . . to a person not entitled to receive it..." The Grand Jury found the trustee had acted in good faith, in that he was replying to District staff to acknowledge their concerns and not to conduct Board business, and believed he had maintained the confidentiality of the closed session discussions.

All of the trustees interviewed verified that there is no Bylaw or policy that pertains specifically to how the Board or trustees should handle correspondence and other communications addressed to them. Board Bylaw "9122 – Secretary" states that the Superintendent shall submit to Board members all correspondence addressed to the Board. This Bylaw was adopted in October, 2001. It is the Grand Jury's opinion that the Board should adopt a new Bylaw which will set clear policies and procedures for how the Board will receive, review, and respond to correspondence and other types of communication, including but not limited to, email and other electronic communications. This would help ensure that all trustees have the same information, and result in the Board speaking as a whole when responding to communications from District staff and the public.

#### c. School Board Legal Action

The amended agenda for the October 14, 2015 ACOE Board meeting included Open Session Item 10.0 ACOE Consent Agenda, which contained one item, "Item 10.5: Miscellaneous – a. Approval of agreement for Legal Services (Lozano, Smith LLP)".

Standard language included in the Consent Agenda section on all ACOE agendas and on all ACUSD agendas states:

“Items listed on the consent agenda are considered routine and may be approved by one motion. Any item may be removed for discussion at the request of a Trustee or the Superintendent.”

The Board minutes show one trustee motioned that Item 10.5 be pulled from the ACOE Consent Agenda for a separate vote. The motion was passed, and the Board approved the Consent Agenda minus Item 10.5. The Board then motioned and approved Item 10.5 separately. The ACOE Board minutes for the October 14, 2015 ACOE Board show that there was no discussion on this item before the vote.

Item 10.5 was not a routine matter, in that it pertained to the Board’s decision to hire legal counsel to seek the return of \$2.3 million dollars, plus interest, to the school district, which a non-profit organization had received from the John C. Andreason Trust, meant to administer scholarships for students from the Plymouth area.

It is the Grand Jury’s opinion that this item should have been put on the Discussion/Action part of the Agenda and not on the Consent Agenda. Based on a review of the agendas and witness interviews, this issue hasn’t previously been brought before the Board. The Grand Jury cautions the Board not to act as individuals or to incur expenses which are not authorized by the Board, as Brown Act violations may occur.

The Board approved an agreement for legal services with Lozano, Smith LLP at the October 14, 2015 ACOE Board meeting, which began at 6:00 p.m. On October 15, 2015, the next day, Board members received a copy of the six-page demand letter which Lozano, Smith LLP had sent to the non-profit organization on behalf of the Board.

#### d. School Board Legal Expenses

From April, 2015 through March, 2016, the ACUSD/ACOE had spent \$261,264.52 on legal fees. Of this amount, \$189,676.09 was spent to set the salary for the position of the ACOE Superintendent of Schools (County Superintendent), who until June 30, 2015, held both of these positions. Of the \$189,676.09 spent to set the County Superintendent’s salary, the Board spent \$121,969.08 and the County Superintendent spent \$53,477.00.

When the ACUSD Board voted for non-renewal of the District Superintendent’s contract in May of 2015, it was faced with a dilemma which it had not faced before. The District Superintendent also occupied the elected Office of County Superintendent (County Superintendent), with three and a half years remaining in his term.

Even though the County Superintendent has considerable responsibility, including oversight of Special Education, Transportation, and twenty-five percent of the School District's budget, there was no monetary compensation for the Office, other than a \$12/year stipend. The ACUSD Board initially wanted the County Superintendent's compensation to remain as it was.

The County Superintendent, seeing the unfairness of zero compensation for the Office of County Superintendent, engaged in litigation against the ACUSD Board to determine a fair salary for the Office. County Counsel did not represent either side in this litigation, so large sums of money were spent on legal fees to hire private law firms, by both the ACUSD and ACOE, to negotiate a salary for the Office of County Superintendent.

In September of 2014, attorneys working for the ACUSD Board asked the Amador County District Attorney to prosecute the County Superintendent for what they considered misappropriation of public funds for his legal expenses.

The District Attorney declined to prosecute after he did a thorough review of the accusation. In a letter to the attorneys representing the ACUSD Board of Trustees, the Amador County District Attorney said he could find no wrong-doing by the County Superintendent. In his investigation, the District Attorney said he had done "a thorough review of the materials submitted by the Board's attorneys, consulted with the public integrity and official prosecution experts, the California Department of Education, the California Attorney General's Office, and the Amador County Counsel, and did a review of the applicable law."

A judge from El Dorado County did order the County Superintendent to stop using ACOE funds for legal fees in this matter, and required the County Superintendent's attorneys to repay \$75,000 to the District.

The salary for the County Superintendent was set at \$36,259 annually. This is the lowest salary for a County Superintendent of Schools in the State of California.

In addition to the \$189,676.09 which was spent to set the salary for the position of the County Superintendent, the Board spent \$32,228.51 on legal fees to demand that the Amador Community Foundation transfer \$2,300,000, plus interest, which it had received from the John C. Andreason Trust, after the County Superintendent had chosen it to administer the scholarships for students from the Plymouth area. On May 11, 2016, the Board approved an amended agreement between the school district and the Amador Community Foundation for administration of the John C. Andreason Trust.

e. School Safety

Argonaut High School's campus has been used, and is used regularly at night, by school groups and community groups. Approximately ninety percent of the night use is by school groups and school personnel. Argonaut High School sports include baseball, basketball, football, soccer, tennis, track and field, volleyball, wrestling, and lacrosse. Community groups which have used the campus at night include teams and events which are hosted by the Amador County Recreation Agency, the Lions Club for wrestling tournaments, the Junior County Cheerleaders, the Community Band, and the Youth League Sports for awards banquets.

The 2012-2013 Grand Jury recommended that "Argonaut High School and ACUSD should develop a plan for lighting the main parking lot, including a funding and implementation schedule." On October 4, 2013, the District responded that "...the District will conduct the review and evaluation of parking lot lighting at Argonaut High School by July 1, 2014...". As of the completion of this report on May 25, 2016, no Board action has been taken for developing a plan for lighting the main parking lot of Argonaut High School. The parking lot is still being used regularly at night for school and community functions, and an April, 2016 night inspection of the parking lot showed that the parking lot still has inadequate lighting.

**Progress**

a. Training

All trustees attended the November 18, 2015 special Board meeting, where they participated in a workshop titled "Board Efficacy". At this meeting, the Board wrote their "Guiding Principles". All trustees will be attending an Ethics training on June 13, 2016.

b. Board Bylaw Review

On February 24, 2016, the Board reviewed Bylaw "9001 – Working Relationship Policy", and again on April 27, 2016. On May 11, 2016, the Board approved Revised Bylaw "9001", which combined the existing Bylaw "9001 – Working Relationship Policy" with the "Guiding Principles" which the Board had written at their training on November 18, 2015.

c. Board Self-Evaluation

Individual trustees completed independent self evaluations during May, 2016. These individual self evaluations were compiled into a composite Board Self-Evaluation titled, "Governing Board Self Evaluation – May 2016", which was listed as, "Item 13.3: Board Self Evaluation - May 2016" on the June 8, 2016 Board Agenda which was included in the May 25, 2016 ACUSD Board Packet.

A review of the composite May 2016 Board Self Evaluation revealed four "X's" in the rating columns, which suggested that only four trustees had participated in the 2016 Board Self Evaluation, whereas the April 22, 2015 Board Self Evaluation revealed five "X's" in the ratings columns, which suggested that all five trustees had participated in the April, 2015 Board Self Evaluation, which the Grand Jury verified. As of the completion of this report on May 25, 2016,

the Grand Jury does not know whether only four trustees had completed the May, 2016 Board Self Evaluation, or whether all five trustees had completed it and that one trustee's results hadn't been included in the composite May 2016 Board Self Evaluation.

Board Agendas, Minutes, and audio recordings, including the June 8, 2016 Board Meeting Minutes when available, can be accessed through:

<http://www.amadorcoe.org/#!/blank-3/f3sl3>

d. District Accomplishments

The Board has witnessed the ACUSD/ACOE students, teachers, principals, and staff make significant accomplishments in the 2015-2016 school year, including the implementation in Grades K-6 of a new comprehensive K-6 Math curriculum for all district elementary schools, the installation of SMART Board technology in 96% or more of the District's classrooms, the significant expansion and development work on Career Technical Education (CTE) pathways for the high school students, the dramatic reduction in the number of student suspensions and expulsions, and the 96% district-wide pupil attendance rate.

e. Scholarship Administration

On May 11, 2016, the Board approved an amended agreement between the school district and the Amador Community Foundation for the administration of the John C. Andreason Trust, an endowment of approximately \$2,300,000. The May 11, 2016 Board Minutes reveal that "there are five (5) \$6,000 Andreason Scholarship recipients attending four-year colleges/universities, and six (6) Andreason Scholarship recipients attending two-year community colleges or vocational schools... Board Member Mottishaw praised the generosity of the Andreason Scholarship from the late Mr. Andreason, and noted this scholarship will keep going on after we are all gone".

## **FINDINGS**

- F1. The Board president, on more than one occasion, did act as an individual rather than speaking for the entire School Board, thus violating Board policy.
- F2. The current trustee censure policy, Board Bylaw “9401 – Trustee Censure Policy”, revised on October 08, 2014, allows the Board to decide whether to review or take action on any complaint of trustee misconduct.
- F3. On more than one occasion, the Board president engaged in unprofessional behavior by raising his voice. Three interviewees defined the raised voice as “yelling”, and the behavior as intimidating.
- F4. Board Bylaw “9322 – Agenda/Meeting Materials”, specifies the two trustees who are required to attend the Board Agenda Planning Meetings. Both of the required trustees were responsible for one of the required trustees not attending these meetings for several years. As of January 2016, both required trustees are attending the Board Agenda Planning Meetings.
- F5. Board Bylaw “9240 – Board Development”, was revised by the Board on January 14, 2015 and on April 22, 2015, in response to two requests by the Grand Jury. The revised Bylaw requires trustees to attend Ethics and Brown Act classes, as mandated by Government Code section 53235, and states that trustees may also receive supplemental training. It also states that trustees shall report to the Board on the in-service activities which they attend, and states that the trustees will submit an annual report of mandated and supplemental training. The revised Board Bylaw does not state to whom or in what format the annual training report should be submitted, or for how long the annual training report should be maintained.
- F6. As of the May 25, 2016 completion of this report, all trustees except the Board president have received the mandated Ethics training which includes the Brown Act. All trustees have received some supplemental training. The ACUSD interim superintendent has indicated that all trustees have been invited to attend “Ethics Training for Elected Officials” on June 13, 2016, and that all trustees confirmed their availability to attend.
- F7. Prior to April 2016, the process used to generate a list of all trustee trainings involved both accessing computerized accounting records and retrieving Conference Request Forms from individual trustee files stored in the District Superintendent’s office. In May, 2016, a Board Member Training file was implemented, and included in the Superintendent’s Office files. A spreadsheet titled “Annual Report of Mandated and Supplemental Training Activities and Cost 2014-2016”, was presented at the May 11, 2016 Board meeting.

- F8. On April 22, 2015, as recommended by the 2014-2015 Grand Jury, the Board publicly presented a composite Board self-evaluation based on individual trustee self-evaluations. A review of the audio record of the April 22, 2015 Board meeting showed that the Board discussion on this topic was brief and didn't include discussion on the evaluation process nor the results.
- F9. All trustees interviewed in January and February of 2016, stated that the Board didn't discuss the completed individual self-evaluations nor the composite Board self-evaluation prior to or after the April 22, 2015 Board meeting.
- F10. As of January, 2016, the Board had not established any strategies for improving Board performance, and had not implemented any revised priorities and new goals for the next evaluation period as required in Board Bylaw "9400 – Board Self-Evaluation". The form used for the April, 2015 Board self-evaluation process contained some goals which were subjective and not measurable. Only one goal was contained in the Board Goals section, which stated that "the Board and Superintendent have agreed on annual Vision & Goals (attached)". Attached was the 2007 Board of Trustees Vision & Goals statement which is a general goals' statement for the District, and as such does not contain goals written specifically to assess and improve Board performance as intended by the 2013-2014 and 2014- 2015 Grand Juries' recommendations. The majority of the trustees interviewed have agreed that the self-evaluation form needs additional revision.
- F11. All of the trustees who were interviewed were unaware of any policy or Board Bylaw which pertains to how Board correspondence, including regular and email, should be processed, and agreed that there is no way to know whether communication received by an individual trustee contains information which should be shared with the whole Board, unless the trustee brings it to the whole Board. Lack of a correspondence policy could contribute to trustees acting as individuals, and lead to violations of the Brown Act.
- F12. The evaluation processes which were used to evaluate the former ACUSD superintendent for the annual evaluation periods from 2008-2014 were not consistent. Different evaluation forms were used, using rating systems which were unclear, and whose final ratings conflicted with the written summaries. No performance evaluation was done for the former ACUSD Superintendent for the 2014-2015 evaluation period.
- F13. On April 26, 2016, the Board president sent an email to the former ACUSD Superintendent which stated that "the Board has decided not to evaluate you this June as was previously planned." In the open session of the May 13, 2015 Board meeting, the Board voted three (3) to two (2) not to renew the Superintendent's contract.
- F14. From April, 2015 through March, 2016, the ACUSD/ACOE had spent \$261,264.52 on legal fees, of which \$189,676.09 was spent to set the salary for the position of the ACOE

Superintendent of Schools (County Superintendent), an elected position held by the former ACUSD/ACOE Superintendent of Schools, who until June 30, 2015, had held both positions, and received compensation only for his position as District Superintendent. Of the \$189,676.09 spent, the Board spent \$121,969.08 and the County Superintendent spent \$53,477.00.

- F15. The Amador County District Attorney investigated a request to prosecute the elected Superintendent of Schools for violations of misappropriation of public funds, embezzlement, and to affirm a Grand Jury accusation, and found that after a thorough review of materials and the applicable law, consultation with subject-area experts, the California Department of Education, the California Attorney General's Office, and the Amador County Counsel, declined to prosecute the elected Superintendent of Schools for any criminal offenses, or to pursue an accusation through the Grand Jury.
- F16. The 2012-2013 Grand Jury recommended that "Argonaut High School and ACUSD should develop a plan for lighting the main parking lot, including a funding and implementation schedule." On October 4, 2013, the District responded that "...the District will conduct the review and evaluation of parking lot lighting at Argonaut High School by July 1, 2014...". No Board action has been taken for developing a plan for lighting the main parking lot of Argonaut High School. The parking lot is still being used regularly at night for school and community functions, and an April, 2016 night inspection of the parking lot showed that the parking lot still has inadequate lighting.
- F17. As of the completion of this report on May 25, 2016, it is projected that as of June 30, 2016, the ACUSD budget will have a surplus of \$332,000, and that the ACOE budget will have a surplus of \$46,000.
- F18. The Board has witnessed the ACUSD/ACOE students, teachers, principals, and staff make significant accomplishments in the 2015-2016 school year, including the implementation in Grades K-6 of a new comprehensive K-6 Math curriculum for all district elementary schools, the installation of SMART Board technology in 96% or more of the District's classrooms, the significant expansion and development work on Career Technical Education (CTE) pathways for the high school students, the dramatic reduction in the number of student suspensions and expulsions, and the 96% district-wide pupil attendance rate.
- F19. In 2015, the Board made progress towards implementing several of the 2013-2014 Grand Jury recommendations. However, some implementations have occurred only after repeated inquiries from the 2014-2015 Grand Jury, and some Bylaws which were revised weren't specifically revised as recommended by the 2013-2014 and 2014-2015 Grand Juries. Also, some Bylaws weren't completely implemented by the Board. In 2016, the Board has

continued to make progress on satisfying the intent of the 2013-2014 and 2014-2015 Grand Juries' recommendations.

## **RECOMMENDATIONS**

R1. The present trustee censure policy, Board Bylaw “9401 – Trustee Censure Policy”, should be revised. An ad hoc committee of a minimum of two trustees, not subject to the complaint, will review and investigate the complaint. The subject of the complaint should not have a vote on the outcome of the complaint. (Finding 2)

R2. Board Bylaw “9400 – Board Self-Evaluation”, should be revised to make the Board self-evaluation process more effective. This Bylaw should state whether the evaluation period will be based on the calendar, fiscal, or school year, and to maintain consistency each year, should state that a standard evaluation form, adopted by the Board, will be the form used each year. (Findings 9, 11)

R3. Board Bylaw “9400 – Board Self-Evaluation”, should be revised to state that the Board shall complete a group self-evaluation process. This Bylaw should state that the Board will meet approximately thirty days prior to the end of the evaluation period to discuss the composite Board evaluation, complete a written assessment of whether the Board met their goals, and write new goals for the upcoming evaluation year. Additionally, this Bylaw should state that the Board will publicly present at their next Board meeting the compiled Board Self-Evaluation, the written assessment, and the self-evaluation form which the Board will use for the new evaluation year, with any new goals contained in a separate section. (Findings 8, 9, 10, 11)

R4. The Board self-evaluation form which the Board adopts should only contain SMART goals, i.e., goals that are specific, measurable, attainable, relevant, and time-bound. Should the Board adopt the self-evaluation form presented at its April 22, 2015 Board meeting, then that self-evaluation form should be revised to contain SMART goals. (Finding 11)

R5. All trustees should collectively attend a performance-evaluation training to assist them with the Board self-evaluation process and the Superintendent’s evaluation process. Such training should emphasize the purpose of the Board self-evaluation process, and include training on how to write SMART goals, i.e., goals that are specific, measurable, attainable, relevant, and time-bound. (Findings 10, 11, 13)

R6. The Board self-evaluation form which the Board adopts should continue to have a separate section for “Board Goals”. This section should include goals or objectives specific to Board performance, some of which may include interaction between the Board and the Superintendents. (Finding 11)

R7. The Board self-evaluation form which the Board adopts should continue to have a separate section for Board Training. This section should include specific goals to ensure that all trustees receive Ethics and Brown Act trainings, as mandated by Government Code 53235, and that all trustees receive the supplemental training that all agreed would help to improve Board performance. This supplemental training, at a minimum, should include interpersonal skills, effective communication, and performance evaluation with SMART goals training. (Findings 1, 3, 4, 5, 6, 10)

R8. The Board self-evaluation form which the Board adopts should include a separate section which at the end of the evaluation year will list all Board trainings, broken down by individual trustee, including the training date, course title, and the training provider's name. (Findings 5, 6, 7)

R 9. Board Bylaw "9240 – Board Development", should be revised to mandate that at least once annually all trustees attend a training together which focuses on interpersonal skills and effective communication skills. (Findings 3, 4, 5, 6)

R10. Board Bylaw "9240 – Board Development" should be revised to specify that the Board submit their mandated and supplemental training activities and costs to the Superintendent within two weeks of completing each training, and that the superintendent shall create a spreadsheet of all trustee training to be stored on the computer in the Superintendent's office. This Bylaw should state that the spreadsheet will contain a record of all trustee training broken down by individual trustee, and that it will include the training date, course title, course provider, and whether the training was mandatory or supplemental. Additionally, this Bylaw should state that all records should be maintained for five years after the training, which is mandated for Ethics and Brown Act training records per Government Code 53235.2, which states, "...these records are disclosable public records and must be maintained for five years after the training". Finally, this Bylaw should state that the hardcopy records of trustee training will be filed in the board member's individual files in the Superintendent's office, and stored for the same period of time as the computerized files. (Finding 7)

R11. Board Bylaw "9240 – Board Development" should be revised to include specific timeframes for the Board to meet as a whole, to set Board goals and objectives, to review Board progress towards meeting these goals and objectives, and to do a final assessment of Board performance. This Bylaw should state that the timeframe will specify that the Board will set these goals and objectives prior to the evaluation period, will review their progress towards achieving these goals and objectives midway through the evaluation period, and will discuss the completed composite Board evaluation at the end of the evaluation period, when they will set new goals for the following year. (Findings 8, 9, 10)

R12. The ACUSD in response to a past Grand Jury's finding agreed to develop a plan for lighting the main parking lot at Argonaut High School. The self imposed deadline for planning and implementation of the lighting project has long since passed and the Board still has not presented a plan. Due to the obvious safety concerns of inadequate lighting in the parking lot the Grand Jury strongly recommends that the Board place a high priority on resolving this problem. (Finding 17)

R13. The Board should set aside funds from the approximately \$332,000 District surplus of the 2015-2016 school year, to be used specifically to fund the costs of installing additional lighting in the main parking lot of Argonaut High School. (Findings 17, 18)

R14. In order to prevent possible Brown Act violations and to ensure that the public receive a response to communications sent to the Board or individual trustees, the Board should develop a Correspondence Bylaw and Policy to address how this correspondence should be processed, reviewed, and responded to. This Bylaw should include a tracking process for all of the received correspondence, which will then be stamped with a date and reference number. This Bylaw will also state that a trustee correspondence file will be kept on the computer, and will contain the date that the correspondence was received, the trustee it was addressed to, the name and return address of the sender, and the date and method that it was given to the trustee. (Finding 11)

R15. The Board should conduct a performance evaluation for the Superintendent annually, and develop a new performance evaluation form which will be used each year, containing SMART goals and objectives, i.e., goals that are specific, measurable, attainable, relevant, and time-bound. The Board should meet with the Superintendent three times during the evaluation period: prior to the evaluation period to discuss the process, goals and objectives, halfway through the evaluation period to assess the Superintendent's progress, giving and receiving feedback, and close to the end of the evaluation period to complete a final evaluation. The Superintendent's performance evaluation, including any response, should be maintained in the District Office for the term of his or her employment, and three years thereafter. Any existing Board Bylaws and policies should be revised to reflect this recommendation. (Findings 13, 14)

R16. The Grand Jury recommends that the 2016-2017 Grand Jury follow up on the Board's response to the Grand Jury recommendations. These recommendations include the following Bylaws, documents, and actions:

- Board Bylaw "9401-Trustee Censure Policy"
- Board Bylaw "9400-Board Self-Evaluation"
- Board Bylaw "9240-Board Development"
- Board Correspondence Policy
- Board Self-Evaluation Form
- Superintendent's Evaluation Form
- Argonaut High School Main Parking Lot Lighting

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933 (c), a response to this report is required. No later than 90 days after the Grand Jury submits a Final Report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment on the findings and recommendations.

## **APPENDIX**

1. ACUSD/ACOE Board Bylaw “9401 – Trustee Censure Policy” -October 8, 2014 Revision (1 page)
2. ACUSD/ACOE April 22, 2015 Board Agenda Item 16.3: Second Reading/Possible Approval of Board Bylaw 9240 – Board Development (1 page)
3. ACUSD/ACOE Board Bylaw “9240 – Board Development” -January 14, 2015 Revision (1 page)
4. ACUSD/ACOE Board Bylaw “9240 – Board Development” -April 22, 2015 Revision (1 page)
5. ACUSD/ACOE Board Bylaw “9400 – Board Self-Evaluation” -Adopted December 12, 2001 (1 page)
6. ACUSD/ACOE April 22, 2015 Board Agenda Item 16.2: Governing Board’s Initial Self-Evaluation: Internal Functions (1 page)
7. ACUSD/ACOE April 22, 2015 Initial Board Self Evaluation: Internal Functions/Results (4 pages)
8. ACUSD/ACOE Board of Trustees “Vision & Goals” -Updated July 2, 2008, Reviewed November 19, 2014 with no changes (1 page)
9. ACUSD/ACOE May 11, 2016 Board Agenda Item 13.3: Board Self Evaluation – May 2016 (1 page)
10. ACUSD/ACOE May 11, 2016 Governing Board Self-Evaluation Comparison April 2015-May 2016 (6 pages)
11. ACUSD/ACOE May 11, 2016 Board Agenda Item 11.6: ACUSD Governing Board Annual Report of Mandated and Supplemental Training Activities Cost 2014-2016 (1 page)
12. ACUSD Governing May 11, 2016 Board Annual Report of Mandated and Supplemental Training Activities and Cost 2014-2016 (1 page)

13. ACUSD/ACOE March 21, 2016 Summary of Legal Bills (April 15, 2015-March 16, 2016)

## Appendix 1

Amador COE and USD / BB 9401 Board Bylaws

### **Trustee Censure Policy**

#### Statement of Purpose

Censure is an official expression of disapproval passed by the Governing Board. A Board member may be subject to a resolution of censure by the Board should it be determined that trustee misconduct has occurred.

All Board members are expected to maintain the highest standards of conduct and ethical behavior. To give guidance to individual members in conforming their conduct to minimum standards, the Board has adopted a Trustee Code of Ethics. In order to maintain public confidence in the Board, and in governance, the Board will be prepared to investigate the factual basis behind any charge or complaint of trustee misconduct. Complainants should fill out a district Uniform Complaint Procedure Discrimination/Harassment Complaint Report Form and submit the UCP form to Compliance Officer/Executive Director of Personnel.

(cf. 9271 - Code of Ethics)

#### Censure Procedure

If a complaint of trustee misconduct is submitted, the Board will first consider the complaint to determine whether further investigation or consideration is warranted. If the Board does determine such further investigation or consideration is warranted, the complaint will be referred by the Board President for investigation and review to an ad hoc committee composed of two trustees not subject to the complaint. In a manner deemed appropriate by the committee, a thorough fact-finding process shall be initiated and completed within a reasonable period of time to determine the validity of the complaint. The committee shall be guided in its inquiry by the standards set forth in the Trustee Code of Ethics.

The trustee subject to the charge of misconduct shall not be precluded from presenting information to the committee.

The committee shall, within a reasonable period of time, make a report of its findings to the Board for action.

Bylaw AMADOR COUNTY UNIFIED SCHOOL DISTRICT

adopted: December 12, 2001 Jackson, California

revised: October 08, 2014

# Amador County Public Schools

X District                      X County

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AGENDA ITEM #: 16.3

Motion: \_\_\_\_\_  
Second: \_\_\_\_\_  
Vote: \_\_\_\_\_

**SUBJECT:**

Second Reading/Possible Approval of Board Bylaw 9240.

**BACKGROUND INFORMATION:**

The Amador County Civil Grand Jury letter dated March 4, 2015 requests that the Governing Board address Board Members' training more definitively.

**CURRENT CONSIDERATIONS:**

A statement is added to Board Bylaw 9240 to clarify it.

**FISCAL IMPLICATIONS:**

Unknown

**RECOMMENDATION:**

Governing Board declares second reading and approval of Board Bylaw 9240.

**PRESENTED BY:**

Wally Upper, President  
Dick Glock, Superintendent

## Annex 3

Amador COE and USD / BB 9240 Board Bylaws

### Board Development

Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardmanship skills. ~~This training and knowledge may be determined by the individual Board Member's needs and experience.~~ **Ethics and Brown Act training will comply with the requirements of the Government Code section 53235, and trustees may also receive supplemental training from a variety of sources including CSBA. Trustees will submit an annual report of mandated and supplemental training activities and costs.**

Note: Pursuant to Government Code 54952.2, added by SB 36 (Ch. 1137, Statutes of 1993), a "meeting" subject to Brown Act requirements does not include the attendance of a majority of the Board's members at a conference or similar public gathering, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board.

All Board members may attend conferences for the purpose of Board development. Board business shall not be discussed at conferences.

(cf. 9230 - Orientation)

(cf. 9320 - Meetings and Notices)

Board members shall report to the Board, orally or in writing, as soon as possible on the in service activities they attend.

Funds for Board development shall be budgeted annually for each Board member.

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Legal Reference:

EDUCATION CODE

33360 Department of Education and statewide association of school district boards; annual workshop

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially:

54952.2 Meeting

Bylaw AMADOR COUNTY UNIFIED SCHOOL DISTRICT

adopted: November 14, 2001 Jackson, California

Revised: January 14, 2015

## Appendix 4

Amador COE and USD / BB 9240 Board Bylaws

### **Board Development**

Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardmanship skills. Ethics and Brown Act training will comply with the requirements of the Government Code section 53235, and trustees may also receive supplemental training from a variety of sources including CSBA. Trustees will submit an annual report of mandated and supplemental training activities and costs.

Note: Pursuant to Government Code 54952.2, added by SB 36 (Ch. 1137, Statutes of 1993), a "meeting" subject to Brown Act requirements does not include the attendance of a majority of the Board's members at a conference or similar public gathering, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board.

All Board members may attend conferences for the purpose of Board development. Board business shall not be discussed at conferences.

(cf. 9230 - Orientation)

(cf. 9320 - Meetings and Notices)

Board members shall report to the Board, orally or in writing, as soon as possible on the in service activities they attend.

Funds for Board development shall be budgeted annually for each Board member.

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Legal Reference:

EDUCATION CODE

33360 Department of Education and statewide association of school district boards; annual workshop

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially:

54952.2 Meeting

Bylaw AMADOR COUNTY UNIFIED SCHOOL DISTRICT

adopted: November 14, 2001 Jackson, California

revised: January 14, 2015

revised: April 22, 2015

## Appendix 5

Amador COE and USD / BB 9400 Board Bylaws

### **Board Self-Evaluation**

Effective and efficient Governing Board operations are an integral part of creating a successful educational program. In order to measure progress towards its stated goals and objectives, the Board will annually schedule a time and place at which all its members may participate in a formal self-evaluation.

The Board shall be evaluated as a whole and not as individuals. The evaluation will focus on the internal operations and performance of the Board. The Board members shall develop goals and objectives against which the Board will be evaluated. A self-evaluation instrument will be based on these goals and objectives and not on goals set for the district.

Each Board member will complete a self-evaluation instrument independently. The ensuing evaluation will be based on the resulting composite picture of Board strengths and weaknesses. The Board will discuss the tabulated results as a group.

The evaluation process should include the establishment of strategies for improving Board performance. Revised priorities and new goals will be set for the following year's evaluation.

The Board may invite the Superintendent or designee or others to participate in the evaluation and suggest specific criteria to measure Board success as a governing body.

The Board recognizes that adequate opportunity for Board member orientation and inservice are an essential component of conducting meaningful self-evaluation. The evaluation process shall include suggestions for continued Board member development.

(cf. 9240 - Board Development)

Bylaw AMADOR COUNTY UNIFIED SCHOOL DISTRICT

adopted: December 12, 2001 Jackson, California

# Amador County Public Schools

X District

X County

4/22/2015

Board reviewed and discussed.

AGENDA ITEM #: 16.2

Motion: \_\_\_\_\_  
Second: \_\_\_\_\_  
Vote: \_\_\_\_\_

*Discussion  
w. Harrison*

**SUBJECT:**

Governing Board's Initial Self-Evaluation: Internal Functions.

**BACKGROUND INFORMATION:**

The Amador County Civil Grand Jury letter dated March 4, 2015 requested the Governing Board conduct initial self-evaluation before the December 2015 self-evaluation.

**CURRENT CONSIDERATIONS:**

The Governing Board agreed to an initial Self-Evaluation to be completed by April 15, 2015 and presented at the April 22, 2015 regular meeting.

**FISCAL IMPLICATIONS:**

None.

**RECOMMENDATION:**

Review the initial Governing Board Self-Evaluation.

**PRESENTED BY:**

Wally Upper, President

April 22, 2015

**Initial Board Self-Evaluation: Internal Functions**  
**Results**

**Purpose:** The intent of this instrument is to record the range of perceptions regarding internal functions of the board as the first step in a self-evaluation process. These results should be tabulated and shared with trustees to inform a productive discussion regarding how the board can increase its effectiveness.

**Definitions:**

*Trustee:* An individual elected to serve on the board.

*Board:* The entity with legal authority to govern the district, made up of elected trustees.

*Governance Team Members (GTMs):* The elected trustees with the superintendent.

**Rating Scale** 1 = Strong Disagree 2 = Disagree 3 = Agree 4 = Strongly Agree

**x = Governance Team on Rating Scale.**

**Board Unity**

	Rating Scale	1	2	3	4
1. GTMs share a common understanding of governance.				XXXXX	
2. GTMs are committed to the district's mission and values.				XXX	XX
3. GTMs do not undermine decisions of the board.			X	XXXX	

**Board Role**

	Rating Scale	1	2	3	4
4. GTMs agree on the role of the Superintendent, the board and the relationship between them.		X		XXXX	
5. Trustees do not attempt to direct staff.		X		XXX	X
6. GTMs agree on the role of the Board President.				XXX	XX
7. The board does not micromanage or rubber stamp.		X	X	XXX	

**Board Culture**

	Rating Scale	1	2	3	4
8. GTMs treat each other with respect and actively identify and address conflicts among team members.		X		XXX	X
9. GTMs are comfortable holding team members accountable for their behavior.		X	XX	X	
10. There are no surprises between the board and the superintendent.		X	XX	XX	
11. GTMs model the district's values in their behavior.			X	XXXX	

x-Explain

### Board Structure

	Rating Scale			
	1	2	3	4
12. The board has written agreements to clarify how it operates.			XXXX	X
13. The board actively uses and abides by these agreements.		XX	XXX	
14. The board uses these agreements to evaluate its effectiveness, and uses the results to improve its own performance.		XX	XXX	

### Preparing for Meetings

	Rating Scale				
	1	2	3	4	
15. Trustees receive sufficient information on agenda items necessary to make informed decisions.			XXX	XX	
16. All trustees receive the same information.		X	XX	X	X-Don't Know
17. Board members come to meetings thoroughly familiar with the agenda, backup reports and other materials.		X	XX	XX	

### Conducting Meetings

	Rating Scale			
	1	2	3	4
18. Meetings begin on time, and are efficient and productive.			X	XXXX
19. Agendas are focused on the district's priorities and goals.			XX	XXX
20. Deliberations are productive, surface various points of view, and provide trustees opportunities to be informed by one another.			XXX	XX
21. GTMs actively listen to each other and demonstrate understanding of different opinions.	X		XXXX	
22. All GTMs actively participate in board deliberations.			XX	XXX

### Managing Transitions

	Rating Scale			
	1	2	3	4
23. All trustees understand the board's plan for identifying officers.	X	X	XX	X
24. The board effectively orients new trustees.		X	XXXX	
25. The board reviews its written agreements for board operations.		XX	XXX	

### Board Goals

	Agree	Disagree
26. The board and Superintendent have agreed on annual Vision & Goals (attached)	XXXXX	

**Board Training**

	<b>Agree</b>	<b>Disagree</b>
27. Ethics and Brown Act training will comply with the requirements of the Government Code section 53235, and trustees may also receive supplemental training from a variety of sources including CSBA. Trustees will submit an annual report of mandated and supplemental training activities and costs.		
	<b>XXXXX</b>	

**COMMENTS:**

Board meetings are run very smoothly and efficiently.

Micromanaging continues to be a concern of mine because it is in direct violation to board bylaw 9005 #7 and 9200. Phone calls by board member to people who are providing a service for us undermine the District Office and the rest of the board. "Drop in" visits and not properly identifying himself or herself as a board member makes it look like we are in the Private Detective business.

Board members have directed staff in a direct manner during board meetings.

We have two new board members and they are making significant contributions to our organization. I just hope that both are getting the proper information from individuals. However, both are intelligent people and will be able to decipher the right path for our board.

#26: We are currently establishing new goals for the superintendent. This part is not complete. We are still going by the former Vision and Goals.

Some minor Brown Act violations have continued to occur, possibly indicating that GTM training has been inconsistent.

Confidentiality of closed session discussions is not maintained.

#8-I feel the GTM identifies and addresses the conflicts, but sometimes the respect fails a little.

#9-Not sure what this means.

#10-Sometimes I feel things aren't completely explained.

#16-How do I know?

Overall, I think we have come a long way. We have made it over a lot of hurdles.

The agenda production process is very efficient thanks to the Supt and Teri.

Concurrent meetings of the Boards are very efficient and save everybody time, including the public.

Important reports should be available before Board meetings to everybody.

The new Board members will lead the way in demonstrating respect for members they disagree with.

Items marked "Disagree": #9 General uncomfortableness probably due more to human interaction and inability to collaborate on issues. #23-25 Being a new board member has been both exciting and challenging. Getting up to speed is an ongoing task. I'm not sure what specifically can be done to alleviate this, however I would expect a General overview orientation or maybe a "State of the District" meeting before hand for new board members. There have been 2-3 very helpful individuals who have helped me along, but a more official "orientation" would be great to see.

**AMADOR COUNTY USD/COE  
Board of Trustees  
Vision & Goals**

**VISION:**

Amador County Public Schools, in partnership with our community, will graduate students who have gained the knowledge and skills necessary to succeed and excel in higher education, careers, society and life.

This vision will be achieved by adhering to rigorous academic standards, high expectations, a comprehensive curriculum, and a positive school climate.

**GOALS:**

**IMPROVE POSTIVE SCHOOL CLIMATE**

- Monitor and manage finances in order to sustain educational program priorities over the long term.
- Improve the appearance, cleanliness and maintenance of the schools.
- Model, mentor and acknowledge programs and processes that foster integrity and responsible behavior.
- Promote employee personal growth through professional development and evaluation.
- Develop and implement strategies for improving student transition points, including pre-K to elementary, elementary to middle school, middle school to high school, regular education to/from special education, and comprehensive schools to/from alternative schools.

**MAINTAIN A COMPREHENSIVE CURRICULUM**

- Provide and support a challenging, diverse curriculum that is accessible and promotes opportunities for students to explore and develop their unique interests.
- Give students opportunities in the arts, leadership, athletics, and other extracurricular activities.

**PROVIDE AND PROMOTE COMMUNITY PARTNERSHIPS**

- Connect schools to the community through newsletters, web sites, parent conferences and business alliances.
- Share responsibility for student success with district employees, parents, students and the community.
- Identify and actively address the needs of our students, staff, parents and community.
- Increase the opportunities for students, parents and community members to provide ideas and suggestions about issues critical to student success, including opportunities to develop a vision for schools of the future.
- Expand methods for improving parent and community access to information about the performance of students and information about how parents can support and participate in student learning.
- Communicate to parents and community that strong partnerships with them will help our students maximize their individual potential.

**ENSURE INSTRUCTIONAL EXCELLENCE IN HIGHER EDUCATION, CAREERS, AND ETHICS**

- Revise and/or develop career, vocational, technical and college offerings to add rigor and relevance for all students.
- Enhance and expand our alternative education options.
- Model, mentor and acknowledge programs and processes that foster integrity and responsible behavior.

*Board reviewed 12/12/07.  
Updated 07/01/08.  
Board reviewed 7/8/09 (no changes).  
Board reviewed 9/8/10 (no changes).  
Board reviewed 10/26/11 (no changes on this date – possible future additions).  
Board reviewed 11/19/14 (no changes on this date – possible future additions).*

2008 - 2015
Accountability
Evaluation
Maintenance and Grounds
Communication

# Amador County Public Schools

X District

County

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AGENDA ITEM #: 13.3

Motion: \_\_\_\_\_

Second: \_\_\_\_\_

Vote: \_\_\_\_\_

**SUBJECT:** Board Self Evaluation - May 2016.

**BACKGROUND INFORMATION:**

Per Board Policy 9400 the Board will annually schedule a time and place at which all its members may participate in a formal self-evaluation. Each Board Member has filled out and submitted his or her Board Self Evaluation May 2016 form. Attached are the Comparison Board Self Evaluation April 2015 & May 2016, Board Self Evaluation May 2016 and the Governing Board's Initial Self-Evaluation: Internal Functions from April 22, 2015.

**FISCAL IMPLICATIONS:** None.

**RECOMMENDATION**

The Governing Board review and discuss their current year Board Self Evaluation and compare current year evaluation to the Initial Board Self-Evaluation: Internal Functions from April 22, 2015.

**PRESENTED BY:**

Board President Upper  
Board Clerk Walser

**Governing Board Self Evaluation  
Comparison April 2015 – May 2016**

**Purpose:** The intent of this instrument is to record the range of perceptions regarding internal functions of the board as the first step in a self-evaluation process. These results should be tabulated and shared with trustees to inform a productive discussion regarding how the board can increase its effectiveness.

**Definitions:**

*Trustee:* An individual elected to serve on the board.

*Board:* The entity with legal authority to govern the district, made up of elected trustees.

*Governance Team Members (GTMs):* The elected trustees with the superintendent.

**Rating Scale 1 = Strong Disagree 2 = Disagree 3 = Agree 4 = Strongly Agree**

**Board Unity**

Rating Scale	April 2015				May 2016			
	1	2	3	4	1	2	3	4
1. GTMs share a common understanding of governance.			XXXXX			X	XX	X
2. GTMs are committed to the district's mission and values.			XXX	XX		X	XXX	
3. GTMs do not undermine decisions of the board.		X	XXXX				XXXX	

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**Board Role**

Rating Scale	April 2015				May 2016			
	1	2	3	4	1	2	3	4
4. GTMs agree on the role of the Superintendent, the board and the relationship between them.	X		XXXX			X	XXX	
5. Trustees do not attempt to direct staff.	X		XXX	X	X	X	X	X
6. GTMs agree on the role of the Board President.			XXX	XX		X	XX	X

**Governing Board Self Evaluation  
Comparison April 2015 – May 2016**

**Purpose:** The intent of this instrument is to record the range of perceptions regarding internal functions of the board as the first step in a self-evaluation process. These results should be tabulated and shared with trustees to inform a productive discussion regarding how the board can increase its effectiveness.

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**Governance Team Members (GTMs):** The elected trustees with the superintendent.

**Rating Scale 1 = Strong Disagree 2 = Disagree 3 = Agree 4 = Strongly Agree**

**Board Unity**

Rating Scale	April 2015				May 2016			
	1	2	3	4	1	2	3	4
1. GTMs share a common understanding of governance.			XXXX			X	XX	X
2. GTMs are committed to the district's mission and values.			XXX	XX		X	XXX	
3. GTMs do not undermine decisions of the board.		X	XXXX				XXXX	

**Board Role**

Rating Scale	April 2015				May 2016			
	1	2	3	4	1	2	3	4
4. GTMs agree on the role of the Superintendent, the board and the relationship between them.	X		XXXX			X	XXX	
5. Trustees do not attempt to direct staff.	X		XXX	X	X	X	X	X
6. GTMs agree on the role of the Board President.			XXX	XX		X	XX	X

7. The board does not micromanage or rubber stamp.	X	X	XXX			X	XXX
--	---	---	-----	--	--	---	-----

**Board Culture**

Rating Scale	1				2				3				4			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
8. GTMs treat each other with respect and actively identify and address conflicts among team members.	X		XXX	X									XX			XX
9. GTMs are comfortable holding team members accountable for their behavior.	X	XX	X							XX			X	XX	X	X
10. There are no surprises between the board and the superintendent.	X	XX	XX										X			XXX
11. GTMs model the district's values in their behavior.		X	XXXX							X			XX	X	XX	X

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**Board Structure**

Rating Scale	1				2				3				4			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
12. The board has written agreements to clarify how it operates.			XXXX	X									X		X	XX
13. The board actively uses and abides by these agreements.		XX	XXX							X				X	XX	X
14. The board uses these agreements to evaluate its effectiveness, and uses the results to improve its own performance.		XX	XXX							X				X	XX	

**Preparing for Meetings**

Rating Scale	1				2				3				4			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
15. Trustees receive sufficient information on agenda items necessary to make informed decisions.			xxx	xx							xx				xx	
16. All trustees receive the same information.				x		x	xx	x							x	xx
17. Board members come to meetings thoroughly familiar with the agenda, backup reports and other materials.															x	xx

**Conducting Meetings**

Rating Scale	1				2				3				4			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
18. Meetings begin on time, and are efficient and productive.			x	xxxx											x	xx
19. Agendas are focused on the district's priorities and goals.				xx											x	xx
20. Deliberations are productive, surface various points of view, and provide trustees opportunities to be informed by one another.				xxx											xx	x
21. GTMs actively listen to each other and demonstrate understanding of different opinions.					x										xxx	
22. All GTMs actively participate in board deliberations.				xx											xx	x

**Managing Transitions**

Rating Scale	1				2				3				4			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
23. All trustees understand the board's plan for identifying officers.					x										xx	x
															xx	x

24. The board effectively orients new trustees.		x	xxxx			xx	xx
25. The board reviews its written agreements for board operations.		xx	xxx			xx	xx

**\*Note: Questions #26 & #27 not listed on 2016 Evaluation Form.**

**Board Goals**

	Agree	Disagree
26. The board and Superintendent have agreed on annual Vision & Goals (attached)	xxxxx	

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**Board Training**

	Agree	Disagree
27. Ethics and Brown Act training will comply with the requirements of the Government Code section 53235, and trustees may also receive supplemental training from a variety of sources including CSBA. Trustees will submit an annual report of mandated and supplemental training activities and costs.	xxxxx	

**Comments 2015:**

Board meetings are run very smoothly and efficiently.

Micromanaging continues to be a concern of mine because it is in direct violation to board bylaw 9005 #7 and 9200. Phone calls by board member to people who are providing a service for us undermine the District Office and the rest of the board. "Drop in" visits and not properly identifying himself or herself as a board member makes it look like we are in the Private Detective business.

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Overall, I think we have come a long way. We have made it over a lot of hurdles.

The agenda production process is very efficient thanks to the Supt and Teri.

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Important reports should be available before Board meetings to everybody.

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**Comments 2016:**

- In spite of the generally low ratings above, it feels like the board is being productive and working well with the Interim Superintendent and others in leadership roles in the district.
  - No comments listed.
  - I have seen a big change in Board Members. They don't get upset if another Board Member does not vote the same way. Everyone has their own opinion.
- I feel we have come a long way and everything is moving along the way it should.

# Amador County Public Schools

X District

County

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AGENDA ITEM #: 11.6

Motion: \_\_\_\_\_

Second: \_\_\_\_\_

Vote: \_\_\_\_\_

**SUBJECT:** ACUSD Governing Board Annual Report of Mandated and Supplemental Training Activities Cost 2014-2016.

**BACKGROUND INFORMATION:**

Per compliance of Board Bylaw 9240 "Trustees will submit an annual report of mandated and supplemental training activities and cost". Attached is the aforementioned mandated report.

**FISCAL IMPLICATIONS:**

None

**RECOMMENDATION:**

The Governing Board review and take action on the ACUSD Governing Board Annual Report of Mandated and Supplemental Training Activities Cost 2014-2016.

**PRESENTED BY:**

Frank S. Porter, Interim Superintendent

Appendix 12

Amador County Unified School District Governing Board <b>Annual Report of Mandated and Supplemental Training Activities and Cost</b> <b>2014-2016</b>
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May 11, 2016

Board Member Wally Upper

Date	Training
November 2015	Efficacy Training Workshop

Board Member Mary Walser

Date	Training
December 2014	CSBA Legal Symposium (included Brown Act)
December 2014	CSBA Annual Conference
November 18, 2015	Efficacy Training Workshop
December 2015	CSBA Annual Conference

Board Member Bob Laurent

Date	Training
November 2014	New Board Member Meeting/Handbook (with Superintendent Glock)
January 2015	CSBA Institute for New Trustee & First Term Board Members
January 2015	CSBA Brown Act Training Online
November 18, 2015	Efficacy Training Workshop

Board Member Pat Miller (retired November 2014)

Date	Training
September 2014	CSBA California County Boards of Education – Building Bridges –

Board Member Joel Mottishaw

Date	Training
November 2014	New Board Member Meeting/Handbook (with Superintendent Glock)
December 2014	CSBA Orientation for New Trustees (Included Brown Act)
December 2015	CSBA Annual Conference
November 18, 2015	Efficacy Training Workshop

Board Member Rose Oneto

Date	Training
September 2014	CSBA California County Boards of Education – Building Bridges –
January 2015	CSBA Brown Act Training
November 2015	Efficacy Training Workshop

Summary of Legal Bills 3/21/2016

Outline of legal expenses incurred by Amador County Unified School district and the Amador County Office of Education from April 2015 to the most recent invoice.

Client	Firm	15-Apr	15-May	15-Jun	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	Total
General Counsel	Fegan, Friedman and Fulfrost	\$6,369.00	\$4,466.00	\$2,255.00	\$468.00	\$951.00	\$3,662.00	\$1,045.00	\$2,765.14	\$8,934.75	\$2,991.59	\$1,933.00	\$2,519.45	\$38,359.93
Boards' Counsel	Spinelli, Donald & Nott		\$15,245.00	\$17,882.00	\$10,400.00	\$9,925.00	\$7,528.00	\$7,541.00	\$18,135.83	\$17,051.35	\$13,854.68	\$4,406.22		\$121,969.08
Mr. Glock's Counsel	Girard & Edwards	\$1,725.00	\$30,557.00	\$45,228.00	\$17,049.00	\$12,053.00	\$21,865.00	**	**					\$53,477.00
Mr. Glock's Counsel	Mark Ellis			\$6,600.00	\$7,630.00									\$14,230.00
Mr. Glock's Counsel	County Counsel													
Boards' Counsel	Lozano Smith							\$12,745.37	\$5,359.20	\$8,935.90	\$5,596.79	\$591.25		\$33,228.51
ACUSD Board's Counsel	Johnson, Schachter & Lewis	\$8,094.00	\$50,268.00	\$71,965.00	\$35,547.00	\$22,929.00	\$33,055.00	\$21,331.37	\$26,260.17	\$34,922.00				\$261,264.52

\*The \$6,600 for Mark Ellis June 2015 is included in the Girard & Edwards bill of June 2015. It has been separated out above.

\*\*Mr. Glock's personal legal fees stopped by court order.

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**AMADOR COUNTY SHERIFF'S OFFICE**  
**JAIL INSPECTION**

**Authority:**

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

**Summary:**

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

**Background:**

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

**Method of Study:**

A briefing and tour were conducted by Sheriff Martin Ryan and ACJ Staff on October 22, 2015.

**Budget:**

The current budget is \$4,500,000, of which \$3,000,000 is allocated for Staff, \$900,000 is allocated for Services and Supplies, and \$600,000 is allocated for Inmate Health Services.

**Inmates:**

The Board and State Community Corrections Agency (BSCC) has rated the ACJ capacity at 76 inmates: 65 males and 11 females. As of October 22, 2015, there were 89 inmates: 77 males and 12 females. Of this total, 54 were not yet sentenced and 35 have been sentenced. The ACJ has housed up to 105 inmates at one time. A Sheriff's Parole is available after a monthly review; nine inmates were paroled in 2014, and six inmates have been paroled so far in 2015.

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

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

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

**Staff:**

There are 30 positions in the ACJ Staff: one Captain, one Lieutenant, six Sergeants, 17 Level Two Correctional Officers, three Level One Correctional Officers, and two Correctional Assistants. A male officer is always on duty to attend to incarcerated females.

Their training includes a CORE (Correctional Officer Required Education) course (178 hours), a PC 832 (Introduction to Basics for Penal Officers) course (40 hours), a STC (Standard Training for Corrections) course (24 hours), and cultural diversity course (eight hours), and a mental health first-aid course (eight hours). Specialized training is also available in Anxiety Disorders, PTSD (Post Traumatic Stress Disorder), and Poly-Trauma (eight hours), Inmate Hearing and Progressive Discipline (eight hours), CAL-GANG (National Alliance of Gang Investigators Association) and Drop-Out Gangs (eight hours).

**Findings:**

The Amador County Jail, built in 1984 with a 20-year lifespan, is obsolete and overcrowded. It has an aging infrastructure, a lack of programming space, and an inability to properly classify and segregate inmates. An expansion and renovation of the facility was approved on November 2, 2015.

Recent early releases and a relaxation of incarceration rules by the State of California have not had the desired effect of the facility's overcrowding issues.

Assembly Bill 109 resulted in an 87% increase in felony admissions and a 2120% increase in new parole violations. Parole violators have also learned that they probably would be released early.

**Recommendations:**

The expansion and renovation plan should proceed as soon as possible.

**Request for Response:**

Pursuant to California PC 933(c), a response to this report is required. No later than 90 days after the Grand Jury submits its Final Report on the operations of any public Agency subject to its reviewing authority, the governing body of the public Agency shall comment on the Findings and Recommendations.

**The Following Reports were Supplied:**

Organization Chart

Fire/Life Inspection Reports

Fire Extinguisher Maintenance Logs

State Fire Marshal Inspection Report

Public and Environmental Health Department Report

**CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**MULE CREEK STATE PRISON**

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**Authority:**

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

**Summary:**

The focus of the October 20, 2015 MCSP inspection was the welfare of the inmates and the staff, and the progress of the facility's expansion.

**Background:**

The MCSP is a maximum-security prison, opened in 1987, and currently housing 2863 inmates. Of these, 1500 are serving life sentences.

It is an American Correctional Association (ACA)-accredited facility.

Construction of an extensive addition to the facility, at an estimated cost of \$400,000,000, was begun in 2014, and at the time of the inspection, was estimated to be finished in February, 2016. At the time of publication, the addition has been completed.

**Method of Study:**

Areas Inspected:

Administration Building

New construction

Yard "C"

Housing Block 11

Mess Hall

Religious area

Mail Room

**Inmates:**

The intake procedure is based upon the safety of the inmates and the staff, and normal housing is to the general population. Review and reassignment are based upon the inmate's behavior while at MCSP.

About 36% of the inmates are 50 years old and over, with their lifestyles adding another 10 years to their mental and physical age. Of the total population, 36% are considered medically

high-risk, 10% are disabled, 54 inmates are transgender (still in the general population), and 20 are special needs (due to public interest, a serial killer, or otherwise at-risk).

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

There are approximately 40,000 health care visits by inmates per month. This care is delivered by 426 MCSP employees. Six hundred Enhanced Outpatient inmates are segregated, and must receive 10 hours of treatment per week. All inmates have access to ten academic teachers, four vocational instructors, and six educational para-professionals. Classes are all day, and are available five days a week, with a maximum of 27 students per class. Starting in 2016, students will be able to take classes which lead to a college degree. So far, 40 students have registered.

Relaxed State laws have reduced prison populations from 170,000 to 120,000 inmates in State prisons, but this has had a minimal effect on MCSP, because it is a maximum-security facility.

Working inmates can earn up to \$0.90/hour.

**Staff:**

The total full-time staff at MCSP is 1,215, in addition to part-time staff. Of the entire staff, 40% reside in Amador County. Six hundred and forty-three Correctional Officers have completed an 12-day training, including seven hours of suicide-prevention, before having arrived at MCSP. After a one-day orientation, which includes use of alarm systems and whistles, policies and procedures, and sexual-harassment, the employees receive additional training as needed.

The new facility will increase the staff by 375 positions.

**New Construction:**

There are five major projects:

1. Waste-water treatment plant upgrades
2. Medical Facilities upgrades
3. Infill (new construction within the existing Facility) projects
4. Wiring and Water loops for all buildings
5. Upgrading to comply with American Disabilities Act (ADA) requirements

A bus-tour of the new construction was provided.

The new construction began in 2014, and will be ready for housing in approximately 100 days from the date of the tour.

The new housing is designed to hold 1,584 inmates, and will never exceed that number. The housing will consist of groups of six-inmate dorms, instead of the current two-inmate cells.

**Findings:**

All of the questions which were submitted in advance by the Grand Jury, were answered professionally, and in detail, during the preliminary briefing by the Warden and his staff.

During the previous year (2014), there were three natural deaths and no escapes. One death is currently under investigation.

The cost of the new construction is estimated at \$400,000,000. Construction-cost details and monthly summaries are available to the public.

The waste-water system upgrades, which are in process, cost approximately \$6,000,000.

**Recommendations:**

The new construction should proceed as soon as possible.

**Request for Response:**

Pursuant to California Penal Code 933(c), a response to this Report is required. No later than 90 days after the Grand Jury submits its Final Report on the operations of any public agency which is subject to its reviewing authority, the governing body of the public agency shall comment upon the Findings and the Recommendations.

**Copies of the Following were Supplied:**

Organization Chart

Fire/Life Inspection Reports

Waste-water Test Reports

Fire Extinguisher Maintenance Log

State Fire Marshall's Inspection Report

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**CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**  
**PINE GROVE YOUTH CONSERVATION CAMP**

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**Authority:**

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

**Summary:**

The focus of the December 18, 2015 PGYCC inspection was the welfare of the inmates and the staff. The PGYCC is the only youth camp which is operated by a partnership between the CA Department of Corrections and Rehabilitation, the Division of Juvenile Justice (DJJ), and the CA Department of Forestry and Fire Protection (CALFIRE). This program selects young offenders, known as “wards”, from the three correction-facilities managed by the DJJ, houses them in a campus-like facility, and offers employment, counseling, education, and training. All of this prepares them for re-entry into civil society. The program is intended to instill the values of continuing education, self-discipline, and personal responsibility.

**Background:**

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

The PGYCC and CALFIRE currently share the facility. In using the wards as a labor force, CALFIRE provides wildfire mitigation, brush clearing, and maintenance of the fire trails which are used by the local community. The wards are also frequently used to fight fires throughout the State.

**Method of Study:**

In order to obtain the information to complete this report, the Grand Jury researched the PGYCC by:

- \* Attending a presentation on the PGYCC provided by the Superintendent
- \* Reviewing previous Civil Grand Jury reports
- \* Interviewing several PGYCC staff members

\* Inspecting the following PGYCC facilities:

- Ward Receiving Area
- Visitors' Hall
- Classrooms
- Library
- Recreation and Weight Room
- Health Office and Treatment Room
- Dormitory and Control Room
- Day Room
- Kitchen and Dining Area
- Exercise and Sporting Field Areas

\* Reviewing the following documents:

- PGYCC programs
- DJJ Mission Statement
- PGYCC Organization Chart
- Special Dietary Needs Procedures

### **Discussion:**

Through a thorough screening process, the PGYCC staff selects wards from other State Youth facilities. The wards are given 60 hours of classroom training, one week of field training, and certification by CALFIRE in wildfire fighting. The wards are then assigned to 17-man work crews, under CALFIRE supervision, and work on fire-prevention tasks, removing brush, restoring fire trails, flood mitigation, and other low-risk community services. Wards 18 years old and older perform fire suppression duties throughout California. A total of 62 wards were involved in the fighting, and recovery from the 2015 Butte Fire, working a total of 32,448 hours. The many hours of their previous brush clearing and fire protection were proof of the wards' valuable contribution to the community.

### **Facilities:**

The dormitory divided into four open-spaced sections, each containing bunk beds, clothes lockers, and an attached day-room with chairs and a television. There is a central control-officers' module for 24-hour supervision. There are four classrooms which are used for education and self-improvement programs. The Visitors' Room features an adjacent barbeque and picnic area, used by the visiting families. The large kitchen and dining areas are located next to the dormitory. There is a fitness room, equipped with weights, exercise stations, and a television. Usage of this room by the wards is an earned privilege. There is also an onsite Nurse's Office, with a treatment room.

### **Staff and Wards:**

There are 24 Staff members at the PGYCC. Their school currently has three teachers, with openings for one teacher, one instructional assistant, and one resource specialist. There is a Registered Nurse on site 40 hours a week, Monday through Friday. There are eight Counselors

and two Case Workers on the Camp Staff. The number of wards assigned to the PGYCC fluctuates throughout the year, with a budgeted-capacity of 60.

**Education and Training:**

Since the PGYCC is an accredited High School with the Western Association of Schools and Colleges (WASC), the wards can obtain a high-school or General Education (GED) diploma. College classes are available through a program which is administered by the Department of Corrections.

Shown below are the hours that the wards provided to fire-fighting, and to fire-mitigation and clean-up:

<b>Year</b>	<b>Fire-Fighting Hours</b>	<b>Fire-Mitigation &amp; Clean-Up</b>
2015	94,916	209,016
2014	79,399	100,968
2013	38,902	56,160
2012	42,470	56,715
2011	28,881	74,880
2010	49,081	74,950
<b>Total:</b>	<b>333,649</b>	<b>663,833</b>

The 2015 totals include the 32,448 hours which were spent by 62 wards working on the Butte Fire. They are still continuing to work on that fire's clean-up and mitigation.

**Education and Training:**

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**Rules and Daily Operations:**

Wards are selected from three other California Youth Facilities (two in Stockton and one in Ventura) for the privilege of staying at the PGYCC. They are selected on the basis of their good behavior. The incoming wards must be a minimum of 18 years old, and must have been

sentenced by a Juvenile or Adult Court, with a release date by the time they turn 21. Only male wards are accepted, as male and females cannot be mixed. No ward will be selected who has been convicted of an arson or sexual offense. As stipulated by his parole requirements, a ward must have between 6 and 36 months left on his sentence.

Each ward must show respect for the rules, the Staff, and the other wards. Each ward is assigned a Counselor, and counseling sessions are held every 30 days. All of the wards must participate in these sessions. Each ward must advance his education and participate in physical conditioning. They also must work at least each weekday from 8:00AM to 4:00PM, either on Camp maintenance or with the fire crews. Scholastic classes are from 6:00PM to 10:00PM.

### **Good Behavior Rewards' System:**

A points-and-rewards system is established for good behavior. A ward's sentence may be reduced by up to 15 days per month if enough positive points are accrued. Positive attitudes, team cooperation, and adherence to the rules earn positive points. The point system works as follows:

- \* One negative point cancels four positive points
- \* Positive points earn the special privileges as follow:
  - extra exercise-room time (for upper phases only)
  - participation in field trips
  - a fishing trip to a local lake or stream
  - participation in various Sports' Leagues
  - a visit to the Performing Animal Welfare Society (PAWS)
  - ski trips

The above-mentioned activities are not funded by tax dollars. They are paid from the PGYCC Ward-Benefit Fund, which is funded from canteen profits, recycling, donations, etc.

### **Earnings Paid to Wards by the State:**

Entry-level wards are paid \$1.00 per hour for field work. Senior-level wards, with enough qualifying positive points, are paid \$2.00 per hour. All fire-fighting work earns an additional \$1.00 per hour. The monies which are earned are deposited into the ward's in-house bank accounts. These funds can then be used at the canteen, for field trips, special privileges' expenses, family gatherings, or to open an outside bank account in preparation for release. The average bank account at release time is \$2,000. In some cases, these monies are used for victim restitution.

### **Re-integration Plan for Wards:**

Each ward is assigned a Case-Manager who tracks his progress throughout his term. Upon nearing the end of his ward's sentence, the case manager assists his ward with obtaining a California Driver License, opening a bank account, filling out job applications, providing references, and/or finding appropriate housing. The case manager will maintain contact with the ward for a year after the ward's release.

The program has been a success if, after the ward's release, he is gainfully employed or he is a full-time student. Any other measure of success is difficult to establish, as the DJJ does not have a parole component, and loses jurisdiction over the ward at the time of release.

### **Findings:**

- F1. The PGYCC is a youth-reform program that has operated successfully for more than 50 years.
- F2. The PGYCC is an efficient and effective use of tax money.
- F3. The PGYCC provides many invaluable services to the State, to Counties, to cities, and to partners.
- F4. CALFIRE greatly benefits from the PGYCC with their fire-fighting, fire-mitigation and clean-up, and brush-clearing.

### **Recommendations:**

The 2015-2016 Amador County Grand Jury recommends the continuation of this valuable program, especially as it is the only one of its' kind for youthful offenders.

### **Request for Response:**

Pursuant to California Penal Code 933(c), a response to this Report is required. No later than 90 days after the Grand Jury submits its Final Report on the operations of any public agency which is subject to its reviewing authority, the governing body of the public agency shall comment upon the Findings and Recommendations.

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**AMADOR COUNTY BUTTE FIRE RESPONSE**

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**Authority:**

By authority of Penal Code Section 925, a Grand Jury shall investigate and report on the operations of the County, including those operations, accounts, and records of any special legislative district or other district in the County created pursuant to State law, for which the officers of the County are serving in their ex officio capacities as officers of the districts.

**Summary:**

The Butte Fire started at approximately 1:30PM on September 9, 2015, just off of Butte Mountain Rd. in Amador County. The County Agencies which responded included the Sheriff's Office/OES, Social Services, Public Health, Fire Protection Agency (AFPD), Water Agency, Air District, and Animal Control. The State Agencies and Organizations which responded included CalFire, CA Incident-Management Team, CA Highway Patrol (CHP), East Bay Municipal Utilities District (EBMUD), Volcano Communications, Pine Grove Youth Conservation Camp, KVGC Home Town Radio, Sierra-Pacific Industries (SPI), the Jackson Rancheria, and Pacific Gas and Electric (PG&E). Local Volunteer Organizations which responded included the Red Cross, Amador Co. Amateur Radio Club, and the Amador Co. Animal Rescue Team (ACART). The U.S. Forest Service also responded. An Emergency Operations Center (EOC) was established to coordinate all of these agencies and organizations.

There was an evacuation shelter established at the Jackson Rancheria, and an animal Shelter at the County Fairgrounds. Many private citizens also stepped forward to offer their services and time. Despite the chaos inherent in any disaster of this magnitude, and having their own workers and volunteers evacuated, these entities worked well together to provide a rapid response to the needs and concerns of County residents. The Butte Fire burned 3,600 acres in Amador County, but there was no loss of life, and only one home was destroyed.

**Method of Study:**

For this inquiry, the Amador County Under -Sheriff and the Social Services Administration Supervisor were interviewed. The Butte Fire Workshop Summary was also utilized.

**Narrative:**

On September 9, 2015, the Sheriff's Office was notified by a Patrol Sergeant that a fire had started in the Butte Mountain area, just off of Butte Mountain Rd. Due to the extremely dry conditions at the time, a rapid response was initiated. The fire was burning at an extraordinary speed, so CalFire ordered mandatory evacuations in the Electra Road and Lake Tabeaud areas. The "Code Red" Emergency Notification System was activated to notify residents of evacuation procedures. A total of 1,366 residents were notified in this manner. "Hard closures" were implemented by the law-enforcement agencies, which meant that nobody was allowed into the evacuation areas. As a result, there were no issues with looting or obstructions to the firefighters.

There were some communication issues with CalFire in getting updated fire information, so the Under Sheriff went out to the fire lines to determine the extent of the fire. He said that it's just part of the Sheriff's Office duty "to provide extraordinary service to the public", and that "we want the people to be successful".

The Red Cross was notified early in the evening that a shelter had to be opened, so at 11:45PM, one was opened at the Jackson Rancheria, staffed by the local Red Cross volunteers. The Administration Supervisor of Social Services was notified that staffing would be needed the next day at the shelter, and they responded at 9:00AM, along with the Public Health and Behavioral Health Agencies. The Amador Co. Amateur Radio Club was deployed that night to provide communication services. All respondents were well-trained and experienced, which contributed to a safe and secure shelter for the evacuees. It was difficult to provide the staffing, due to some of their own employees and volunteers having to be evacuated. The shelter was open for two weeks, with over 200 evacuees at the peak, and over 400 evacuees staying nearby in a parking lot.

### **Findings:**

- F1. Due to dry conditions in the summer, and to many dead and dying trees in the County, any fire has the potential to rapidly spread and become massive. It is of great importance that the County Agencies and emergency organizations prepare for this type of disaster.
- F2. The Butte Fire response showed that these agencies and organizations were well-trained and prepared, through exercises and trainings, for this fire. Although every disaster is different, with the proper training, the County responded in a rapid manner, limiting the damage done by the Butte Fire. There are many dedicated and conscientious individuals working in these agencies and organizations.
- F3. All of the involved agencies and organizations worked well together, and were able to effectively deploy their resources.
- F4. Communications continue to be an issue, especially with status-updates for the fire. The "Code Red" system worked. The County residents have received a postcard notifying them on how to register for this service, and there has been an update to the system.

### **Recommendations:**

- R1. All County Agencies and Emergency Organizations continue to train and prepare for the next disaster (F1, F2, F3)
- R2. All County Agencies and Emergency Organizations work on improving their communications, not just among themselves, but with the other agencies and the public.