

Amador County 2007-2008 Grand Jury Report



Amador County Health & Human Services Building

Site of New Grand Jury Office

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Functions of the Grand Jury

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

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

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

The Grand Jury is required to:

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

The Grand Jury is also authorized to:

Inspect and audit county books, ensuring that public funds are properly and legally accounted for;

Investigate and report on the performances of special districts or commissions;

Investigate charges of willful misconduct by public officials or employees; and

Investigate and report on “questionable business practices” of such agencies.

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

Judge's Letter to the Grand Jury



CHAMBERS OF
DAVID S. RICHMOND
JUDGE

Superior Court of the State of California County of Amador

500 Argonaut Lane
Jackson, CA 95642

June 10, 2008

Steve McLean, Foreman
Amador County Grand Jury
P.O. Box 249
Jackson, CA 95642

Dear Mr. McLean and Members of the 2007-2008 Grand Jury:

The Court thanks you for your efforts in the preparation of this Grand Jury Report. Your report is concise and well written.

The Court knows this has been a demanding experience. We appreciate the insight and expertise shown by your Report. Your willingness to serve our justice system strengthens it and makes it better. Thank you again for your hard work and dedication to completing your task.

Sincerely,

A handwritten signature in blue ink that reads "David S. Richmond".

David S. Richmond
Judge, Amador Superior Court
County of Amador

DSR/cp

Grand Jury's Letter to the Judge



AMADOR COUNTY Grand Jury

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

June 9, 2008

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

Dear Judge Richmond:

I am proud to submit the 2007-2008 Amador County Grand Jury Final Report. This report contains investigations and recommendations based on issues, complaints and inquiries that the Grand Jury believed were important to the health and welfare to the citizens of Amador County.

The Grand Jury's mission is to: investigate and review government entities to ensure it is run efficiently, honestly and is performing the duties required; review the management and condition of public prisons within the county; and act as an ombudsman for the citizens of the county.

The Grand Jury fulfilled its mandate to tour and review the operations and facilities of all correctional institutions within the Amador County boundaries. The Grand Jury also responded to numerous citizen complaints and acted independently to investigate other matters, all of which were acted upon to the degree the Jury determined appropriate.

We hope you will find each of our investigations and recommendations informative and useful.

In closing, I would like to thank you and Christine Price for always being available to assist us in our mission. Also, I would especially like to thank each member of the Grand Jury for their persistence, dedication and compassion to serve the citizens of Amador County. I was humbled and honored to get to know and work with all of them.

Respectfully,

A handwritten signature in cursive script that reads "Steven D. McLean".

STEVEN D. MCLEAN
Foreperson
Amador County Grand Jury 2007-2008

2007-2008 Grand Jurors

Glenn Bruno

Laurence (Jim) Davis

Gail Earl

George Elliott

Ryan Kirkman

Sharon Mahoney

Steve McLean

Jeff Milbourne

Christopher Mynderup

Gregory Niskanen

Eveline Paris

Janet Peterson

Matthew Peterson

Laurence Taylor

Virginia Vasquez

Sandra Watson

Patricia Waxe

James Weidinger

Stanley Wineski

Acknowledgements

The 2007-2008 Amador County Grand Jury would like to extend our appreciation to the following individuals for their help and support during our tenure:

The Honorable David Richmond, Amador County Superior Court Judge; Christine Price, Administrative Assistant to Judge Richmond; Ted Novelli, Amador County Supervisor, Todd Riebe, District Attorney; Martha Shaver, County Counsel; Terri Daly, County Administrative Officer; Rob Duke, Sutter Creek Chief of Police and City Manager; Jon Hopkins, Administrator, and Betty Mann, Administrative Secretary, General Services Administration; LeAnne McIntyre, Public Services Director; Chris Weathersbee, Public Information Officer, Mule Creek State Prison; Noelle Richmond, Director, and Pat Thomas, Treatment Team Supervisor, Preston Juvenile Correctional Facility.

NOTICE TO RESPONDENTS

Response Requirements:

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

For the assistance of all respondents, California Penal Code section 933.05 is summarized as follows:

How to Respond to Findings:

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

That you agree with the finding.

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

How to Report Action in Response to Recommendations:

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

The recommendation has been implemented, with a summary of the implemented action.

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

The recommendation required further analysis. If a person or entity reports in this manner, the

law requires a detailed explanation of the analysis or study and timeframe not to exceed six months. In this event, the analysis or study must be submitted to the officer, director or governing body of the agency being investigated. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

Final Report Response Format

The following format is the format to be used when responding to the Grand Jury's report:

Responding Agency

Finding #1

State the finding as stated in the Grand Jury 2007-2008 report.

Response by Department Head

State your detailed response to the finding.

Follow this same procedure for each finding that you respond to.

Recommendations:

Recommendation #1

State the recommendations as stated in the 2007-2008 Grand Jury report.

Follow this same procedure for each recommendation you respond to.

Response by Department Head

State your detailed response to the recommendations. This should include progress on your planned actions.

This format is the standard format used by all agencies when responding to Grand Jury reports.

AMADOR COUNTY CITIZENS COMPLAINTS

The Grand Jury is empowered to investigate complaints from citizens, civic groups, government employees and others about the workings of local government or the conduct of its officers or employees. Our primary function and the most important reason for our existence is the examination of all aspects of local government, including: cities, special districts and school districts. The Grand Jury is a guardian of public trust in local government. We exist to assure honest, efficient government in the best interests of all people.

CONFIDENTIALITY

In all of our proceedings and investigations we are sworn to maintain secrecy. As a Grand Jury we apply the same objective standard of conduct and responsibility to all persons and we are charged to avoid being influenced by sentiment, conjecture, sympathy, public feelings, passion or prejudice.

COMPLAINT PROCESS

While the Grand Jury will investigate complaints presented to it in any form, it is desirous that this form be used whenever possible. Please identify the specific problem and describe the circumstances. Document your complaint with all available evidence and submit copies of all available documents.

The Complaint Form may be downloaded at: <http://www.co.amador.ca.us/depts/grandjury>

Mail your complaint to:

AMADOR COUNTY GRAND JURY
P.O. BOX 249
JACKSON, CA 95642

Health & Human Services

Amador County Health & Human Services Agency Proposition 63 Grant Funding

Introduction:

As authorized by Section 925 of the California Penal Code, the 2007-2008 Grand Jury elected to review the Amador County Health and Human Services Agency's progress in obtaining funds for services mandated by the voters' passage in November 2004 of Proposition 63: Mental Health Services Expansion Funding; Tax on Personal Incomes Above \$1 Million; and Initiative Statute.

Background:

An investigation by the 2005-2006 Amador County Grand Jury responding to a citizen complaint that the Amador County Health and Human Service Agency had not received grant (referred to as "Plan") monies from the State for the 2004-2005 fiscal year while other counties did. The 2005-2006 Grand Jury's Final report found that Amador County's first plan submitted was rejected; subsequently, an experienced grant writer was hired to prepare the next submission to the State. No counties received grants until 2006, when Stanislaus County's plan was approved and funded. As of March 2006, only Los Angeles County had a plan approved. The 2006-2007 Amador County Grand Jury reiterated the findings of the 2005-2006 Grand Jury Follow-Up Report and included responses from the Director of Health and Human Services Agency and the Amador County Board of Supervisors.

Method of Review:

Individuals Interviewed:

Director, Amador County Health and Human Services Agency

Documents Reviewed:

The 2005-2006 Amador County Grand Jury Final Report.

The 2006-2007 Amador County Grand Jury Final Report

Director, Amador County Health and Human Services Agency's "Information for Grand Jury Memo."

Proposition 63 "Mental Health Services Expansion, Funding Initiative Statute" including "Official Title and Summary," prepared by the Attorney General; Analysis Prepared by the Legislative Analyst; and "Arguments and Rebuttals For and Against Proposition 63." These documents can be found at

http://www.sos.ca.gov/elections/bp_nov04/prop_63_legislative_analysis.pdf

Facts:

1. Proposition 63 was passed by the people of California in November 2004, providing funds to counties to expand services and develop innovative programs and integrated service plans for mentally ill children, adults and seniors, and requiring the State to develop mental health service programs including prevention, early intervention, education and training programs.
2. According to the Initiative, beginning in 2004-2005, revenues deposited in the Mental Health Services Fund were to be used to create new county mental health care programs and to expand some existing programs. Specifically, the funds could be used for the following activities: Adult System of Care; Prevention and Early Intervention; Wraparound Services for Families; Innovation Programs; Mental Health Workforce; Education and Training; Capital Facilities and Technology; and Oversight and Administration.
3. California Proposition 63 funds are provided to counties who develop and submit approved Plans. Amador County received \$84,000 as part of the Oversight and Administration portion to begin the process of drafting and submitting a three year Plan for the delivery of mental health services within its jurisdictions.
4. The first two submissions of the three year Plan were returned for revision; the third submission was accepted on February 13, 2008.
5. Health and Human Services Agency placed the approved Plan on the Amador County Board of Supervisors agenda at the March 3, 2008 meeting.
6. The Health and Human Services Agency anticipates receiving an initial \$523,768 which is expected to cover approximately one-half of fiscal year 2007-2008.

Findings:

1. The Amador County Health and Human Services Agency aggressively pursued all funds available from Proposition 63.
2. The accepted Plan was crafted by a varied, multidiscipline team that included persons from the Health and Human Services Agency staff, outside consulting experts, and Mental Health Plan Board members.
3. The Health and Human Services Agency is preparing to begin ongoing activities to update the Plan, apply for funds for additional Plan components, set up drop-in centers and acquire needed staff.
4. The Health and Human Services Agency is currently negotiating with the State for funds from the approved three year Plan that covered the first half of the 2007-2008 fiscal year and the entire 2006/2007 fiscal year plus an additional \$363,000 in Plan monies available for I.T. costs.

Recommendations:

1. That the Amador County Health and Human Services Agency continue their pursuit of any and all available Proposition 63 "Mental Health Services Expansion" monies by submitting the 2008-2009 fiscal year Plan revisions prior to August 1, 2008.
2. That the 2008- 2009 Amador County Grand Jury continue to monitor progress in updating the Plan, including whatever retroactive and additional funds have been awarded and

components submitted.

Response Required:

Response to the **Findings** and **Recommendations** in this report is required from the Amador County Health and Human Services Agency and the Board of Supervisors pursuant to California Penal Code Section 933.05 (a), (b), (c), (d) & (e).

Food Service Inspections

Introduction:

As authorized by Section 925 of the California Penal Code and at the request of one of our Grand Jury members, the Health and Human Services Committee elected to review how restaurant and food service inspections are performed and what information is available to the general public regarding said inspections.

Background:

In light of the many recalls on food products, especially in the area of processed meats, and due to our lack of knowledge on how we, as patrons of food establishments, could help protect our community, the committee elected to review with Amador County Environmental Health Department their process and procedures for inspections of restaurants and other food services.

Method of Review:

The 2007-2008 Grand Jury's review of food services inspections consisted of the following:

Individuals Interviewed:

Director, Environmental Health Department
Staff, Environmental Health Department

Documents Reviewed:

Amador County Food Inspection Report
Amador County Food Facility Permit Application
Amador County Environmental Health Department Fee Schedule
California Plan Check Guide for Retail Food Facilities
California Retail Food Code

Sites Toured:

None.

Facts:

1. Beginning in July of 2007, inspectors use the California Health and Safety Code, Division 104, Environmental Health, Part 7, known as the California Retail Food Code, as a basis for inspections. The code can be located online by following the link at <http://www.leginfo.ca.gov/calaw.html>
2. Inspections include the facility, food environment and handling, and employee and management training.
3. Every food establishment is inspected by a Registered Environmental Health Specialist.
4. Information on the Environmental Health Department for Amador County can be found on the county website at <http://www.co.amador.ca.us/depts/ehealth>

Findings:

1. Prior to July 2007, inspection reports were written manually. Beginning that month, a new Computer based system was put in place to decrease the time spent by an inspector writing reports, accessing history data, and other manual type work, increasing time available for inspections.
2. Each establishment is inspected at least annually. Re-inspections are performed as required when violations are found.
3. Citizen complaints are welcomed. Each complaint is addressed and the complainant is notified of the solution.
4. Inspection reports are available for review at the County offices of the Environmental Health Department.
5. A future enhancement by the department is to provide access to inspection reports online for home computer users.

Recommendations:

None. The committee was given access to personnel and supplied with all requested documentation. The employees interviewed were knowledgeable and professional in their meetings with the Grand Jury Committee. We thank them for their support.

A note of interest to all citizens of the County, as required by the California Retail Food Code, the current permit for a food establishment should be posted in a conspicuous place in the food facility. Also, a sign stating a copy of the most recent routine inspection report conducted to assess compliance shall be maintained at the food facility and made available upon request. The food facility shall post a notice advising patrons that a copy of the most recent routine inspection report is available for review by any interested party.

Response Required:

None.

Amador County Conservator's Office

Introduction:

The 2007 – 2008 Amador County Grand Jury elected to review the Amador County Conservator's office which also includes the Public Administrator and Public Guardian.

This review was conducted pursuant to California Penal Code Section 925 to see if the Conservator's office was meeting the goals and objectives as stated in the Amador County Final Budget for the fiscal year July 1, 2007 – June 30, 2008. It is important to note that the entire staff of the Public Conservator's office was cooperative and professional with the Grand Jury in its review.

Background:

The duty of the Amador County Public Conservator/Guardian is to protect persons and manage the assets of those elderly or disabled adults and children who cannot provide for their own care, who have no family or whose needs exceed their families' capacity. It is also to provide bill-paying services under a Representative Payee Program and extensive case management and assets management services to Clients under Conservatorship. It serves both voluntary and court-ordered Clients under the direction of the District Attorney and the supervision of the Amador County Superior Court.

The mission of the Public Administrator in conformity with the California Probate Code, is to marshal, manage, maximize, and distribute the estates of decedents who die intestate without known heirs or with families who cannot act as an executor or administrator.

Hereinafter any person or estate managed by the Amador County Public Conservator/Guardian or Public Administrator will be known as the "Client" per the Code.

Method of Review:

The 2007-2008 Grand Jury's review of the Amador County Public Conservator's Office consisted of the following:

Individuals Interviewed:

District Attorney

Chief Deputy Public Administrator/Conservator/Guardian

Deputy Public Conservator/Guardian
Finance Assistant II
District Attorney Investigator II
District Attorney Investigator II (part-time)
A representative Client

Documents Reviewed:

Harvey Rose Accountancy Corporation Report
2007-2008 Amador County Final Budget
Office Personnel Organizational chart
Public Guardian, Public Conservator, Public Administrator Pamphlet: "Who are They and What do they do"
Amador County Public Conservator's Office Agreed-Upon Procedures Report for the Year Ended June 30th 2005 and June 30th 2006
Amador County Internal Control Manual
Inventory Check lists and forms used to conduct inventories of Clients' property

Sites Toured:

Public Conservator's Office
Representative Client's home

Facts:

1. The Public Conservator or Public Guardian conducts official county investigations into Conservatorship matters.
2. The Public Conservator or Public Guardian acts as the legally appointed Conservator or guardian for persons found by the Superior Court to be unable to properly care for themselves or their finances or who cannot resist undue influence or fraud. These Clients usually suffer from severe mental illness or are older, frail vulnerable adults.
3. There are three types of Court-Appointed Conservatorships: Conservatorship of the person only, Conservatorship of the estate only, or Conservatorship of both. The latter is the most common.
4. In Conservatorship of the person, the Conservator arranges for the Client's care and protection, determines where the Client will live and makes arrangements for health care, housekeeping, transportation and recreation.
5. In Conservatorship of the estate, the Conservator manages the Client's finances, locates and takes control of the assets, collects income due, pays bills, invests the Client's money and protects the assets.
6. The Public Conservator or Public Guardian arranges, through Conservatorship, placement services; estate administration; court appearances and reports; real and personal property management and safeguarding; and mental health services and physical health services.

7. The Representative Payee program is a voluntary money management program to collect and manage benefits due to the Client, to prepare a budget, pay the Client's bills and provide spending money to the Client within the constraints of his or her budget.
8. The Public Administrator investigates and may administer the estates of persons who die with no will or without an appropriate person willing or able to act as administrator.
9. The Public Administrator protects the decedent's property from waste, loss, or theft; makes burial arrangements; conducts thorough investigations to discover all assets; ensures the estate is administered according to the decedent's wishes; pays decedent's bills and taxes; locates persons entitled to inherit from the estate; and ensures those individuals receive their inheritance.

Findings:

1. The Public Conservator's Office has reorganized and changed procedures to protect Clients and their estates.
2. The Public Conservator's Office is responsible for a fast growing elderly population in Amador County.
3. The staff is stretched thin with daily operations and cases. However, the staff is still required to clean up old cases so funds can be distributed to the rightful heirs of deceased Clients.
4. The Deputy Public Conservator/Guardians and Chief Public Administrator/Conservator /Guardian travels to Clients' homes or facilities (some Clients are placed outside of Amador County due to lack of sufficient facilities within the County). The Conservator's Office also monitors Clients in their homes and takes them to appointments. The Conservator's office has one non-four wheel drive van for the entire office.
5. The Conservator's Office building is not adequate. Some of the staff members share very small offices.
6. The elderly population in Amador County is increasing, and as a result the Conservator's Office personnel are overextended.
7. The accounting procedures in place are adequate, but with the limited staffing, some procedures are not completed in a timely manner.
8. The Conservator's Office staff has mandated training to maintain their certification every year, but no training funds have been allocated in their yearly budget.
9. The Conservator's Office has a new computer system, but the staff has not been adequately trained to use it.
10. After touring a Client's home, it appeared that Client was well cared for and happy.
11. All revenue generated by the Conservator's Office goes into the County General Fund.

Recommendations:

1. Reinstate the training budget so employees can attend mandatory training.
2. Allow the Conservator's office to hire additional staff so open cases can be completed and closed. Additionally, another fiscal person is needed to help the Finance Assistant II. The addition of a Deputy Public Conservator/Guardian would help address the growing number of Clients each year.

3. The Conservator's Office needs to be larger while keeping all staff together in one building.
4. To avoid out-of-county placements for Amador County Clients, it is recommended the Board of Supervisors actively pursue attracting new facilities to the County.
5. It is recommended the Public Conservator's Office keep revenues brought into the County and not put those monies into the General Fund.

Response Required:

Response to this report is required from the Amador County Public Administrator/Conservator/Guardian and the County Board of Supervisors pursuant to Penal Code sections 933, subdivision (c), and 933.05.

City & County Government

Amador County Registrar of Voters

Introduction:

The Amador County Election's Office convened an Election Observer Panel to observe activities associated with the Presidential Primary Election. The Grand Jury was invited to participate on the Election Observer Panel.

Background:

In accordance with the Election Observer Panel Plan the purpose of an Election Observer Panel is to ensure that the election process is conducted transparently and encourage participation and build voter confidence in the election process.

The County uses ES&S Optical Scan voting system, and the AutoMARK Voter Assist Terminal is used to mark the ballot selections of voters who are visually impaired or have a disability.

Method of Review:

The 2007-2008 Grand Jury's review of the Amador County Registrar of Voters/Amador County Election's Office consisted of the following:

Individuals Interviewed:

- Clerk/Recorder/Registrar of Voters
- Deputy Registrar of Voters
- Office staff
- Volunteers

Documents Reviewed:

- Election Observer Panel Plan
- Election Information on the Web including
 - Electiononline.org
 - California Secretary of State
 - California State Laws
 - California Fair Political Practices Commission
 - Federal Election Assistance Commission
 - Sacramento County Elections
 - San Mateo County Elections
 - League of Women Voters

State of California, Secretary of State, Additional conditions for use of elections systems and software, inc. Optical scan voting system
Amador County Election Plan dated September 1, 2007
Amador County listing of voting precincts
Amador County Inspector Training Class handout

Sites Toured:

Amador County Election's Office
County Precincts on Election Day

Facts:

1. The Election's Office invited the following to be members of the Observer Panel: Democratic Central Committee, Republican Central Committee, KNGT Radio, Ledger Dispatch, TSPN and Grand Jury.
2. The Election's Office held regular meetings with the Observer Panel members to keep them apprised of every aspect of what goes on before Election Day and also invited Panel Members to attend the Amador County Inspector Training Class.
3. Observer Panel members were given general rules as follows:
 - Observe the proceedings at the polls, including opening and closing procedures.
 - Obtain information from the precinct index that is posted near the entrance.
 - Make notes and watch all procedures.
 - View all activities at the central counting site on Election Day.
 - View the canvass of the vote activities following the election.
 - View absentee and provisional ballot processing.
 - Ask questions of staff or voters at the polls.
 - Ask questions of supervisors at the central counting site.
4. Observer Panel Members were asked to report back to election office and the Deputy Registrar of Voters regarding observations and present any possible suggestions.

Findings:

1. All precincts observed (5) followed procedures required and as reviewed in training sessions with the following exceptions: one precinct handed the confidentiality cover for ballots to voters separately from the ballots without explaining the purpose, which was confusing to some voters.
2. Two precincts failed to post a Precinct Index at entrance to poll as required.
3. All machines were checked for accuracy and in working condition prior to being delivered to polls.
4. In all, all activity at Elections office and at precincts went very smooth. The many steps set up to insure an uncompromised election provided just that and were well thought out and implemented.
5. There is a well-experienced and conscientious staff working on behalf of our County elections.

Recommendations:

None

Response Required:

None.

Amador County Superior Courthouse

Introduction:

The 2007-2008 Amador County Grand Jury elected to review and evaluate the present location of the Amador County Courthouse. The review included:

Physical placement of the Courthouse - Did the County Board of Supervisors act in the best interests of their constituency by their decision to renovate the Begovich Building for use as the new Courthouse, which is located in close proximity of several schools?

Court security - Is the Courthouse's security staff capable of controlling/containing incidents without having adverse effects on the schools located within 200 feet of the Courthouse main entrance?

This investigation was conducted pursuant to California Penal Code Section 925, Investigation of County Operations, Accounts and Records.

Background:

This Grand Jury chose to investigate the Courthouse and its location as it relates to the ACUSD School Safety Plans. During the school safety investigation it was brought to the Grand Jury's attention that the Courthouse, being in close proximity to several school sites, poses several safety and security issues to those schools.

Method of Review:

The 2007-2008 Grand Jury's review of the Amador County Courthouse security and location consisted of the following:

Individuals Interviewed:

Superintendent of ACUSD

Administrators of the following schools:

Argonaut High
Marilyn Triglia Education Center
Former Argonaut High School Principal

Law Enforcement:

Amador County Sheriff
Jackson Police Chief

Former Amador County Supervisor
Former Amador County Chief Administrative Officer
Amador County General Services Administrator
Amador County Court Executive Officer
Board of Supervisors Deputy Board Clerk

Documents Reviewed:

County Board of Supervisors meeting minutes
Board of Supervisors tape of meeting, dated October 7, 2003
School Board/Administrative Policies: BP0450, BP3516, BP3516.5 & AR3516
Amador County 2003/2004 Grand Jury Report
Conference of Chief Justices, Conference of State Court Administrators, written testimony by Chief Judge Robert M. Bell, President, Conference of Chief Justices, dated May 3, 2007

Sites Toured:

Argonaut High School
New Amador County Courthouse
Amador County State Preschool
Marilyn Triglia Education Center

Facts:

1. The 2003/2004 Amador County Grand Jury filed a supplemental report to the Amador County Board of Supervisors on June 15, 2004 regarding the Courthouse and its proposed location.
2. The refurbishing of the Begovich Building, which was to become the Amador County Courthouse, was not completed by the deadline, set by Assembly Bill (AB) 1732, of June 2007 for transfer to State control.
3. The State of California has not accepted responsibility of the Begovich Building as the Courthouse for Amador County.
4. The current Courthouse was designed and built to specifications from 1996 statistics, which are totally inadequate to meet today's needs.

5. The Amador County Sheriff is responsible for the safety & security of the Courthouse, its personnel and the public.
6. The Amador County Sheriff and Jackson Police Department's response to any notification of an incident at the Courthouse is five minutes or less. It takes less than one minute for a person to run from the Courthouse to the High School or Preschool, which could create an unsafe/dangerous situation for our children before officers could respond.
7. The Amador County Sheriff's security staff consists of three full- time Bailiffs and seven part-time Bailiffs. Six of the part-time Bailiffs are retirees with law enforcement backgrounds. Several of these Bailiffs are 65 years old or older and in questionable physical fitness condition to be able to respond in the case of an emergency.
8. The Courthouse has built-in security systems to monitor and deter criminal behavior while inside and outside the court facility. However, these systems will not prevent a person whose intent is to escape custody from causing a dangerous hostage situation at one of our schools.
9. There have been at least four terrorist- style attacks on California courthouses in the last two years.
10. The severity of threats and security incidents has been increasing in recent years. Given our population growth, the increase in court cases per year increases the opportunities for incidents. This seriously places the public at significant risk during any incident.
11. No public notices were published, and no public hearings were held by the Board of Supervisors, to elicit public input as to their decision to locate the Superior Court in the Begovich building.

Findings:

1. The 2003/2004 Grand Jury Report, including its findings and recommendations, were not responded to by the Board of Supervisors or any other entity of the County, as required by California Penal Code Section 933.05.
2. The Begovich Building is too small for the Court's current and future needs.
3. It would be more advantageous to relocate the Courthouse centrally, in proximity to the County Detention Facility and District Attorney's offices.
4. Due to the close proximity of the Courthouse to approximately 500 minor children, the present location poses a significant risk to these children possibly encountering an active shooter incident emanating from the Courthouse.
5. The location of the Courthouse has significantly increased intruder incidents at Argonaut High School and Preschool.
6. Incidents at the Courthouse are a catalyst for lockdowns occurring at the High School and other adjacent campuses, interrupting the learning process. Our school's environment should be a safe and secure place for learning, not one that is fraught with potential violence.
7. Moving the Courthouse to a more appropriately zoned location rather than close proximity to a residential neighborhood and schools will significantly reduce the risk of potential injury or catastrophic event at our schools.
8. Because of no signage at the Courthouse, court visitors are intruding on Argonaut High School campus to ask for directions to the Courthouse, creating possible security issues and concerns by school personnel.

Recommendations:

1. The County of Amador and the State of California should work collaboratively to secure a larger, more modern, Courthouse that is more appropriately located.
2. The Amador Superior Courthouse should be relocated to a location away from residential neighborhoods and schools. This relocation would better meet the needs of the citizens of Amador County.
3. The Amador County Superior Courthouse should be relocated to 810 Court Street and the Amador County offices should be relocated to the Begovich Building.
4. Signage should immediately be placed on the Courthouse and adjacent streets to identify the location of the Courthouse. Signage on Argonaut Lane and Hoffman Street should provide precise direction to the Courthouse.

Response Required:

Response to this report is required Pursuant to Penal Code Sections 933, Subdivision (c), and 933.05, from the Amador County Sheriff's Department on Findings Numbers 3, 4 and 7; Amador County Board of Supervisors on Findings Numbers 1, 2, 3, 4, 5, 6, 7 and 8; Amador County Court Executive Officer on Findings Numbers 2, 7 and 8; Amador County Office of Education, Board of Supervisors on Findings Numbers 4, 5 and 6; Jackson City Police Department Chief on Findings Numbers 4 and 7; and the Amador County District Attorney's Office on Findings Number 3.

Response is required Pursuant to Penal Code Sections 933, Subdivision (c), and Section 933.05 from the Amador County Board of Supervisors and the Amador County Administrator of the Court for Recommendations Numbers 1 and 2.

Planning & Environment

Amador County LAFCO/ Municipal Services Review

Introduction:

As authorized by Section 925 of the California Penal Code, the 2007-2008 Grand Jury elected to review the Amador County Local Agency Formation Commission (LAFCO) progress on the Municipal services Review (MSR) currently underway.

Each county in California has been required by California State Law to have a LAFCO since 1963. LAFCOs are independent regulatory commissions created to control the boundaries of cities and most special districts. The Cortese-Knox-Hertzberg Act of 2000, referred to as the Local Government Reorganization Act, was enacted to discourage sprawl by controlling annexations by cities and special districts. In effect, LAFCOs are the Legislature's watchdog over the boundaries of cities and special districts. Besides cities within Amador County (Jackson, Sutter Creek, Ione, Plymouth and Amador City), LAFCO controls the boundaries of spheres of influence. These may include future boundaries and service areas of the eighteen Independent Districts for water, sewer, and fire protection.

Amador LAFCO consists of five Commissioners: two mayors from cities within Amador County, two from the Board of Supervisors and one public member. Funding for Amador LAFCO is provided by Amador County and its five incorporated cities.

Background:

LAFCO is required, by the Cortese-Knox-Hertzberg Act of 2000, to conduct a formal Municipal Services Review (MSR) no less often than once every five years. As part of this MSR, the spheres of influence of each city and special district under its review are established. Spheres of Influence of the five Amador cities and eighteen special districts were adopted in 1988, and some have been amended since that time. The statute required Amador County LAFCO, and all 57 other county LAFCOs, to conduct the formal MSR and adopt the spheres of influence by no later than December 31, 2005. Since this date was not met by some of the smaller counties, this date was relaxed two years to December 31, 2007. Amador County LAFCO did not meet this relaxed deadline either. The 2005/2006 Grand Jury Final Report was highly critical of Amador LAFCOs lack of compliance with the Cortese-Knox-Hertzberg Act, and the Amador LAFCO in general, going so far as to state, "Currently, Amador County does not have an effective LAFCO," among other criticisms. That Grand Jury Report recommended that an effective LAFCO be established by December 31, 2006. The subsequent 2006/2007 Grand Jury Report contained the Follow-Up Report, in which LAFCO responded to the criticisms, pointing out that it did not have "administrative staffing with the knowledge and especially the time necessary to comply with all

state laws and requirements...” and pointed out that the state law increased the duties and responsibilities of LAFCO without providing a means for funding the cost of the additional requirements. In that report, LAFCO pointed out that it had “recently engaged a contract Executive Officer to complete this work.” LAFCO pointed out that, even though it had not complied with the requirements of the Act, “no application has been delayed by LAFCO.”

After the new LAFCO Executive Officer was engaged in February 2006 to complete the requirements of the Act, it was decided by the LAFCO Board, on the advice of the Executive Officer that it would also need to contract with a firm which was experienced and knowledgeable about performing the MSR.

The Request for Proposals (RFP) for a Countywide MSR was made available for proposing consultants on July 10, 2007. By August 15, 2007 six proposals were received in response to the RFP. At a LAFCO Meeting on September 20, 2007, the LAFCO Executive Officer made the recommendation to the Board, after review of the various proposals and extensive negotiations, to contract with Burr Consulting. The LAFCO Board approved a contract with Burr Consulting at a meeting on October 11, 2007 in an amount not to exceed \$117,000. The MSR work is funded by the County, all five incorporated cities within Amador County, and the Amador Water Agency. The projected completion date for the MSR is May, 2008.

Method of Review:

The 2007-2008 Grand Jury’s review of Amador County LAFCO and the Municipal Services Review consisted of the following:

Individuals Interviewed:

Executive Officer, Amador LAFCO
City of Sutter Creek City Manager
City of Plymouth Outgoing City Manager
City of Plymouth Incoming City Manager
City of Jackson City Manager
City of Ione City Manager
Amador County Chief Administrative Officer
Amador County Planning Director
2005/2006 Grand Jury Foreperson
2006/2007 Grand Jury Foreperson

Documents Reviewed:

2005/2006 Amador County Grand Jury Final Report
2006/2007 Amador County Grand Jury Final Report
Various Amador LAFCO Meeting Agendas, Agenda Items and Meeting Minutes
Amador LAFCO Project Status Summary, dated January 2008

Burr Consulting Presentation “Amador LAFCO Municipal Service Review”
“It’s Time to Draw the Line – a Citizen’s Guide to LAFCOs” Article dated May, 2003,
by Tami Bui & Bill Ihrke, published by Senate Publications
“LAFCO Litigation Looms” Article, dated April 19-21, 2007, by Peter M. Detwiler,
“LAFCOs, General Plans and City Annexations” dated August, 1997, Governor’s Office
of Planning and Research
Request for Proposal (for MSR) dated July 10, 2007, by Amador LAFCO
Agreement between Amador LAFCO and Burr Consulting for Professional Consulting
Services, dated October 11, 2007
Amador Municipal Services Review Progress Report by Burr Consulting, dated February
18, 2008
Handouts given to attendees at LAFCO Meetings
Ledger-Dispatch Articles

Sites Toured:

None

Facts :

1. Amador LAFCO is out of compliance with the California State Law which requires a Municipal Services Review be completed and adopted by December 31, 2007.

Findings:

1. Although Amador LAFCO had not become completely effective by December 2006, as the Grand Jury Report of 2005/2006 had recommended, it has made significant strides toward that goal, primarily because of the addition of a highly knowledgeable and experienced Executive Officer, who was retained in February 2006. All of the City and County officials interviewed had high praise for the work of the Executive Officer and the progress made in the last two years by LAFCO. Citizens may access the Amador LAFCO website at www.co.amador.ca.us/LAFCO
2. Amador LAFCO is still out of compliance with California State Law, the Cortese-Knox-Hertzberg Act of 2000 which directs all county LAFCOs to conduct Municipal Services Reviews no less often than every five years. LAFCO was to have completed and adopted the required MSR no later than December 31, 2007, and it will not be completed and adopted until July 2008 per the Executive Officer
3. According to LAFCO Executive Officer and City and County officials interviewed the failure of LAFCO to complete the MSR has not, as yet, affected the approval of any projects or annexations of proposed areas, because updates of general plans are currently underway by each these entities.
4. By not complying with California State Law, Amador County runs the risk of lawsuits from developers who otherwise would have been able to develop land in the areas.

Recommendations:

1. The Grand Jury recommends that all due diligence be employed to assure that Burr Consulting and Amador LAFCO complete its projected MSR work as well and as timely as possible so no projects and annexations and other efforts are delayed by the lack thereof.
2. The Grand Jury recommends that the LAFCO Executive Officer be assigned a permanent office in the County Building, for both accessibility and visibility. Currently the Executive Officer works at a borrowed desk in the Planning Department at the County Building.
3. LAFCO should invest in a Graphic Imaging System (GIS) which will increase the accuracy and efficiency of the plotting of each city's and special district's sphere of influence. Currently, these spheres must be hand-drawn by parcel number, which is inefficient and subject to human error.
4. The addition of a half-time administrative support person (possibly a college student interested in planning issues) is recommended, which would make the Executive Officer's billed time more efficient, effective and economic. Currently, the Executive Officer spends much time doing clerical work which could easily be done by a lower wage person.
5. The Grand Jury also recommends that the 2008-2009 Grand Jury follow up to ascertain progress on the Municipal Services Review effort.
6. As an associated task the Grand Jury recommends that the 2008-2009 Grand Jury assess and report on the progress of all city and county General Plan progress.

Response Required:

Response to the **Findings** and **Recommendations** in this report is required from the Amador County Local Agency Formation Commission and the Amador County Board of Supervisors pursuant to Penal Code sections 933, subdivision (c), and 933.05.

Criminal Justice Detention Facilities

Introduction:

Pursuant to Penal Code Section 919 Subsection (b) the Grand Jury is required to conduct an annual review of the conditions and management of all correctional facilities located within Amador County. As a result, the 2007-2008 Amador County Grand Jury reviewed and toured the daily operations of the following facilities:

Pine Grove Youth Conservation Camp

Background:

The Pine Grove Youth Conservation Camp has been in operation for 63 years. It is a jointly run facility through the cooperation of the California Department of Corrections and Rehabilitation, Juvenile Justice Division, and CAL FIRE. It is located on 80 acres near Pine Grove. It is a training facility dedicated to the rehabilitation of incarcerated juveniles, and conserving California's forest land and natural resources. The facility houses wards that meet the criteria and have been pre-approved to be housed in an outside "camp" setting. During their sentences at the Camp, the wards participate in Education programs, Life Skills development, Fire fighting, and Fire prevention training.

Method of Review:

The 2007-2008 Grand Jury's review of the Pine Grove Conservation Camp consisted of the following:

Individuals Interviewed:

Superintendent
CAL FIRE Division Chief
Nurse, Youth Camp

Documents Reviewed:

Pine Grove Youth Conservation Brochure-Open House November 3, 2005
Organizational Chart
"53 Points of Light"
Quarterly Public Service Report Statistics - April through June 2006
Staff News – June 20, 2003

“Today in California Youth Authority” – 2001 Edition

Sites Toured:

Administrative Offices
Dorms
Dining Hall
Medical Area
Education Area/Classrooms
Physical Fitness room/gym
Work Areas

Facts:

1. At the time of the Grand Jury tour, there were 81 wards between the ages of 18 and 25 assigned to the Camp. All were convicted of crimes before their 18th birthday, making them youth offenders. Each ward is hand picked from other institutions and go through a rigid screening process before being admitted to Pine Grove. No ward is selected that has a history of escaping from another facility by force or violence, is convicted of arson or is a sexual offender.
2. The camp is a working camp. Wards work 8 am to 5 pm with CAL FIRE. Their primary duty is fire fighting and fire suppression and prevention strategies. The wards make up fire teams that respond as needed to fight fires within the State. The latest assignments were the massive fires in the Los Angeles area. When not fighting fires, wards spend their time practicing fire prevention activities within the County and working on community projects such as making Christmas wreaths.
3. The wards at the Camp are evaluated for rehabilitative needs and if deemed appropriate, they are assigned to education and treatment programs from 6 pm to 10 pm.
4. Counselors meet with wards weekly and checkpoints are reviewed every 60 days and each ward is counseled on how they are progressing and where improvement is needed or required.
5. The tour of the camp included all aspects of the daily program at the Facility.
 - Dorm Areas: The inspection of the living areas revealed that the wards are provided with necessary living essentials. The dorms are clean, orderly, and maintained at a comfortable temperature.
 - Dining Area: The Dining area is adequate. It appears to be clean and well maintained. An example of the meals provided to the Grand Jurors was generous in portions, and appeared to be nutritionally balanced.
 - Medical Area: A newly added medical area is small, but it appears medical issues are handled quickly and appropriately thanks to the staffing of a full-time nurse and a Doctor who is on-site twice a week. The Pine Grove Camp has a contract with local area Doctors for issues necessitating urgent care. Wards needing emergency services are transported to the Sutter Amador Hospital in Jackson.

- Education Area: The size of the education area appears to be appropriate for the size of the Camp. The classrooms have recently been renovated and include sufficient materials, textbooks and computers (though no internet access) to facilitate basic typing skills and completing homework assignments.

Findings:

1. Overall, the facility is a well-managed, effectively operated Camp and an asset to the citizens of Amador County and the State of California.
2. The staff members seem dedicated to assisting the wards to become productive members of society upon their release.
3. The wards observed at the Camp were engaged in a number of useful tasks, and all appeared to be content with their living conditions and environment.

Recommendations:

1. When funding is available, the Pine Grove Youth Conservation Camp should pursue the possibility of reinstating the “Community Service” crew that would be dedicated to tasks around the County that would provide public benefit to the citizens of Amador County.

Mule Creek State Prison

Introduction:

The 2007-2008 Amador County Grand Jury reviewed and toured the Mule Creek State Prison on January 11, 2008.

Background:

Mule Creek State Prison (MCSP) is located within the City of Ione. It is a “Sensitive Needs Yards” Facility. Many inmates are post-gang involved and cannot live with the general prison population. Approximately 500 inmates are Enhanced Outpatient inmates with greater mental health issues than standard inmates. When the facility opened in 1987 it was designed for 1700 inmates but now houses over 3600.

Method of Review:

The 2007-2008 Grand Jury’s review of Mule Creek State Prison consisted of the following:

Individuals Interviewed:

Warden, MCSP
Public Information Officer

Budget Analyst

Documents Reviewed:

Mule Creek Overview Booklet

Sites Toured:

Most areas of Mule Creek State Prison.

Facts:

1. Overcrowding continues to be a major issue for MCSP as well as all state prisons.
2. Due to overcrowding, the gymnasiums have been turned into inmate housing using dormitory-like living arrangements with no privacy for inmates and limited security for staff and inmates.
3. Grievances from inmates number about 800 a month with 100 inmates writing over half of the complaints. Most are about medical needs. Inmates request specific brands rather than generics.
4. The prison is under Federal Receivership for mental health and medical issues such as the need to address an aging population.
5. The medical wing, especially the pharmacy area, is small and overcrowded. Plans are being made to improve these facilities.

Findings:

The problem of overcrowding continues to be the major factor in problems with Mule Creek State Prison. It is the opinion of this Grand Jury the State of California is responsible for and needs to take responsibility for the conditions and resolution of those conditions within the State prison system, including Mule Creek.

Recommendations:

None.

Response Required:

None.

Amador County Detention Center

Introduction:

The 2007-2008 Amador County Grand Jury reviewed and toured the Amador County Detention Center (County Jail) on February 13, 2008.

Background:

The County Jail is run and maintained by the Amador County Sheriff's office. It was built in 1984 with some remodeling done in 1999. It was built to house 76 inmates, 65 males and 11 females, in four cell blocks. The jail currently houses nearly 100 inmates daily, 40% serving court ordered sentences to county jail, and others awaiting court dates, transfers to other facilities, or other penal code activities. Correction officers are responsible for continuous security and the safety of inmates and the Corrections personnel.

Method of Review:

The 2007-2008 Grand Jury's review of Amador County Detention Center consisted of the following:

Individuals Interviewed:

Sheriff, Amador County
Under-Sheriff, Amador County
Captain, Amador County Correction Officer
Lieutenant, Amador County Correction Officer
Various staff, Amador County Correction Officers

Documents Reviewed:

Inmate Complaint Form

Sites Toured:

Most areas of Amador County Detention Facility

Facts:

1. From 1999/2000 through 2005, the jail has seen an inmate increase of 112% with only an 8% corresponding increase in Correctional staff.
2. The jail contains four male, one female and one work crew cell blocks. There is one Safety cell for use with unruly inmates, two sobering cells, a recreation yard, a library/video room, a medical room, four visitation booths, one attorney/client room, and a partial kitchen.

3. The Amador County Sheriff's Department uses alternative sentencing programs for population control such as Home Electronic Monitoring, Work Release, and Sheriff's Parole. For non-violent felonies, a "Felony Agreement to Appear" program is in place allowing selected persons arrested for a felony to remain free until their court date. Only after extensive review by the Sheriff's Department is an inmate released.
4. A nurse is available weekdays, 8 am to 5 pm and medical staff is always on call.
5. Two hot meals and one cold meal are served to each inmate using a small partial kitchen. Hot meals are frozen until needed and then heated in an automatic oven. State diet requirements are met for all meals served. Meals are prepared offsite in Stanislaus County and are picked up twice a week by jail staff.
6. Inmates participate in programs for alcohol and narcotics abuse, parenting skills, anger management, high school diploma. Religious services are provided.
7. The Sheriff and County have entered into a partnership with Calaveras and San Joaquin Counties to meet the requirements for California Assembly Bill AB900, which provides funds for prison reform or expansion. This bill would enable the County to build a new prison with a 75% State match for funds.

Findings:

1. The existing County jail provides an overcrowded work/control area that is unsafe for correctional officers.
2. The jail population is well beyond what was established when it was built.
3. With a growing population in the County, overcrowding and security will cause additional strain on the jail system.
4. An increase in the number of correctional officers is needed to meet the requirements of current jail population.

Recommendations:

1. It is imperative that the Sheriff and County Supervisors aggressively pursue the funding provided by State Assembly Bill AB900 and find a way to build a new and modern jail that will provide Amador County a safe and secure working environment for its Correctional Officers and to provide a place for incarceration and rehabilitation of individuals who commit crimes within the county.
2. Additional staff is needed to provide basic security and safety for inmates and correctional officers.

Response Required:

Response to this report is required by the Amador County Sheriff's Department and the County Board of Supervisors pursuant to California Penal Code 933.05.

Preston Youth Correctional Facility

Introduction:

The 2007-2008 Amador County Grand Jury reviewed and toured the Preston Youth Correctional Facility on March 11, 2008.

Background:

Preston currently houses approximately 360 youths ranging from 14 to 25 years of age. Maximum capacity for Preston is 900. Twelve of the fourteen housing units are currently running. Three units are designated as mental health wards. Two units are designated for processing incoming wards who are housed for 45 days while undergoing a treatment needs assessment. Kitchen, medical, and educational facilities are all available at the facility.

Method of Review:

The 2007-2008 Grand Jury's review of Preston Youth Correctional Facility consisted of the following:

Individuals Interviewed:

Warden, PYCF
Treatment Team Supervisor

Sites Toured:

Most areas of Preston Youth Correctional Facility.

Facts:

1. Due to closing of other facilities, the Preston Facility population is expected to increase.
2. Two hot meals and one cold meal are prepared and served on site, and a new cafeteria is being planned with a 2009/2010 expected completion date. The most violent wards eat in their cells while all others eat in the cafeteria.
3. James A. Weiden High School is an onsite, accredited school that provides inmates the opportunity to receive a GED or High School Education. A great number of the wards are eligible and receive Special Education services.
4. Preston provides vocational skills in auto body repair, masonry, and welding, computer and culinary arts.
5. Wards can find work opportunities in plumbing, carpentry, kitchen, warehouse and the janitorial field.
6. Some areas of the facility such as the basketball court, parking lot, and garden area all are in need of repair.

Findings:

Preston seems to be a well run facility. There are many opportunities available for wards to rehabilitate their lives. While the facility is very old, the onsite staff does a good job at maintaining the site. As with all State of California organizations, money is a major inhibitor to improvements in facilities and opportunities for the inmates and staff.

Recommendations:

None.

Response Required:

None.

Education

Amador County Unified School District and County Office of Education School Safety Plans

Introduction:

The 2007-2008 Amador County Grand Jury elected to review and evaluate the Amador County Unified School District's (ACUSD) school safety plans.

This investigation was conducted pursuant to California Penal Code Section 925, Investigation of County Operations, Accounts, and Records.

Background:

This Grand Jury chose to investigate school safety plans after reviewing the 2006-2007 Grand Jury Report. In that report it was noted that the ACUSD Emergency Preparedness Plan and Guidelines had not been updated since 2000-2001. The report went on to recommend that the ACUSD review and revise the plan on a yearly basis.

California Education Code Sections 32280 – 32289 were adopted for the development of school safety plans for all California public schools, Kindergarten through Twelfth Grade. California Education Code Section 32286 states in part “...the plan shall be adopted by March 1, 2000, reviewed and updated by March 1st every year thereafter.”

School Board Policy Numbers BP3516 and BP0450 state in part “... the superintendent and each principal shall develop and maintain a comprehensive site safety plan... in accordance with law, tailored to the specific concerns of each school. Each school shall review and update their safety plan by March 1st of every year.”

Method of Review:

The 2007-2008 Grand Jury's review of the Amador County School District Safety Plan consisted of the following:

Individuals Interviewed:

Superintendent of ACUSD

Principals of the following schools:

Amador High

Argonaut High

Court School

Independence High

Ione Elementary
Ione Junior High
Jackson Elementary
Jackson Junior High
North Star Home School
Pine Grove Elementary
Pioneer Elementary
Plymouth Elementary
Sutter Creek Elementary
Sutter Creek Primary

Fire Chiefs of:

City of Ione
City of Jackson
City of Sutter Creek
Amador Fire Protection District

Law Enforcement:

Amador County Sheriff
Ione Police Chief
Jackson Police Chief
Sutter Creek Police Chief
Local Commander, California Highway Patrol
Office of Emergency Services
School Resource Officer

Former Amador County Chief Administrative Officer
Blue Ribbon Committee Chairperson

Documents Reviewed:

Comprehensive School Safety Plan Template
Safety Plans at various school sites
Emergency Preparedness Guidelines of ACUSD
California Education Code Sections 32280 -32289, School Safety Plan
Requirements
School Board/Administrative Policies: BP0450, BP3516, BP3516.5 & AR3516

Sites Toured:

ACUSD school campuses

Facts:

1. California Education Code Section 32280 requires that all public schools develop a comprehensive school safety plan in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested. Law enforcement agencies include local police departments, county sheriffs' offices, school district police or security departments, probation departments, and district attorneys' offices.
2. Each school was given the Comprehensive Safety Plan template to update to their school needs on October 3, 2007.
3. California Education Code Section 32286 mandates the Safety Plans be updated by March 1st of each year.
4. ACUSD has established a "Blue Ribbon" committee to discuss, evaluate and revise the school safety plans.
5. California Education Code Section 32282 B (II) requires an earthquake emergency procedure system and a DROP procedure practice be held at least once a school quarter in elementary schools and at least once a semester in secondary schools.
6. California Education Code Section 32001 states in part " ... a fire drill shall be conducted a least once every calendar month at the elementary level and at least four times a year at the intermediate levels. A fire drill shall be held at the secondary level not less than twice every school year."
7. Amador County School Board Policy 3516 requires that each site administrator and school secretary shall hold a valid certificate in First Aid and Cardio Pulmonary Resuscitation (CPR).

Findings:

1. Comprehensive Safety Plans at the schools were in the process of being updated.
2. All schools have converted to the Columbine door locks that can be locked from inside the classrooms.
3. All schools have properly working telephones, intercom systems and fire alarms.
4. Most school classrooms do not have window coverings that can be used during lockdown procedures.
5. The Safety Plan was not developed in conjunction with local law enforcement agencies.
6. Disaster procedure drills have not been performed per the Education Code requirements.
7. Disaster procedure drills have not been monitored by the ACUSD Superintendent.
8. The Blue Ribbon Committee does not have a law enforcement representative as part of the committee.
9. Schools are vulnerable to disaster procedure problems since the Safety Plan has not been fully implemented or reviewed by all Law enforcement agencies.
10. Only one school administrator has a valid First Aid and CPR certificate. No school secretaries hold a valid First Aid and CPR certificate.
11. Not all Disaster procedure drills have been practiced as outlined in the Comprehensive School Safety Plan Section 11, Appendices A – IIC.

Recommendations:

1. Safety Plans should be implemented in accordance with the guidelines outlined in the Safety Plan Template.
2. Disaster preparedness drills at all the schools should be performed as required by the State Education Code and the School Comprehensive Safety Plan.
3. The Superintendent should work directly with organizations such as OES and local law enforcement agencies to comply with ACUSD BP 3516.
4. Copies of the safety plan should be given to each Amador County Sheriff, CHP and each police and fire department in the County.
5. The Attorney General's Crisis Response Box Program should be considered for implementation. Contact OES to utilize the newly awarded grant.
6. The Law Enforcement Agencies and Fire Departments should be kept current as to the safety contact person at each school site relative to each agency's jurisdiction.
7. Disaster preparedness drills should be attended and evaluated by law enforcement and fire representatives at least once yearly.
8. All schools should have the necessary equipment to insure maximum safety, i.e., two-way radios, bullhorns, first aid kits in every classroom, adequate window coverings in every classroom.
9. During a disaster cell phones should not be relied on as a primary method of communication as reception may not always be reliable and too many calls may overload the circuits. The two-way radios would be a much more reliable and instant source of communication.
10. Other disaster preparedness drills not covered in the Education Code but outlined in the School Safety Plan Template should be practiced at least twice a school year.
11. Each school should require that at least four persons hold a current certification in both CPR and First Aid.

Response Required:

Amador County Unified School Superintendent and Amador County School Board, pursuant to Penal Code Section 933, Subdivision (c), and Section 933.05.

Amador County Sheriff's Department, pursuant to Penal Code Section 933, Subdivision (c), and Section 933.05.

Amador County Grand Jury 2007-2008 Citizen Complaints

Case number	Date received	Description
001-07	08/10/07	Citizen complaint against Amador Sheriff's deputy, alleging rude behavior. <i>Further review resulted in an investigation by the 2007-2008 Grand Jury.</i>
002-07	08/24/07	Anonymous citizen complaint against Mule Creek State Prison water contamination. <i>No return address given and unsigned, therefore, no action was taken.</i>
003-07	08/24/07	Citizen requesting Complaint forms. <i>Letter written and forms included.</i>
004-07	10/23/07	Citizen complaint against the Amador County Sheriff's Office alleging lack of response/improper response to a 911 call. <i>Further review resulted in an investigation by the 2007-2008 Grand Jury.</i>
005-07	11/13/07	Citizen complaint against Amador County Sheriff's Office alleging deputy misconduct and harassment. <i>Further review resulted in an investigation by the 2007-2008 Grand Jury.</i>
006-08	02/28/08	Citizen complaint against Homeless Shelter –given to Health & Welfare committee. <i>After initial review by 2007-2008 Grand Jury, case referred for further investigation by 2008-2009 Grand Jury.</i>
007-08	02/27/08	Citizen complaint against Mule Creek State Prison alleging violation of right of privacy. <i>Complainant could not be located; no action taken.</i>
008-08	02/28/08	Citizen complaint against Ione Police Department alleging bias in hiring. <i>Case resolved by new Ione Police Chief; no action taken.</i>
009-08	04/03/08	Citizen Complaint against Mule Creek State Prison staff alleging abuse. <i>After initial review by 2007-2008 Grand Jury, case referred for further investigation by 2008-2009 Grand Jury.</i>
010-08	04/03/08	Citizen Complaint against Jackson Valley Fire District, alleging misconduct. <i>After initial review by 2007-2008 Grand Jury, case referred for further investigation by 2008-2009 Grand Jury.</i>
011-08	03/20/08	Citizen Complaint against Amador County Sheriff's Office alleging deputy misconduct and harassment. <i>Initial review revealed the case is pending internal investigation; however, case referred for further investigation by 2008-2009 Grand Jury.</i>
012-08	04/17/08	Citizen Complaint against Mule Creek State Prison. <i>Complainant could not be located; no action taken.</i>
013-08	05/30/08	Citizen Complaint against Amador County Unified School District. <i>Further review resulted in an investigation by the 2007-2008 Grand Jury.</i>
014-08	05/30/08	Citizen Complaint against Sutter Creek Police Department. <i>Due to time constraint, case referred to 2008-2009 Grand Jury for further investigation.</i>

Follow Up Reports and Responses to the 2006-2007 Grand Jury Reports

Each year the Grand Jury follows up on agency and public official responses to the Grand Jury Findings and Recommendations of the previous year.

As required by the Penal Code Section 933.05, a Public Agency must respond within 90 days addressing the response to the presiding judge of the Superior Court. An Elective Officer or Agency Head must respond within 60 days to the presiding judge of the Superior Court and provide an informational copy to the Board of Supervisors.

All respondents are given the criteria to follow in responding to all Grand Jury findings and recommendations. The responses contained in the following pages are exactly as they were received from the responding parties.

California Penal Code section 933.05:

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

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

(b) For the purposes of subdivision (b) of section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following actions:

- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame from implementation.
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

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

(d) A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person

or entity in order to verify the accuracy of the findings prior to their release.

Mule Creek State Prison Wastewater Treatment Plant

Introduction:

The 2007-2008 Amador County Grand Jury chose to investigate the following items: Mule Creek State Prison's untimely and/or nonconforming response(s) to the Findings and Recommendations of the 2006-2007 Amador County Grand Jury; the level of compliance with the California Regional Water Quality Control Board Central Valley Region's Cease and Desist Order No. 25-2006-0130; the methodologies being used to reduce effluent quantities by Mule Creek State Prison, the CAL FIRE Academy and Preston Youth Correctional Facility; a complete explanation of the funding of the clean water connection(s) provided to families whose freshwater wells were contaminated; and the possibility of the hot water "steam loop" system being a source of contaminants as alleged in an anonymous complaint to the 2007-08 Grand Jury.

Background:

The 2006-2007 Amador County Grand Jury found that Mule Creek State Prison was unable to properly treat its own effluent as well as the CAL FIRE Academy and Preston Youth Correctional Facility. As a result there was evidence that the wastewater was seeping into local well water and seven recommendations were awaiting reply by Mule Creek State Prison per California Penal Code Section 933.05 (a), (b), (c), (d) & (e).

Method of Investigation:

Individuals Interviewed:

Warden
Public Information Officer
Chief of Plant Operations
Budget Analyst
California Regional Water Control Board Administrator

Documents Reviewed:

Pages 42, 43 and 44 of the 2006 -2007 Amador County Grand Jury Final Report
The "California Regional Water Quality Control Board Central Valley Region "Cease and Desist" Order No. R5-2006-0130
Sacramento Bee Article titled "Clean Water Act Prison hopes helping neighbor will start ripples of good will" Wednesday, November 21, 2007.

Site Toured:

Mule Creek State Prison.

Facts:

1. Mule Creek State Prison was ordered by the Cease and Desist Order No. R5-2006-0130 to reduce outflows by 20% from the then normal average of 740,000 gallons in 2007 and then by an additional 10% in 2008.
2. Mule Creek State Prison has installed flow limiting devices in all of the lavatories in the prison.
3. At the time of the 2007-2008 Grand Jury's meeting with the Prison staff neither the CAL FIRE Academy which contributes 5% the wastewater totals, nor Preston Youth Correctional Facility contributing 20% of the wastewater had been involved in a comprehensive plan of action for reducing their wastewater inflows to Mule Creek State Prison.
4. The 298 acres of spray fields, where the treated wastewater is disbursed, have new larger water cannons to aid in the dispersal of treated effluent.
5. Test wells spread about Mule Creek State Prison's property have shown significant reductions in contaminant tetrachloroethylene (aka perc) since the Prison closed its dry cleaning plant.
6. Mule Creek State prison has been providing bottled drinking water to families whose wells were found to have been contaminated. In addition the Amador County Board of Supervisors obtained grant monies from the State to have the Amador Water Agency install clean water lines to these families' properties at no cost to them. At the time of the meeting with the Prison's personnel only one family had utilized this grant money. The \$18,000 cost of installation for the new water line was repaid to the County by Mule Creek State Prison.
7. Mule Creek State Prison is under no obligation to continue to provide bottled drinking water to these three families.
8. The "Steam Loop" is a closed hot water heating and general usage underground piping system that encircles Mule Creek State Prison and uses fresh water from the Amador Water Agency in its operation.

Findings:

1. At the time of the meeting with the Mule Creek State Prison personnel, the actual outflows from the Prison's system had been reduced by 240,000 gallons without any reduction of inflows from either the CAL FIRE Academy or Preston Youth Correctional Facility.
2. Amador County monies for the clean water connections were reimbursed by Mule Creek State Prison.
3. Installing clean water connections using County grant monies are the responsibility of the three remaining families whose wells were allegedly affected.
4. The Steam Loop is not a source of contamination.
5. It appears the dry cleaning facility, which has since ceased operation, was the source of the contamination.

Recommendations:

1. The 32.4% reduction in outflows will be documented by the Prison and presented to both Amador County and State Water Quality agencies indicating compliance with mandated reductions.
2. The reduction should be part of a comprehensive plan that includes allocating appropriate responsibility for outflow reductions to both the CAL FIRE Academy and Preston Youth Correctional Facility.
3. The County should initiate the process of getting each of the remaining families on a clean water connection and solidify the Prison's ability to reimburse the County.
4. The 2007-2008 Amador County Grand Jury should continue to monitor the status of the wastewater programs at Mule Creek State Prison as soon as possible after their empanelment.

Response Required:

Response to the **Findings** and **Recommendations** in this report is required from the California Department of Corrections and Rehabilitation and Mule Creek State Prison pursuant to California Penal Code Section 933.05 (a), (b), (c), (d) & (e).

Westover Field (Amador County Airport)

Introduction:

The 2007-2008 Amador County Grand Jury elected to continue the review of Westover Field (Amador County Airport) begun by previous Grand Juries. This review was conducted pursuant to Penal Code Section 925.

Background:

Westover Field is a general aviation airport with hangars, tie downs, and fuel and aircraft maintenance services.

Amador County General Services Administration Director (GSAD) is responsible for overall operations and activities relating to Westover Field. The GSAD is appointed by the Amador County Board of Supervisors. The current GSAD was appointed in 2006 and had worked as an assistant to the previous GSAD for approximately seven years.

Method of Review:

The 2007-2008 Grand Jury's review of the Amador County Airport consisted of the following:

Individuals Interviewed:

General Services Administration Director
Public Services Director
Airport Manager

Documents Reviewed:
Previous Amador County Grand Jury Reports on Westover Field.

Sites Toured: Westover Field

Facts:

Recommendations made by 2006-2007 Grand Jury noted appropriate personnel should:

1. Institute designated parking areas;
2. Complete the Westover Field Master Plan;
3. Re-inspect several hangars;
4. Evaluate payment of electrical use in the hangars;
5. Continue to review airport lease agreements to determine accountability for electrical use in the future.

Findings:

The Grand Jury commends the General Services Administration Director, the Public Services Director, and the Airport Manager for their timely and diligent efforts at addressing the recommendations.

1. The entrance to the field is now gated and vehicles enter using assigned access cards.
2. Parking areas have lined spaces.
3. Appropriate signage is awaiting clarification from Code Enforcement and the Board of Supervisors.
4. To date, 95% of the hangars have been inspected for fire code compliance.
5. Discussions are in place regarding best use of the hangars.
6. Utility charges are meter-controlled based on hanger square footage.
7. Monthly Airport Committee and Airport Advisory Committee Meetings include discussions on Airport Codes, building codes regarding hangars, and business plans.

Recommendations:

1. The GSAD should continue his diligent effort to get the current and future hangar tenants to abide by the county codes.

Response Required:

Response to this report is required from the Amador County Transportation Committee pursuant to Penal Code Sections 933, Subdivision (c), and 933.05.

Grand Jury Facilities

Introduction:

The 2006/2007 Grand Jury noted in their report the terrible state of the Grand Jury offices and the need to find a more usable facility.

Background:

Several alternate sites were explored but previous Grand Juries were unable to finalize a suitable location in any of the current county buildings. Subsequently, the Follow-Up Committee of the 2007-2008 Grand Jury contacted several county officials. A County Supervisor stepped forward and facilitated the Jury's move to the new Health and Human Services Building.

Facts:

1. The previous GJ Offices were located in an old, dilapidated building behind the old Amador County Court House.
2. The facility was too small for the entire GJ to comfortably hold meetings or interviews, and with the closure of the Court House, there were safety concerns due to the isolated location.

Findings:

1. There was a critical need for a new facility.
2. The Grand Jury Office is now located in the Health & Human Services Building, Conductor Blvd., Sutter Creek.

Recommendations:

None. Please see the attached letter to the Board of Supervisors, and picture, page 39.



**AMADOR COUNTY
Grand Jury**

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

March 13, 2008

Richard M. Forster, Chairman
Amador County Board of Supervisors
810 Court Street,
Jackson, CA 95642

Dear Chairman Forster,

The members of the 2007/08 Grand Jury would like to thank you and all the Board of Supervisors, Richard Escamilla, Theodore Novelli, Louis Boitano, and Brian Oneto for taking the time out your busy schedules to secure a facility for the County Grand Jury located at the new County Health and Human Services Building.

In 2006/2007, the Grand Jury reviewed and reported on the old Grand Jury facility.
The final report stated in brief:

The building is located in an old dilapidated building, not large enough to accommodate all nineteen members at the same time. In addition, the building is poorly secured, thereby placing the confidentiality of the Grand Jury's work at risk. The report recommended the Amador County Board of Supervisors relocate the Grand Jury Office to a facility that will accommodate all nineteen members while providing the necessary space for data, records, files and a confidential, secure environment

Well, you listened and took action.

While the old building located behind the old courthouse had some character and probably an interesting history, it's going to be outstanding to have a safe and secure location that can accommodate the entire Grand Jury and actually has heat and air conditioning along with all the other modern conveniences it has to offer.

Also please extend our sincere thanks to Jon Hopkins and the numerous other county administrative staff that have been so helpful getting us settled.

Thanks again

Respectfully,
Steve McLean

Steve McLean, Foreman 2007/08 Amador County Grand Jury

The Old Grand Jury Office

