

2013-2014  
AMADOR COUNTY CIVIL GRAND JURY  
FINAL REPORT



June, 2014

Cover Art Courtesy of C Berglund 2014





# AMADOR COUNTY

## Grand Jury

MAIL: P.O. Box 249, Jackson, CA 95642 – Phone: (209) 223-2574 – Fax: (209) 257-1471

June 21, 2013

The Honorable Judge Hermanson, Presiding Judge  
Amador County Superior Court  
500 Argonaut Lane  
Jackson, CA 95642

Dear Judge Hermanson,

We are proud to present to you the Final Report of the 2013-2014 Amador County Grand Jury. This report contains investigations and recommendations based on what the Grand Jury believes serve the residents of Amador County.

We commend County staff for trying to provide the best services they can offer to our residents. We also praise those who work to make our government more efficient and transparent. Conclusions in this report were evaluated against the ability of the County departments and agencies to accomplish the recommendations and I feel we have only recommended items that are achievable.

We believe we completed our mandated responsibilities regarding those complaints and suggestions submitted to us by County residents. I know that all members of the Grand Jury worked together putting in extensive hours in interviews, document reviews, and thorough analyses of the facts obtained in a fair and unbiased manner.

I want to personally thank my fellow Grand Jurors for their dedication, hard work, professionalism, and humor. The cooperation and extensive efforts of these people helped produce a final report that is thorough and well documented.

The Grand Jury would also like to extend our appreciation to Jennifer Magee of the County Counsel's Office for her legal assistance in all of our questions. We would like to thank Heather Gardella, your assistant, for her help and coordination efforts. Lastly, we would like to thank you for your support, words of encouragement, and direction throughout the year. This helped us stay focused and on task.

Respectfully submitted,

*Mark Patrick*

Mark Patrick, Foreperson  
Amador County Grand Jury 2013-2014



**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF AMADOR**

---

500 ARGONAUT LANE • JACKSON, CA 95642  
(209) 257-2600

*BARBARA COCKERHAM, COURT EXECUTIVE OFFICER*

May 29, 2014

Mark Patrick, Foreperson  
Amador County Grand Jury  
PO Box 249  
Jackson, CA 95642

Re: Amador Grand Jury 2013-2014

Dear Foreperson Mark Patrick, Foreperson Pro Tem Marianne Bourgeois, Cathleen Berglund, Robert Cowan, Jeannine Crew, Charles Dunlop, Kim Brandson, Richard Honey, Judith Medford, Jack Mullin, Robert Passeri, Karen Patterson, Leslie Robison, Linda Sciallo, Marlin Smith, Jerry Strehl, James Todd, Linda VanVleck, and Julia Wilder:

I wish to thank each of you for the hard work and dedication shown during the past year on the Amador 2013-2014 Grand Jury. You have taken your duties seriously and spent time away from family, friends and other responsibilities in order to produce an insightful, professional report.

Mr. Patrick, your excellent leadership as foreperson is well noted, and the other members' efforts in assisting are apparent. On behalf of the residents of Amador County, thank you for the generous donation of your time and commitment to the grand jury. Your work will ensure improvement and confidence in our local government.

Wishing each of you a well earned retirement from your yearlong duties.

Sincerely,

Judge Susan C. Harlan

Judge J.S. Hermanson

To the 2014-2015 Grand Jurors,

We want to start by welcoming you to your new role as a Grand Juror. We, the 2013/2014 Grand Jury want to tell you that you are embarking on a challenging, but rewarding journey. We cannot encourage you enough to participate at the highest level at which you are able in this endeavor. Grand Jury service is a rare opportunity for citizens to exercise their legal right to peek behind the curtain of our county government's policies and actions. You will discover where our government either excels or has fallen short as you take on your new oversight and investigative role. We, as citizens that now fully understand the power and rights of the Grand Jury, charge you (the 2014-2015 Grand Jury) to hold our county government, its entities, elected officials, and employees accountable for their choices and actions.

We have found many areas where our county is operating at a high level of efficiency with integrity and feel that a Grand Jury should encourage and praise those county departments/entities with positive reporting. You will see that we have done this in our final report. We encourage you to take your responsibility seriously. You are charged to bring to light any behavior or action that endangers the public trust.

Grand Jury members feel that our elected and appointed officials serve us, the citizens. Once elected or appointed, some officials forget this principle. Behavior that is rude, mean, vindictive, impolite, and dismissive (especially to those with opposing views) –is inappropriate for anyone, but definitely is totally unacceptable for elected and appointed officials, or our county employees. It is important that all citizens have a voice. **You are now the voice for these citizens.**

All Grand Juries struggle to begin their year of service and determine which investigations to undertake. The Grand Jury is tasked with investigating county agencies and responding to citizen complaints. Complaints can cover a wide variety of topics. Some will be in your jurisdiction and some will be outside your jurisdiction. Some may lead you into areas of concern that do require further inquiry. As a Grand Jury member you are charged with speaking for the residents of the County.

Thank you for serving and good luck in helping to keep our government working efficiently and fairly.

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## **RESPONSES TO THE 2012-2013 GRAND JURY FINAL REPORT**

Published previously under separate cover May 27, 2014

# 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 finding. 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.

## History of the Grand Jury

The grand jury is an investigatory body created for the protection of society and the enforcement of law. The U.S. Constitution's Fifth Amendment and the California Constitution call for grand juries. Grand juries were established throughout California during the early years of statehood. As constituted today, the grand jury is a part of the judicial branch of government, an arm of the court.

In Amador County, the grand jury is impaneled annually and is comprised of 19 members. The Superior Court Judge appoints a foreperson who presides at all full jury proceedings and is responsible for directing the business of the grand jury. Grand jurors are officers of the court, but work as an independent body. It is critical to the effectiveness and credibility of the grand jury that all members function without influence from outside parties.

The grand jury serves as the “watchdog” of all branches of the county and city governments. It is not answerable to administrations, politicians or legislators. The grand jury represents the public and the public interest. The grand jury may examine all aspects of county and city government and special districts to ensure the best interests of its citizens are being served. The grand jury reviews and evaluates procedures, methods and systems utilized by county government to determine whether more efficient and economical programs may be employed. All complaints to the grand jury are confidential, as are all grand jury proceedings.

The grand jury is authorized to:

- inspect and audit county books, records, and financial expenditures to ensure public funds are properly accounted for and legally spent
- inspect and report on the performance of financial records for special districts or commissions in the county
- inquire into the conditions of jails and detention facilities within the county
- investigate and report on charges of willful misconduct in office of public officials or employees
- investigate and report on “questionable business practices” of public agencies
- investigates citizen complaints that fall under the grand jury’s jurisdiction

All grand jury finding and recommendations are issued in a written report at the end of each fiscal year. Each report must be approved by at least 12 members of the grand jury. Within 90 days following issuance of a report, officials responsible for the matters addressed in the report are required to respond in writing. The new grand jury reviews the responses of the affected public agencies. Grand jury reports become public record and are available for viewing on the website at: [www.amadorcourt.org/gi-civil-grandJury.aspx](http://www.amadorcourt.org/gi-civil-grandJury.aspx)

## 2013-2014 AMADOR COUNTY GRAND JURY



Cathleen Berglund

Rob Cowen

Richard Honey

Bob Passeri

Linda Sciallo

Jim Todd

Marianne Bourgeois

Jeannine Crew

Judy Medford

Karen Patterson

Marlin Smith

Linda Van Vleck

Mark Patrick, Foreman

Kim Brandson

Chuck Dunlop

Jack Mullin

Les Robison

Jerry Strehl

Julia Wilder

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**COUNTY ADMINISTRATION COMMITTEE**

**HEALTH AND HUMAN  
SERVICES BUILDING LEASE  
WE DID THE MATH!**



# **COUNTY ADMINISTRATION COMMITTEE**

## **Health and Human Services Building Lease**

### **We Did the Math!**

#### **EXECUTIVE SUMMARY**

Presently, Amador County (County) is paying grossly excessive rent for the Health and Human Services (HHS) Agency offices. This is the consequence of relying on data generated by problematic mathematical procedures when projecting County growth combined with inexperienced staff and a lack of due diligence by the County and the Board of Supervisors (BOS) members themselves. The cost of the lease - \$1.4 million per year – caused the 2013-2014 Grand Jury (Grand Jury) to research further into the lease, its history and its negotiations. Two leases were negotiated: the first in 2006 and a renegotiated lease in 2008. In the course of its investigation, the Grand Jury found flaws with literally every aspect of the lease negotiation process. The end result is a commitment to continue the current lease for 5 extra years at a cost of over \$7 million dollars, when a less expensive lease could have been obtained.

Over the course of the investigation, the Grand Jury discovered there are no written policies and procedures in place to direct staff in acquiring property either by lease or by purchase. Additionally, the team that the BOS assembled to negotiate the lease was not experienced in space needs or building designs. Staff, as well as BOS members, apparently never personally read or analyzed the lease documents. Simple math would have identified the excessive costs associated with the lease.

In the original lease, the County agreed to pay \$2.43 per square foot which was significantly higher than the next highest commercial lease in the county at \$1.70 per square foot, and approximately twice the going rate for commercial lease space. There was no apparent reason to renegotiate the lease in 2008. In short, the County went from a bad lease to a horrible one. The lease rate (\$2.43 per square foot) stayed the same. An out-clause allows the County, under certain circumstances, to terminate the lease. But the county-out-clause was removed and the lease extended by 5 years. Clearly, neither the BOS nor County Administration did the math, because the effect of removing the out-clause and extending the lease added \$7.14 million (\$7,144,200) to the total cost of the lease. This conclusion was corroborated by all county officials and current and former county employees interviewed. The 2008 lease is a legal and binding document with no provisions for renegotiation or termination.

The County received \$400,000 cash from the building owner in exchange for these concessions. The purpose of the \$400,000 was never clearly identified but was apparently a fix for a significant shortfall in the HHS budgets. It is interesting to note that the person requesting the space also became the lead negotiator for the HHS lease and project manager for the building design.

Assuming \$7.14 million in future indebtedness for \$400,000 cash in hand is a very bad deal. This report will detail the negotiations of both leases identifying what the County gained and what it

lost at each step. The report will also identify how staff work was conducted and how members of the BOS used or misused the information provided by staff.

When comparing the terms of the 2 leases, it is obvious that the terms of the second are considerably less favorable for the county than those in the first lease. Clearly, the \$400,000 cash payment by the building owner bought the favorable terms of the second lease. The wording in the renegotiated lease leaves no doubt what the \$400,000 was purchasing.

*"FOR VALUABLE CONSIDERATION, receipt of which is acknowledged, the parties therefore amend and completely restate the Lease Agreement as set forth below:"*

During the 2007-2008 fiscal year, the County was addressing monetary issues - too little revenue to pay for too many expenses. HHS also had a recurring operating budget deficit due to a variety of factors that were closely related to too little revenue to pay for too many expenses. It is obvious that a sizeable budget shortfall is problematic. What is inexplicable to the Grand Jury is the strategy chosen by the BOS to resolve the problem. The renegotiated lease included a cash payment of \$400,000, the purpose of which was never explicitly stated in the lease document. Before the 2008 lease was executed, the County admitted that there was an "increased risk" in amending the lease language: removing the review and out-clause of §3.5.2 in the lease, and extending the terms of the lease, in exchange for \$400,000. (Appendix A) The effect of this was assuming an additional cost of \$7,144,200 of future indebtedness.

During the course of this investigation, the Grand Jury found that the County has no written policy or procedure to direct staff in acquiring property, either by lease or by purchase. Additionally, there is no requirement that the department requesting the space needs to perform a cost-benefit analysis prior to any property negotiations. Trading favorable terms, even though at an excessive cost, for bad terms and the same costs, ended up being an expensive transaction to the County. There are ways to prevent this from happening in the future.

The Grand Jury recommends that:

- negotiators should be experienced in property acquisition
- the BOS decisions to acquire property, leased or purchased, should be public and should include the costs and the benefits of the property transactions
- any monies received by the County as a donation, gift, or "valuable consideration" should be publically recognized in an open BOS session

## **INTRODUCTION**

The Grand Jury researched several areas of County Administration for potential investigation: the County's bidding process as related to specific bids; the health and safety policies and procedures at the County Airport, with a focus on code enforcement; County assets; and County owned and leased properties, buildings, and land. The County's General Services Administration (GSA) is responsible for real property and provided the Grand Jury with a listing of properties held – owned or leased. The most obvious item stood out on the leased property listing: the lease for the HHS Building located on Conductor Boulevard. The lease costs exceed \$1.4 million per year.

The amount alone caused the Grand Jury to research further into this lease. An investigation was authorized to determine the cost-benefit of the HHS lease to the County.

The Grand Jury discovered that HHS originally occupied 2 buildings for a total of 22,800 square feet at a cost of \$206,000 per year. These buildings were unsatisfactory for both employees' health and staffing needs. These needs became the foundation for looking for larger space without the health issues and would address staff growth. The cost for both of these buildings was less than \$0.76 per square foot.

**THE MATH:**

(\$17,147 cost per month) TIMES (12 months) EQUALS (\$205,764 per year)  
(\$17,147 cost per month) DIVIDED BY (22,800 sq ft) EQUALS (\$0.752 per sq ft)

**AUTHORITY**

Under Penal Code §925, the “grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. . . The investigations may be conducted on some selective basis each year. . .”

**METHOD OF STUDY**

For the investigation into leasing costs, and terms and conditions of the HHS lease specifically, the Grand Jury interviewed several BOS members, former and current County employees, and management. The BOS agendas, minutes, and backup packet materials from February, 2007 through May, 2008 were reviewed. The actual lease documents and correspondence between the County and the property owners and managers were also reviewed. Financial records for the HHS Agency were analyzed and fund transfers as approved by the BOS were tracked. Research into adjacent counties' policies and procedures regarding leasing of real property by the counties was also conducted.

**DISCUSSION**

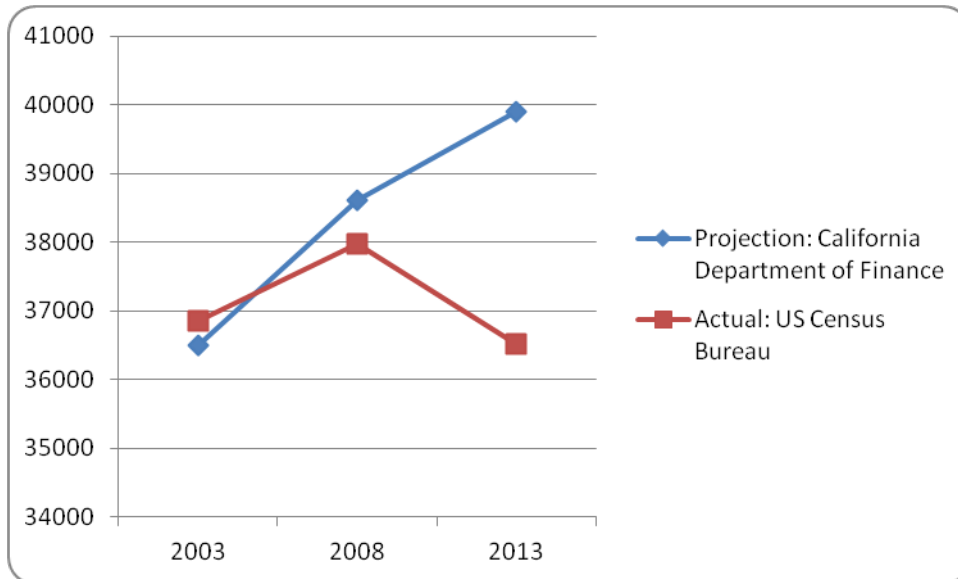
**The Need:**

In 2003, the County contracted with a firm to provide a space needs assessment for future County needs. The study was based on population growth and an increased need for services by the residents of the County. The space needs study group considered population growth using the California State's Department of Finance projections. This data became the basis of the HHS Agency's request for additional office space. According to these projections, the County was expected to increase in population by 14.9% by 2023<sup>1</sup>. In actuality, the County's population increased slightly between 2003 and 2006, and then began a decline that continues to this day.

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<sup>1</sup> County of Amador: *Space Needs Assessment of County Facilities*, 3 March 2004

Amador Population Projection versus Actual



The projections were made on linear assumptions based on prior years where there has been a population increase. Because there were increases in the past, it was assumed that the increases would continue into the future. This assumption, however, is simply not correct.

Further considerations were given to the increase in mandated services for those departments such as Social Services. The study indicated that the staff for Health and Human Services Agency (HHS) would increase 36% in 20 years (2003 to 2023). The HHS occupied a 23,000 square foot multi-building facility. Projected space requirement as per this study increases the agency to 43,900 square feet by 2023.

The BOS adopted the 2003 Space Needs Assessment on March 3, 2004. The departmental request for more space was already based on 3 year old data.

Based on interviews with the BOS members and current and former county management, the HHS Agency department head was allowed to be the project manager – presenting the need for space to the BOS and directing the space needs, build-outs, etc. HHS staff used the County's Facilities Master Plan dated August 2003 to determine space needs for HHS.

**Space Needs Assessment of County Facilities  
Summary Staff and Space Requirements  
Health and Human Services Agency**

	2003	2008	2013	2018	2023
California Department of Finance Population <b>Projection</b>	36,500	38,620	39,900	40,900	41,923
Total Staff Needs	118	126	140	152	161
Total Building Gross Square Feet	36,342	37,445	40,578	42,398	43,906

Despite the County Facilities Master Plan projections, HHS staff determined, on its own, that the current need would be 49,000 square feet by 2023. This is a 5,220 square foot increase over the professional estimate of 43,900 square feet provided in the space needs study. No justification could be located for the additional 5,220 square footage. Simple math for just the extra square footage cost the County \$12,699 per month or \$152,390 per year.

**THE MATH:**

(5,220 sq ft) TIMES (2.43 cost per sq ft) EQUALS (\$12,685 cost total sq ft per month)  
(\$12,685 total cost per month) TIMES (12 months) EQUALS (\$152,220 per year)

A cost-benefit analysis has two purposes:

1. To determine if it is a sound investment/decision (justification/feasibility)
2. To provide a basis for comparing projects and involves comparing the total expected cost of each option against the total expected benefits, to see whether the benefits outweigh the costs, and by how much

A Request for Proposal (RFP) was issued in February, 2006 to determine availability of property that could meet the space needs and payment terms of the HHS Agency. The County received 4 proposals and on March 28, 2006 the BOS awarded the agreement. The BOS appointed the HHS Department Head to be the lead on the lease negotiations team. The Grand Jury could find no written specific constraints directing the negotiation strategy.

**The Lease Document of 2006:**

The original lease agreement was approved by the BOS in October 17, 2006 (agenda item 4c) and became effective that same date. The term was for 180 months (15 years) and included 49,000

square feet of space. There were 3 additional 5-year extension options included. Also included was a “Termination by County” clause:

- “3.5.2 On or after July 1, 2015, the County may terminate this lease, at its sole option, upon notice . . . in the event (i) there is a cancellation or reorganization of the programs housed in the Premises; or (ii) the funding . . . for which the Premises were leased is materially reduced or withdrawn. In addition, on or after July 1, 2015, County may terminate a portion of this Lease in the event of loss of funding for any program or department housed in the Premises . . .” (see Appendix C)

<b>ORIGINAL 2006 LEASE</b>	
ENTERED INTO	10-17-2006
TERM	180 months (15 years)
COMMENCE DATE	12-01-2007
RENTABLE SQ FT	49,000
INITIAL BASE RENT/MONTH	\$2.43 sq ft per month (\$119,070 per month)
LEASE EXTENSION OPTIONS	3 additional 5-year periods - same terms & conditions with base rent adjusts (Exhibit C)
TERMINATION BY COUNTY	- On or after 7/1/2015: can terminate if cancellation or reorganization of programs housed - funding has been reduced or withdrawn

**The Lease Document of 2008:**

In 2007, less than 1 year after entering into the lease for the HHS Building and after occupancy, a team was put together to renegotiate the terms of the lease. On May 22, 2007, the BOS discussed in Closed Session the HHS facility and funding options.

*Agenda item F1: “Discussion and Possible Action Relative to the New Health and Human Services Facility and Funding Options. (Property negotiators: County Administration and GSA)”*

Closed session minutes regarding real estate/negotiations/acquisitions are confidential per Government Code §54956.8. However, in BOS meetings open sessions, there was no reason given for renegotiating the lease terms.

The 2008 Amended Lease was approved on the BOS Consent Agenda on March 4, 2008 (item 4C) – there was no public discussion. Upon Grand Jury review, the HHS Amended Lease and negotiations of such were not discussed at any County Administrative Committee meeting or any previous BOS meeting, either in closed or open session, between February, 2007 and May, 2008.

<b>AMENDED 2008 LEASE</b>	
ENTERED INTO	03-04-2008
TERM	<b>240 months (20 years)</b>
COMMENCE DATE	12-10-2007
RENTABLE SQ FT	<b>49,126</b>
INITIAL BASE RENT/MONTH	\$ 2.43 per sq ft (\$119,070 per month)
LEASE EXTENSION OPTIONS	2 additional 5-year periods - 1 additional 4-year period
TERMINATION BY COUNTY	<b>DELETED</b>

The original lease had an option for a review and renegotiation in July, 2015. Section 3.5.2 was removed from the 2008 lease, thus eliminating the review option in July, 2015 by the County. The new terms extended the original lease from 15 years with a review at 7-1/2 years to 20 years with no review and no out-clause, at the same cost per square foot rate (\$2.43). The effect of this change has added \$7,144, 200 to the cost of the lease.

**THE MATH: 2006 lease costs:**

(\$119,070 cost per month) TIMES (12 months) EQUALS (\$1,428,840 per year)

(\$1,428,840 cost per year) TIMES (15 years) EQUALS (\$21,432,600 total cost of lease)

**2008 lease costs:**

(\$119,070 cost per month) TIMES (12 months) EQUALS (\$1,428,840 per year)

(\$1,428,840 cost per year) TIMES (20 years) EQUALS (\$28,576,800 total cost of lease)

\*\*\*\*\*

(\$119,070 cost per month) TIMES (60 months) EQUALS (\$7,144,200)  
(additional 5 years)

In the Amended Lease, a clause was added:

- *“RECITALS – B. . . .FOR VALUABLE CONSIDERATION, receipt of which is acknowledged, the parties therefore amend and completely restate the Lease Agreement as set forth below:”* (Appendix D)

The “Valuable Consideration” received by the County was a check for \$400,000, which was deposited into a new County account: the “HHS Bldg Lease Reserve” account. No restrictions on the use of these funds were put in place at the time of the lease amendment. The specific dollar amount was never publically acknowledged. The BOS did not accept the check in a separate action.

During the 2007-2008 fiscal year, the County was addressing monetary issues. Revenues were less than projected and expenses were greater. The County was looking at staff lay-offs and reductions in County services in order to balance the overall budget. HHS also had a recurring operating budget deficit due to a variety of factors including realignment of State Health Services funds and unanticipated increases in operational costs. This was over and above the County’s budget problems. Within 6 months of establishing the HHS Building Lease Reserve Fund, the BOS authorized \$370,000 to be transferred from the HHS Building Lease Reserve Fund to HHS operating budget to cover unanticipated cost increases within HHS departments – Mental Health, Drug and Alcohol, and Social Services Administration.

Funds were transferred numerous times within existing HHS budgets to cover various expenditure increases.

- April, 2007: Behavioral Health-Drug/Alcohol: decrease salaries and benefits categories by \$43,000 and increase professional services by \$43,000 (BOS agenda 4-24-2007 item D2)
- June, 2007: Social Services Administration: decrease professional services by \$60,000 and increase equipment by \$60,000 to purchase furniture for new buildings (BOS agenda 6-5-2007 item A3)
- June, 2007: Mental Health Department: decrease salaries and benefits categories by \$74,745 and increase utilities, in patient other, and meetings by \$74,745 (BOS agenda 6-12-2007 item VIII. A2)
- June, 2007: Behavioral Health-Drug/Alcohol: decrease salaries and benefits categories by \$51,300 and increase professional services, communications, and in-county travel by \$51,300 (BOS Agenda 6-12-2007 item VIII. A1)
- January, 2008: Public Health Department: transfer from revenues received (\$138,100) to communications, office expenses, professional services, training, and equipment (\$138,100) (BOS agenda 2-5-2008 item 1A)
- April, 2008: Public Health Department: transfer from revenues received of \$45,555 to professional services, building leases, training and equipment of \$45,555 (BOS agenda 4-15-2008 item 1C)

- May, 2008: Behavioral Health-Drug/Alcohol: transfer from revenues received of \$75,000 to building leases of \$75,000 (BOS agenda 5-6-2008 item 1B)

All of these transfers beg the question of good fiscal policy and choices. Of particular concern are the transfers involving salaries, benefits and services.

## **FINDINGS**

- F1. County department heads, especially for those departments not normally involved with construction, frequently lack construction experience and expertise, space needs and architectural design, and/or real property cost/benefit analysis skills.
- F2. There are no written policies and procedures in to direct staff in acquiring property either by lease or by purchase.
- F3. A set of procedures in place could have overridden the lack of experience of the negotiating
- F4. With the increase of square footage over the HHS departmental needs, the County has sub-let the extra space to cover costs. While the Grand Jury feels all entities in HHS are a benefit to the community, not all entities are paying at the primary rate of the base lease.
- F5. The lease costs of \$7,144,200 (over 5 years) were traded for \$400,000 (immediate) in cash. (see letter, Appendix A)
- F6. No County official, auditor, or controller has the official assignment to review fiscal commitments of the County prior to adoption and/or approval by the BOS.
- F7. There is no policy to perform a financial cost-benefit analysis prior to BOS approval.
- F8. Members of the BOS relied on staff to develop needs, space configurations, terms of the leases, and did not perform any due diligence on their own.
- F9. There is no policy or procedure that addresses monies received from an individual or company as a gift, donation, grant or “valuable consideration” by the County.
- F10. The problems and complexities in negotiating leases of property are not limited to the County. A neighboring county has drafted policies and procedures to address these issues. (Appendix E)

## **RECOMMENDATIONS**

- R1. The County should develop a policy and procedure that requires a cost-benefit analysis for all real estate transactions, lease or purchase, prior to starting negotiations.
- R2. The County should appoint a negotiating team that is professional and knowledgeable and should contain one person experienced in the specific areas and from outside County employment.

- R3. BOS should present, at an open session, the documentation to support the decision to lease or purchase property including the specific costs and benefits of its choice. Terms agreed upon in closed session should be presented in open session to promote public awareness of financial commitments, prior to final adoption of any lease/purchase agreement.
- R4. All monies received either by gift, donation, grant or “valuable consideration” by the County over \$10,000 should be formally acknowledged in a separate BOS action, with the source of the funds and the purpose or uses of the funds identified.

## **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 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**

- Appendix A: Letter dated February 22, 2008 from County Administrative Agency to Property Owner
- Appendix B: Population – Actual Growth for Amador County - U.S. Census Bureau
- Appendix C: Full text: Termination by County section 3.5.2 – 2006 lease agreement
- Appendix D: Full text: Valuable Consideration clause - 2008 lease agreement
- Appendix E: Draft El Dorado County policy

## **DISCLAIMERS**

This report on the *Health and Human Services Building Lease – We did the Math!* is issued by the 2013-2014 Grand Jury with the exception of two members of this Grand Jury, who might have a perceived conflict of interest. These jurors were excluded from all parts of the investigation, which included interviews, deliberations, and the writing of this report. This report is based on information obtained from outside sources with none of this information being obtained from the excluded Grand Jurors.

## APPENDIX A



**AMADOR COUNTY  
ADMINISTRATIVE AGENCY**

County Administration Center  
810 Court Street • Jackson, CA 95642-9534  
Telephone: (209) 223-6470  
Facsimile: (209) 257-0619  
Website: [www.co.amador.ca.us](http://www.co.amador.ca.us)

February 22, 2008

[REDACTED]

Dear [REDACTED]:

I am enclosing for your review a copy of an Amended and Restated Lease Agreement between the County and [REDACTED].

In accordance with our discussions, this Amended and Restated Lease Agreement removes the previously liquidated penalties for early termination and extends the term of the lease between the County and your organization for the building located at 10877 Conductor Boulevard, Sutter Creek, California. To compensate the County for the increased risk that it is undertaking in removing the liquidated penalty amounts and extending the term of the lease, your organization has agreed to pay the sum of \$400,000 to the County.

If you are in agreement with these terms, please indicate your concurrence by having the appropriate person sign a copy of this letter in the place indicated below, and sign three copies of the Amended and Restated Lease Agreement. When you return the executed copies, we will place this matter on the agenda for approval by the Board of Supervisors. We will return the approved lease once approved by the Board and will expect your check as soon as possible thereafter.

Thank you very much for your consideration. Please do not hesitate to give me a call if you have any further questions.

Very truly yours, [REDACTED]

[REDACTED]

Agreed to and accepted on February 22, 2008:

[REDACTED], a California limited liability company

By: [REDACTED] a California limited liability company, its sole managing member

[REDACTED] a California corporation, its manager

By: [REDACTED]

[REDACTED]

March 4, 2008

VIA HAND-DELIVERY

[REDACTED]

Amador County  
810 Court Street  
Jackson, CA 95642

RE: Payment in the Amount of \$400,000.00

Dear [REDACTED]

Attached please find the [REDACTED] check in the amount of \$400,000.00, which is the amount to be paid by [REDACTED] to Amador County in consideration of the execution of the Amended and Restated Lease between [REDACTED] and Amador County (which Lease extends the firm term at the HHS building to 20 years).

Please acknowledge receipt of this payment and return with one executed copy of the Amended and Restated Lease.

Thank you for your assistance.

Best Regards,

On behalf of [REDACTED]

[REDACTED]

Receipt of payment in the amount of \$400,000.00

COUNTY OF AMADOR

By:

Name: [REDACTED]  
Title: [REDACTED]

Date: March 4, 2008

## APPENDIX B

## APPENDIX B:

The following table gives the yearly population and the percent increase or decrease from one year to the next.

### Amador Population Change from 2003 to 2013

Year	Population	% Change
2003	36,860	--
2004	37,213	+ 1.0
2005	37,788	+1.5
2006	38,072	+0.8
2007	38,480	+1.1
2008	37,980	-1.3
2009	37,876	-0.3
2010	37,829	-0.1
2011	37,471	-0.9
2012	37,035	-1.2
2013	36,519 est.	-1.4

Source: U.S. Census Bureau

## APPENDIX C

be adjusted as set forth on Exhibit "C." Upon exercise by County of its option to extend the Term as provided herein for the First, Second or Third Extension Period, Lessor shall provide a "Refurbishment Allowance" in the amount and at the time specified in section 1.11.

### 3.5 County's Early Termination Rights.

3.5.1 Failure of Lessor to Deliver Possession. If Lessor is unable, for any reason, to deliver possession of the Premises to the County by January 1, 2009, County may elect to terminate this Lease as set forth in section 3.1.4 above. Such termination of this Lease by County shall not in any way prejudice County's rights to exercise other remedies contained in this Lease for failure of Lessor to deliver possession of the Premises to County by the Scheduled Commencement Date.

3.5.2 Termination by County. On or after July 1, 2015, County may terminate this Lease, at its sole option, upon notice to Lessor on or before January 1 of the year in which the termination is to take effect, in the event (i) there is a cancellation or reorganization of the programs housed in the Premises, or (ii) the funding, whether County, State or Federal for the program or agency for which the Premises were leased is materially reduced or withdrawn. If County terminates the Lease pursuant to this section 3.5.2, County shall pay a Lease Termination Fee calculated in accordance with Exhibit "D" attached hereto. In addition, on or after July 1, 2015, County may terminate a portion of this Lease in the event of a loss of funding for any program or department housed in the Premises, provided that in no event shall such partial termination be for less than 5,000 square feet. County shall pay any Lease Termination Fee due to Lessor under this section 3.5.2 no later than thirty (30) days following the effective date of the termination.

3.6 Liquidated Damages. Any payments by Lessor to County under this Lease described as liquidated damages represent the parties' reasonable estimate of County's actual damages under the described circumstances, such actual damages being uncertain and difficult to ascertain in light of the impossibility of foreseeing the state of the leasing market at the time of the various deadlines set forth herein. County may, at its election, take any of the liquidated damages assessed in any portion of this Lease as direct monetary payments from Lessor and/or as a reduction of rent due from County under this Lease.

## **ARTICLE 4 BASE MONTHLY RENT**

4.1 Base Monthly Rent. County shall pay to Lessor as base monthly rent ("Base Monthly Rent") the sum of One Hundred Nineteen Thousand and Seventy Dollars (\$119,070) per month (based upon the initial estimate of Rentable Square Feet and the per square foot cost set forth in section 1.7), which sum is subject to possible adjustment as provided in this Article 4. All rent due under this Lease shall begin to accrue on the Commencement Date, and shall be payable in advance on the first day of each calendar month thereafter. If the Commencement Date is not the first day of a calendar month, then the accrued rent for the partial month at the beginning of the Term shall be pro-rated at a daily rate equal to 1/365<sup>th</sup> of the annual rent, and paid on the first day of the following calendar month. County shall pay monthly installments of rent by depositing County warrants by First Class Mail, postage prepaid, addressed to Lessor at the address stated in section 1.1.

4.1.1 Initial Calculation of Rentable Square Feet of the Premises. The Rentable Square Feet in the Premises set forth in Article 1 represent Lessor's best estimates of the rentable area of the Premises following construction of the Leasehold Improvements. Prior to the Commencement Date, at Lessor's expense, Lessor shall cause the exact rentable area of the Premises to be professionally determined and notice of such determination, together with supporting evidence thereof, to be given to

## APPENDIX D

**AMENDED AND RESTATED LEASE AGREEMENT**

THIS AMENDED AND RESTATED LEASE AGREEMENT ("Lease") is made and entered into effective as of March 4, 2008, by and between [REDACTED] a California limited liability company ("Lessor"), and the COUNTY OF AMADOR, a political subdivision of the State of California ("County").

**RECITALS**

A. On or about October 17, 2006, [REDACTED] a California limited liability company as lessor and County as lessee entered into that certain Lease Agreement, whereby [REDACTED] agreed to lease certain premises to County, as more particularly set forth in the Lease Agreement. The Lease Agreement was amended on November 21, 2006 by that certain Amendment to Lease Agreement executed by [REDACTED] as lessor and County as lessee. On or about April 13, 2007, [REDACTED] assigned to Lessor all of its right, title and interest in the Lease Agreement, and Lessor accepted the assignment and assumed all obligations of [REDACTED] under the Lease Agreement, as amended.

B. Lessor and County desire to further amend the Lease Agreement and to completely restate the terms and provisions thereof, as more particularly set forth in this Lease.

FOR VALUABLE CONSIDERATION, receipt of which is acknowledged, the parties therefore amend and completely restate the Lease Agreement as set forth below:

**ARTICLE 1  
SUMMARY OF BASIC LEASE PROVISIONS**

1.1 Lessor: [REDACTED] a California limited liability company.

Address for notice purposes:

[REDACTED]

1.2 Tenant: COUNTY OF AMADOR, a political subdivision of the State of California

Address for notice purposes:

[REDACTED]

1.3 Premises, Building and Property:

Rentable Square Feet of the Building: 49,126 square feet

The Premises are delineated on Exhibit "A" attached hereto and by this reference made a part hereof. The term "Premises," as used herein, includes the Building, the parking lots appurtenant to the Building, and also includes the land on which the Building and such other facilities are located, and all other structures located thereon.

1.4 County's and Lessor's Lease Administrators:

## APPENDIX E

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**County of El Dorado**  
**Procedures for Leasing or Purchasing Real Property**  
**Preliminary Draft**

**Real Property Leasing:**

Summary of procedures / steps followed to lease property for department operations:

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1. Department head indicates a need for new space or to renegotiate existing lease.
2. For new space a form is submitted to the Facilities Division from the Department called: Request for Lease Space. (Found on the Facilities Division's web page)
  - a. This form outlines the need, such as new program or expansion of existing operations, as well as staffing, estimated square footage, and parking spaces needed.
  - b. Form also identifies funding sources and anticipated ancillary costs.
  - c. The form is signed by the department head and submitted to the Chief Administrative Office for concurrences.
3. The Facilities Manager meets with the department head and key staff to discuss their space needs. Discussion identifies:
  - a. Program needs.
  - b. Existing deficiencies needing improvement.
  - c. Proximity to other existing programs or staff.
  - d. Proximity to clientele; ease of access.
  - e. Possible location concerns.
  - f. Other special requirements.
4. Facilities will exhaust all efforts to identify available space within an existing County facility before starting a search for new space. Any identified space will be discussed with that department head to determine if it suits the needs of the program.
5. Depending upon the outcome of the above, the need of the department, and other circumstances surrounding the existing space, the Facilities Division may pursue two different courses of action. Either handle a renegotiation independently or retain the services of an outside real estate professional (Broker).
6. With certain leases that are coming up for renewal and depending upon the ongoing relationship with the lessor, Facilities may choose to negotiate directly with the lessor rather than retaining the assistance of a Broker. This would take into consideration some of the following:
  - a. The departments desire to stay in their current location.
  - b. Lease rates are considered at or near market.

**County of El Dorado**

**Procedures for Leasing or Purchasing Real Property**

**Preliminary Draft**

- c. No considerable improvements will be required.
  - d. The lessor has worked collaboratively with the department over the prior lease term.
7. If it's determined that the complexity or requirements are outside of staff's immediate ability, Facilities management may choose to work with a Broker to address the needs. A letter of representation is provided to the Broker which states that it is their obligation to negotiate their fee from the lessor / seller. There is also language that the County could compensate them to a certain extent if it's necessary in the final negotiation. The agreement will also state that they do not have the ability to bind the County to an agreement.
8. In the search for new lease space or when renegotiating a more complex lease, Facilities will meet with the Broker to discuss the needs and terms under which the department can operate. The following may take place next:
  - a. A search for alternate locations that fit the criteria defined by Department Management.
  - b. Obtaining floor plans of the new locations and walking the space with Department representatives to determine needed layout of that facility.
  - c. Consideration in obtaining evaluations from specialty consultants such as ADA, acoustical engineers, structural engineers, etc.
  - d. If multiple properties are identified the Broker may prepare a "Drive Time Analysis" based off of the Departments known zip codes of its clientele.
  - e. A space planner is involved in the walk through of the preferred properties to provide the required drawings and to draft the required specifications (specs).
  - f. Once a new floor plan and specs are defined, a letter of intent is prepared by the Broker and Facilities staff. Lease rates are established based off of industry experience and knowledge of the market as well as allowances for the required improvements.
  - g. A letter of intent is sent to the respective Lessors to commence negotiations. Competitive rates are eventually determined and all variables are discussed with key department management and staff.
  - h. Decisions are reached to either stay in their current location or move to a more competitively priced or suitable location.
9. Facilities staff will work with the Procurement Division and County Counsel to draft a new / current lease agreement and assist the department in obtaining final approvals and signatures from the Lessor.

**County of El Dorado**  
**Procedures for Leasing or Purchasing Real Property**  
**Preliminary Draft**

10. The department will prepare the Board item to bring back to the Board of Supervisors for the ultimate decision of renewing or relocating the department.
11. If relocation is decided upon a CEQA document must be prepared and recorded. Depending upon the office location, the respective City may need to be notified and City Council approval obtained.
12. On behalf of the department, Facilities staff will assist with the coordination of the build-out of required tenant improvements.

DRAFT

**CRIMINAL JUSTICE COMMITTEE**

**FACILITIES INSPECTIONS**



– Amador County Jail

– Mule Creek State Prison



– Pine Grove Youth  
Conservation Camp

# **CRIMINAL JUSTICE COMMITTEE**

## **Amador County Jail Inspection**

### **EXECUTIVE SUMMARY**

The 2013–2014 Amador County Grand Jury (Grand Jury) inspected Amador County Jail (ACJ) on January 21, 2014. The purpose of this inspection was to evaluate the condition of the ACJ and to determine the extent to which it is meeting the County’s needs.

The Grand Jury found the ACJ to be an aging facility that within a few years after its construction in 1984 was insufficient to house the County’s inmates. The overcrowding has become more acute due to the passage of Assembly Bill 109 (AB109) which returns inmates in state prisons back to the county where they were convicted.

Amador County (County) has received a grant from the State that will fund a percentage of the cost of a new facility and a “capital facilities fee”<sup>1</sup> has been adopted by the County to generate money to help pay the County’s share of the total cost. Several building sites previously purchased by the County are under consideration for the new ACJ. The County must begin building before 2017 or lose the award.

The Grand Jury commends the employees of ACJ for operating under the adverse conditions of an aging structure coupled with the increase in inmate population by felons with extended sentences. Until a new facility is constructed, the Grand Jury recommends utilizing technology already in place for video arraignments and acquiring additional reading materials for the inmates. Additionally, the Sheriff needs to explore alternative sources to reduce the expenses to house inmates at other jails. The Sheriff should continue discussions with Jackson Rancheria Casino (JRC) to urge the JRC to reimburse the County for the actual costs incurred by the County for handling incidents associated with JRC. The current Grand Jury recommends, as did the previous 5 Grand Juries, that the Sheriff continue his efforts toward construction of a new jail.

### **BACKGROUND**

The Amador County Detention Facility is operated by the Amador County Sheriff’s Office (ACSO). Previously, ACJ was inside the old court house in the City of Jackson. The current facility was built in 1984. The structure serves as both the Sheriff’s headquarters and the ACJ. Its

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<sup>1</sup> County Facility Fee (CFF) – adopted on 4-12-2005 by the Board of Supervisors – is charged as part of the permit process for any new development. CFF components were the County Administration Building (15%), the Sheriff Detention Facility (83%) and an administrative fee (2%).

expected life span was 20 years and was constructed to house a capacity of 105 inmates. In 2010, this capacity was restricted to 76 inmates by The Board of State and Community Corrections (BSCC) and Title 24 Regulations. ACJ is a Type II facility, meaning it is used for the detention of persons pending arraignment, during trial, and upon commitment. ACJ houses both males and females who are 18 years of age or older.

## **AUTHORITY**

California Penal Code §919(b) mandates the grand jury shall inquire into the condition and management of the public prisons within the county. The Grand Jury visited the County Jail on January 21, 2014.

## **METHOD OF STUDY**

The following activities were undertaken in the inspection of the ACJ:

- Review of previous Civil Grand Jury reports
- Pre-Inspection briefing provided by the Sheriff and staff
- Jail Areas Inspected
  - Intake area
  - Food preparation area
  - Laundry room
  - Holding and sobriety cells
  - Library
  - Day area
  - Exercise yard
  - Control room
  - Visitor and attorney booths
  - Sally port area with gates:  
secure area for authorized vehicles  
transporting prisoners
- Documents Reviewed
  - Corrections Standards Authority inspection
  - Organization chart
  - Fire/Life inspection
  - Waste water test report
  - Fire and smoke dampers inspection
  - Fire extinguisher maintenance
  - Board of State and Community Corrections inspection
  - State Fire Marshall inspection
  - Power Point presentation
- Persons Interviewed:
  - Jail supervisory staff
  - Corrections Officers (CO)
  - Inmates

## **DISCUSSION**

The County is actively in the planning stage for a new jail facility with land purchased and matching funds accumulating in a reserve account. The 2 most significant deficiencies of ACJ were identified: overcrowding and the aging control panel infrastructure. Neither can be remedied with the existing facility.

### **Facility**

The ACJ is a Type II facility which was built in 1984 with a capacity of 105 inmates. Currently, the capacity is 76 inmates under Title 24 restrictions. The planned usable life span of this facility was 20 years. It outlived this term in 2004.

The jail is made up of 6 cell blocks for inmate housing. Each block contains a dayroom and cells. Each dayroom contains 1 or 2 triple bunks, a table and seats, TV, showers, and a mailbox. All surveillance cameras and video recorders were reported to be functional and in use. Each cell contains 2 bunks, a toilet, desk, and stool. The receiving area has 2 sobriety cells, 2 holding cells, and a padded cell. The jail was last inspected by the BSCC in November, 2013. The 'open door' warning lights on the main control panel often malfunction. Due to its age, repair parts are no longer available and total replacement is prohibitively expensive. The staff is cognizant of the warning lights malfunction and presently must visually confirm the doors' status.

Video arraignment capability is available but is currently not being used. There are no mental health housing units available. In addition to reading materials, the library is used for counseling, religious services, parenting classes, and meetings. Traffic of inmates in the intake area causes male and female inmates to be crossing paths. This area is a security concern for the correctional officers and inmates. At this time, approximately 16% of the beds are occupied by JRC related arrests.

### **Staff and Inmates**

There are 30 allocated staff positions with current staffing at 29. There is always a female officer on duty. There are currently 106 inmates assigned to the jail. Currently, 87 inmates are housed at ACJ with 19 inmates housed at other jail facilities. All inmates are 18 years of age or older; 66 inmates are male and 21 inmates are female. Of these inmates, 42 have not been sentenced and 45 have been sentenced.

ACJ was formerly used only for the detention of persons pending arraignment, during trial, and upon sentencing with a maximum sentence of 1 year. Due to AB109, felons with extended sentences are now housed at ACJ.<sup>2</sup> All transportation of inmates is done by COs. Two male inmates were interviewed; both were incarcerated for theft. They stated that they get along well with the staff, they feel safe, and there is no gang problem at the facility.

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<sup>2</sup> Website link to information on AB109 – <http://www.cdcr.ca.gov/realignment/docs/realignment-fact-sheet.pdf>

## **Education and Training available to Inmates**

The following social services and education programs are available to ACJ inmates:

- Counseling from County Drug and Alcohol
- Classes on addiction
- Information on resources available in the County
- Options for residential treatment facilities
- Classes in parenting, health, self esteem, relationships, and goal setting
- High School Diploma
- General Education Development (GED) Tests
- Remediation of junior high school/elementary subjects

## **Medical**

There is a nurse on duty 5 days a week. A doctor is on duty 1 day a week and on call 24 hours every day. Inmates are taken to Sutter Amador Hospital for emergencies or other medical needs when the nurse or doctor is not present. Incoming inmates are given a medical evaluation and taken to Sutter Amador Hospital if any serious medical condition is found. Inmates may request to see a doctor of their choice. In this event, all medical costs, as well as transportation costs, become an inmate's responsibility.

## **FINDINGS**

- F1. Both the ACJ and Amador County Superior Court have the equipment and means to utilize video arraignments; however, this equipment is not currently in use.
- F2. It was observed there were few books available in the inmates' library.
- F3. Due to overcrowding, 19 inmates are being housed at El Dorado County Jail at a cost of \$2,000 per day. This costs the County \$730, 000 per year, which is 19% of the total ACJ budget.
- F4. 16% of the inmates occupying beds in the jail are designated as JRC related. JRC makes a voluntary donation yearly to the County to offset jail costs for Casino-related inmates.
- F5. It was observed that one of the sobriety cells was being used as a housing unit for an inmate with mental health issues. As there are no mental health housing units at the ACJ, this was the safest place to house the inmate.
- F6. A number of issues have led the Grand Jury to conclude that the existing ACJ needs to be replaced including inmate safety, staff safety, inmate rehabilitation, and the inability to meet current regulations. The functional lifetime of the ACJ now exceeds design criteria.

F7. It was observed that under the current circumstances and conditions, the ACJ is being maintained and run in a manner that allows it to be functional and useful. The Grand Jury finds this is in no small part due to the skill of the staff.

## **RECOMMENDATIONS**

- R1. With video arraignment equipment already in place, substantial savings in time and manpower could be realized if video arraignment were used. This would decrease the number of prisoners requiring transportation to and from the courthouse and would have both safety and financial benefits. (Finding 1)
- R2. Attempts should be made to increase the amount of reading material available to the inmates. Methods of procuring reading material should be devised that would assure that drugs cannot be smuggled into ACJ in the reading materials. (Finding 2)
- R3. Viable methods to reduce the cost to house prisoners at other facilities should be investigated. (Finding 3)
- R4. The County should develop a procedure to more accurately identify costs specific to JRC related inmates and open discussion with JRC to recoup equitable costs. (Finding 4)
- R5. It is imperative that the Sheriff and County Board of Supervisors find a way to build a new and modern facility. This will provide Amador County with a safe and secure working environment for its COs and a safe and secure place for incarceration and rehabilitation of individuals who commit crimes within the community. (Findings 3, 5, 6)

## **Superior Court Holding Facility Inspection**

In conjunction with inspecting the ACJ, the Grand Jury also inspected and reviewed the Amador County Superior Court holding facility on January 28, 2014. The court facility was completed in 2007 and has a maximum capacity of 29 inmates. This includes 6 holding cells and 1 attorney-client cell. COs maintain security of inmates during court hearings as well as during transport to and from the court facility. It is the bailiffs' responsibility to provide security at the court facility and to protect the judge, court staff, and audience.

It was observed that the intake procedure is secure, the holding cells were clean, and the inmates were visible at all times. Procedures are currently in place to ensure that staff will respond quickly and appropriately to any threat or emergency. BSCC inspects the court holding facility every other year for compliance with Title 24 of the California Code of Regulations. The most recent inspection was conducted in November, 2013. BSCC reported that the facility was in total compliance.

There are no findings and recommendations for this facility.

## 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 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.

# **CRIMINAL JUSTICE COMMITTEE**

## **Mule Creek State Prison Inspection**

### **EXECUTIVE SUMMARY**

The 2013-2014 Amador County Grand Jury (Grand Jury) inspected Mule Creek State Prison (MCSP) on January 16, 2014. The purpose of this inspection was to evaluate the conditions of MCSP and to document any positive or negative findings.

MCSP was opened in June, 1987 and currently houses 2,804 inmates. MCSP is a Level III and IV <sup>1</sup> facility. At the present time, MCSP is the only California prison that exclusively houses sensitive needs inmates. Assignment to MCSP is for inmates' safety based on his particular "sensitive need." These needs include past gang involvement, serving as an informant, being a sex offender, having a high notoriety profile, being a former law enforcement officer, or being considered high risk.

In conducting its investigation, the Grand Jury inspected numerous prison facilities, reviewed previous Grand Jury Reports, and received a briefing by the Warden and other staff. Overall, The Grand Jury found the facility to be in good condition and clean. One exception was the Yard B medical clinic area which was cluttered and dirty. The Grand Jury also found a number of Prison Industries Authority (PIA) programs have been eliminated due to budget constraints.

MCSP has full medical, dental, and pharmaceutical facilities. Expansion of the medical clinics is in the planning stage.

MCSP's educational program recently received a 6 year accreditation for the Western Association of Schools and Colleges. Counseling, academic, and vocational programs are all part of the prison rehabilitation efforts.

Construction of a new Level II facility began in February, 2014. It will add 375 new staff and 1,584 additional inmates. This facility is expected to be operational in 2016.

### **INTRODUCTION OR BACKGROUND**

MCSP opened on June 10, 1987. It is a minimum, medium, and maximum security prison with custody levels I through IV. MCSP currently houses 2,804 inmates and is considered a 100% sensitive needs facility. Current staffing includes 525 non-custody personnel (administrative and medical) and 603 custody personnel (those who deal with inmates). Plans are in effect to build an

- 1 Level I Open dormitories without a secure perimeter
- Level II Open dormitories with secure perimeter fences, armed coverage
- Level III Cells or dormitories (depending on custody level), fenced perimeters, armed coverage
- Level IV Cells, fenced or walled perimeters, electronic security, additional staff and armed officers both inside and outside the facility

additional detention facility on the property. It will be comprised of two dormitories arranged in a spoke design and will house an additional 1,584 inmates. Construction began in February, 2014.

## **AUTHORITY**

California Penal Code §919(b) mandates the grand jury shall inquire into the condition and management of the public prisons within the county. The Grand Jury visited the Prison on January 16, 2014.

## **METHOD OF STUDY**

The following activities were undertaken in the inspection of MCSP:

- Reviewed previous Civil Grand Jury Reports
- Briefed by the Warden and the Administration prior to inspection
- Inspected MCSP facilities:
  - Sensitive Needs Yard A:
    - Yard Area
    - PIA Sewing
    - PIA Coffee Roasting
    - Auxiliary Kitchen
    - Dining Hall
    - Cell Block A1
  - Sensitive Needs Yard B:
    - Yard Area
    - PIA Sewing
    - Medical Clinic
    - Vocational Welding
    - Unused Vocational Education Areas
  - Main Medical Building:
    - Dental Office
    - Tele-Medicine Room
    - Medical Bed Unit
    - Psychiatric
    - X-Ray
    - Trauma/Operating Room
    - Optical Department
    - Pharmaceutical

## **DISCUSSION**

### **Facilities**

MCSP utilizes Electronic Records Management System (ERMS). In 2013 MCSP was certified by the American Correctional Association (ACA) which is the oldest and largest international correctional inspection institution in the world. It was a great honor to be certified by ACA.<sup>2</sup> The Grand Jury found exercise yards to be large, clean, and well maintained. Overall, the facility was found to be in good condition, clean, and appeared well maintained although its aging

2 <http://cdcrtoday.blogspot.com/2013/08/american-correctional-association.html>

infrastructure was observed. The one exception was the Yard B medical clinic area. It was cluttered, the floors were dirty, and waste baskets were overflowing. Expansion of the medical clinics on Yards A, B, and C is in the planning stage. Issues with the hot water system are being addressed. The entire facility is in the process of installing new independent boilers in each yard to resolve problems with the hot water system. Maintenance personnel are currently working on Phase 2 to construct concrete rooms to house the new boilers.

## **Training/Education of Inmates**

MCSP's education program recently received a 6 year accreditation (the maximum awarded) from the Western Association of Schools and Colleges.<sup>3</sup> Counseling, academic, and educational programs are part of rehabilitation efforts. Approximately 912 inmates are served through academic and college programs. MCSP offers vocational programs in welding, electronics, landscape gardening, heating and air conditioning, and office services. The PIA program provides occupational skills to inmates and includes fabric products (sewing), coffee roasting, meat cutting and packaging, and laundry services. In the PIA programs, inmates work 5 to 6 hours per day, Monday through Friday, and earn \$0.30 to \$0.95 per hour. Programs in cabinetry, office services, and small engine repair have been closed due to budget constraints. Coffee roasting is located in Yard A and supplies coffee to other prisons as well as city and state facilities throughout California. The coffee roasting facility is the only one of its kind in the United States.

## **Staff and Inmates**

Assignment to MCSP is for inmates' safety based on his particular "sensitive need" and these needs include past gang involvement, serving as an informant, a sex offender, having a high notoriety profile, being a former law enforcement officer, or by being considered high risk. All of the prison yards are sensitive needs yards (SNY). Inmates are at least 18 years old and male. Special dietary needs due to medical or religious requirements are met. All staff carry personal alarms. In January, 2014 MCSP received its newest team member, a K-9 search dog named "Cricket" who is currently assigned to the Investigative Services Unit and has been specifically trained to detect narcotics. Prison cells are searched once a month. The Grand Jury observed no obvious inmate self-segregation (e.g. by race or gang affiliation) in the exercise yards.

## **Medical**

MCSP has full service medical, dental, x-ray and pharmaceutical facilities. There are doctors on call. There is a nurse available at all times.

The Grand Jury viewed a demonstration of the Tele-Medicine Unit given by a nurse. The Tele-Medicine Unit allows MCSP to contact and consult with off-site medical personnel. It allows real time two-way communications including vital statistics, visual examination via an assortment of

3 [http://www.acswasc.org/directory\\_searchlist.cfm](http://www.acswasc.org/directory_searchlist.cfm)

cameras, and EKG transmissions. Utilization of the Tele-Medicine Unit eliminates the need to transport an inmate to a medical facility for diagnosis, saving time and money.

## **FINDINGS**

- F1. Jury members observed unsanitary and unhygienic floors in the medical clinic located in Yard B. Stacked cardboard boxes and orange plastic cartons made it difficult to walk in an already crowded hallway.
- F2. Construction of a new Level II facility began in February, 2014. The project will cost \$533 million and will add 375 staff and 1,584 inmates. The facility is expected to be operational in January, 2016 and will be compliant with the Americans with Disabilities Act.
- F3. The Chief Executive Officer of Health Care Services reported that funding has been secured to expand the medical clinics in Yards A, B, and C.
- F4. Three PIA programs - cabinetry, office services, and small engine repair - have been discontinued due to budget constraints.

## **RECOMMENDATIONS**

- R1. Unsanitary and clutter issues should be remedied in the Yard B medical clinic immediately. (Finding 1)
- R2. PIA programs should not be eliminated if they are cash positive. They offer inmates an opportunity to earn income, acquire job skills, and develop good work habits. (Finding 4)

## **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 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.

# **CRIMINAL JUSTICE COMMITTEE**

## **Pine Grove Youth Conservation Camp Inspection**

### **EXECUTIVE SUMMARY**

The 2013-14 Grand Jury inspected Pine Grove Youth Conservation Camp (PGYCC) on January 13, 2014. The PGYCC grounds and all the buildings appeared clean and well maintained. The staff gave an overview of the facility's mission and method of rehabilitation of the incarcerated young men (wards). The program administered by the staff stresses adherence to a set of core values including education, discipline, and responsibility. The staff maintains constant communication with the wards through intentional casual meetings, frequent visits with counselors, and a variety of classes on self improvement and general education. The rural setting of the facility affords wards the opportunity to be trained in wild land firefighting and fire mitigation. The values of both teamwork and leadership are stressed in order to enhance the wards' sense of accomplishment. Organized sports and weight training are mandatory and provide the wards with the physical stamina required for firefighting in a rugged environment. When a ward nears his release date, the staff has a program that assists him in his transition back to civilian life.

### **BACKGROUND**

PGYCC was originally built during the depression as a Civilian Conservation Corp public relief program for the unemployed. It operated in that capacity from 1933 to December 2, 1942, when it was reassigned to the California State Guard and used to house State Guardsmen. To prevent anticipated acts of sabotage during WWII, Guardsmen patrolled bridges, railroads, and power stations in the surrounding areas until the end of the war. The California Youth Authority, in conjunction with the California Department of Forestry, took over the camp in 1946. It is the oldest fire camp in continuous operation in the country.

PGYCC is a dual function facility. PGYCC occupies the north side of the facility while California Department of Forestry and Fire Protection (CAL FIRE) occupies the south side. The main authority for PGYCC is the Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ). The stated mission PGYCC is the rehabilitation and education of wards and the conservation of California's natural resources. The wards are trained by CAL FIRE for wild land firefighting. Using the wards as a physical labor force, CAL FIRE provides fire safety mitigation, brush clearing, and maintenance of fire trails for the local community, as well as frequent wild land firefighting throughout the state. For the past 5 years, wards have provided yearly averages in excess of 67,000 hours for fire mitigation and 46,000 hours of firefighting. If given a monetary value of \$10 per hour this would equal \$1,130,000 per year.

The staff at PGYCC regularly uses funds from other programs to supplement the food that is allocated for the wards, in order to supply the calories needed to meet the physical demands of their duties.

## **AUTHORITY**

California Penal Code §919(b) mandates that the grand jury shall inquire into the condition and management of the public prisons within the county. The Grand Jury visited the PGYCC on January 13, 2014.

## **METHOD OF STUDY**

In order to get the information to complete this report, the Criminal Justice Committee approached the inspection with research into PGYCC by:

- Attending a presentation on PGYCC provided by the Superintendent
- Reviewing previous Civil Grand Jury reports
- Interviewed several PGYCC Staff members and one Ward
- DJJ website<sup>1</sup>
- Inspecting Camp 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 Fields
- Reviewed Documents
  - PGYCC Programs (Appendix A)
  - DJJ Mission Statement
  - PGYCC Organization Chart
  - Special Dietary Needs Procedures

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<sup>1</sup> Link to DJJ website [http://www.cdcr.ca.gov/Juvenile\\_Justice/index.html](http://www.cdcr.ca.gov/Juvenile_Justice/index.html)

## **DISCUSSION**

PGYCC is a division of DJJ. Through a screening process, the PGYCC staff selects low risk classification wards from other youth facilities. The wards are given 60 hours of classroom training, 1 week of field training, and are certified for wild land fire fighting by CAL FIRE. Wards are assigned to 17 man work crews and are supervised by CAL FIRE staff while performing fire prevention tasks, removing brush, restoring fire trails, and doing flood control mitigation throughout the county. Wards 18 years and older perform fire suppression duties throughout the State of California.

### **Facilities**

The dormitory is divided into 4 open spaced sections with bunk beds, clothes lockers, and an attached day-room with chairs and television. There is a central control officers' module. PGYCC has a cell phone scrambler system installed but not in use. The exercise/sports field is approximately 100 yards by 100 yards. There are 4 classrooms used for education and self improvement programs. The visitors' room with the adjacent barbecue and picnic area is used for visiting families. Visitation hours are Sundays from 8:00 a.m. to 2:00 p.m. Families may bring food and non-alcoholic beverages. The kitchen and large dining area are located next to the dormitory. In addition to the self serve food counter, there is a salad bar. There is an exercise room equipped with weights, exercise stations, and a television. Use of this room by wards is an earned privilege. There is an onsite Health Office and Treatment Room. The wards have access to the camp canteen. Wards may place orders for mp3 players, music, snacks, and other items. All profits go back into the wards' canteen fund.

### **Staff and Wards**

There are 24 staff members at PGYCC. The school has 4 teachers, 1 instructional assistant and a resource specialist. There is a registered nurse on duty 40 hours a week, Monday through Friday. There are 8 counselors and 2 case workers on the camp staff. There are currently 58 wards assigned to PGYCC with a budgeted capacity of 60. Wards cannot be residents of Amador County. As of 2010, 72% of the PGYCC wards do not return to the correctional system as compared to 42% statewide.<sup>2</sup>

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<sup>2</sup> Link to DJJ website

[http://www.cdcr.ca.gov/Reports\\_Research/docs/Recidivism%20Report.FY0405.%20FINAL.DJJ.pdf](http://www.cdcr.ca.gov/Reports_Research/docs/Recidivism%20Report.FY0405.%20FINAL.DJJ.pdf)

The hours wards provided to firefighting as well as fire mitigation and cleanup are shown below:

### **Pine Grove Youth Conservation Camp**

Year	Fire Fighting Hours	CAL FIRE Mitigation Clean-Up
2013	38902	56160
2012	42470	56715
2011	28881	74880
2010	49081	74950
2009	72231	75628
<b>Total:</b>	<b>231565</b>	<b>338333</b>

### **Education and Training**

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

CAL FIRE provides 60 hours of classroom instruction and 5 days of field training in wild land firefighting and fire mitigation. See Appendix A for a list of self improvement programs and services offered to the wards.

One ward is receiving training while working at the Waste Water Treatment Plant (WWTP). The treatment of waste water is a specialized field which requires certification. Currently the level of training is not sufficient for this certification.

### **Medical**

There is a Health Office and Treatment Room that is staffed by the registered nurse. A medical doctor visits PGYCC twice a week. Emergency medical cases are taken to Sutter Amador Hospital. Any medication prescribed for a ward is placed in the ward's medication binder, which is controlled by an officer. Each ward is then responsible to ask for his medications at the prescribed times.

### **Rules and Daily Operation**

Wards are selected from other youth facilities for the privilege of serving at PGYCC on the basis of their good behavior. Incoming wards must be at least 17 years of age and must have been sentenced by the Juvenile Court. 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 of his sentence.

Gang membership and activity is not allowed at PGYCC and communication with past gang members is forbidden. Cell phones are forbidden. Unauthorized communication with others outside PGYCC is not allowed. Alcohol and non-prescription drugs are forbidden. PGYCC performs 150 random drug tests per month. Any wards with past drug abuse issues are tested weekly.

Each ward must show respect for the rules, the staff, and in their interaction with others. Each ward is assigned a counselor. Counseling sessions are held every 30 days and all wards must participate. Each ward must advance his education and participate in physical training. Each ward must work each weekday from 8 a.m. to 4 p.m. either on camp maintenance or with fire crews. Scholastic classes are from 6 p.m. to 10 p.m. There is a box available for grievances, and the contents are read only by the Superintendent.

### **Good Behavior Rewards System**

A points and rewards system is set up for good behavior. Sentences may be reduced up to 15 days if enough positive points are accrued. Positive attitude, team cooperation, and adherence to the rules gains positive points.

- One negative point cancels 4 positive points
- Positive points earn special privileges
  - extra exercise room time
  - participation in field trips
  - a fishing day at a local lake or stream
  - attending a play
  - go-cart racing
  - snowboarding at Kirkwood Ski resort

All field trips are paid for out of the canteen fund.

### **Earnings Paid to Wards by the State and Canteen Fund**

Entry level wards are paid \$1.00 per hour for field work. Senior level wards with enough positive points are paid \$2.00 per hour. All firefighting earns an additional \$1.00 per hour. Monies earned by wards are deposited into the ward's in-house bank account. Funds may be used at the canteen, for field trips, family gatherings, or to open a bank account in preparation for release. The average bank account at release time is \$1,000. In some cases monies earned are used for victim restitution.

## **Wards Reintegration Plan**

Each ward is assigned a case manager who tracks his progress throughout his stay. Upon nearing the end of his sentence, the case manager assists the ward in obtaining a California drivers license, opening a bank account with his savings, filling out job applications, providing references, and finding appropriate housing. The case manager maintains contact with the ward for up to a year after his release.

## **FINDINGS**

- F1. PGYCC is very clean and appears to be well maintained.
- F2. In addition to the education and training provided by CAL FIRE, numerous educational and counseling programs are available to the wards.
- F3. PGYCC is effective in treating and rehabilitating troubled youths as evidenced by the recidivist rate.
- F4. A Cell Phone Scrambler has been installed at PGYCC since the last Grand Jury Report. This system could prevent any unauthorized cell phones from operating within the PGYCC area. However, it is not presently being used and is reportedly turned off.
- F5. PGYCC provides services to the State, County, Cities, and authorized recipients. These services provide increased safety and security. Costs to the recipients of firefighting, fire mitigation, and cleanup are therefore reduced.
- F6. Ward training in waste water treatment has been implemented since the 2012-2013 Grand Jury Report.

## **RECOMMENDATIONS**

- R1. With a cell phone scrambler already installed, it seems beneficial to utilize the system. While there could be times a large number of CAL FIRE personnel would be at PGYCC and need cell phone service, turning the system off only during these times would still allow the system to be utilized the majority of the time. Also pre-authorizing visitors or authorizing them during check-in at PGYCC would allow the system to remain on most of the time. (Finding 4)
- R2. PGYCC should continue and even expand the community service it renders whenever possible. (Finding 5)
- R3. With one ward already training and working at the WWTP, efforts should be made to gain certification for the ward. If possible, increase the number of wards training and working in waste water treatment if certification becomes an option. (Finding 6)

## 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 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 A**

PGYCC Program handout including programs and services offered to the wards. Details below:

### **FORMAL DRUG PROGRAM**

Cognitive Behavioral Interventions for Substance Abuse Group

Requires 38 – 1 ½ hour sessions

### **INFORMAL DRUG PROGRAM**

Segments of the Cognitive Behavioral Interventions Program

Requires 16 – 1 ½ hour sessions

- Emotional Regulation
- Social Skills
- Problem Solving
- Relapse Prevention

### **TREATMENT PROGRAMS**

- Decision Making/Impulse Control
- Re-entry Planning
- Life Skills
- Gang Awareness
- Counseling – Individualized, Small Group and Large Groups
- Anger Management
- Relapse Prevention Planning
- Victim Awareness

### **EDUCATION SERVICES**

- High School Education (WASC accredited)
- GED
- Special Education
- English Language Learner
- Toastmasters
- Work Experience
- Mentoring – Volunteer Program
- College
- Young Men As Fathers

### **HEALTHCARE SERVICES**

- Daily Sick Call Services
- Weekly MD Visits
- Annual Influenza Shots Offered
- Emergency Care Provided by Sutter Amador Hospital
- Urgent Care Provided by NCYCC in Stockton
- Yearly TB Testing on all Youths
- All Vaccines for Youths
- Dental Provided by NCYCC in Stockton

### **RELIGIOUS SERVICES**

- Catholic Services
- Sweat Lodge Ceremonies
- Bible Study
- Volunteer Religious Group Activities

**EDUCATION COMMITTEE**

**BAD BEHAVIOR  
ON THE BOARD**



Cover Photo Courtesy of M Berglund 2014



# **EDUCATION COMMITTEE**

## **Bad Behavior on the Board**

### **EXECUTIVE SUMMARY**

Several complaints were received by the 2013-2014 Grand Jury (Grand Jury) regarding violations of school board procedures by one of the Amador County Unified School District/County Office of Education (ACUSD/COE) school board members (trustees). The same trustee was alleged to have been involved in all of these incidents. Another complaint was received regarding the manner in which a potential censure of one of the trustees was handled by the ACUSD/COE School Board (Board). Additional complaints were received regarding the manner in which a trustee inappropriately intervened with ACUSD/COE School District (District) staff issues.

Two avenues of investigation were undertaken: a thorough review of the Board Bylaws (Bylaws) to ascertain if any Bylaws were, in fact, violated and interviews with relevant, involved individuals to determine if the alleged behavior did, in fact, occur. The Grand Jury interviewed 3 Trustees and 5 District management and staff who corroborated that confrontations between the trustee and District staff did occur. Bylaw 9001 “Working Relationships Policy” provides the guidelines by which the Board, Superintendent, and District staff works together in a cooperative, professional manner. . . “The Board believes that the best interests of students and the growth and development of the district's employees are best served by an environment that is based on dignity, trust, integrity and civil treatment for all.” The Grand Jury found that Bylaws were violated and that the accusations of trustee behavior being inappropriate and unprofessional were substantiated.

During the investigation, it was revealed that several of the Bylaws themselves were inadequate, flawed, and in serious need of revision. Additionally, it is the opinion of the Grand Jury that the training received by trustees was either inadequate or poorly retained and contributed to the inappropriate behaviors.

Upon examining the Bylaws relevant to the complaints at hand, the Grand Jury determined there was a lack of both coherence and consequence in the Bylaws and recommends these Bylaws be improved with the hope of precluding improper behavior in the future. Even if the Bylaws themselves cannot preclude improper behavior, they should provide a clear and effective means for dealing with that behavior should it occur.

This report documents, in detail, the investigation undertaken. The Grand Jury found that there were several Bylaws violations but 2 are the most problematic. Additional findings address Trustee training, the Brown Act, and Board evaluations.

- An elected trustee actually injected himself or herself into a District staff work situation that impeded the District staff from performing job duties without distraction or interference when staff needed to focus on the safety of the students (violation of Bylaw BB 9005)
- An elected trustee actively opposed and blocked a Board investigation into the misconduct discussed at a Board meeting in June, 2013 as required by the Bylaw 9401 when accusations of misconduct are brought before the Board

The California State Legislature (Legislature) enacted the “Ralph M. Brown Act” (Government Code (GC) §§54950 – 54963) in 2003. The intent of the law is that public agencies [school districts] “actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them.” (GC §54950)

Interviews with trustees identified several areas of Brown Act violations including:

- Meetings held by a majority of the Board to discuss and determine action to be taken regarding censure of trustees (violation of GC §54952.2(a)). Action taken, as defined by the Brown Act, is a “collective decision made by a majority of the members of the legislative body” or a “collective promise to make a positive or negative decision.”
- Attendance at a conference by a majority of the Board where discussions were held with legal presenters regarding censure of trustees (violation of GC §54952.2 (c) (2))

There is no written record of these meetings being publicly noticed or agendized to allow the public an opportunity to provide input. (Violation of GC §54953.2)

The majority of current Board members are experienced educators who have the ability to impart standards and develop guidelines for the youth of the community. Unprofessional conduct, questionable interaction with fellow Board trustees and District staff, and deliberate violations of not only Board policies but California law are not the appropriate examples of responsibility for the youth to emulate. A higher standard of conduct must be upheld by those who have such a profound influence on the youth.

## **INTRODUCTION/BACKGROUND**

Up until 2010, the Board was comprised of 7 trustees, elected by the County voters. In December, 2010 only 5 trustees were attending Board meetings. In January, 2011 a public hearing was held and the Board discussed reorganization of the Board to 5 members and what steps needed to be taken to reduce the number of Board trustees. There was no public comment. In February, 2012 the School District and legal counsel amended the language of the Board composition to include trustee boundaries which were the same as the Amador County (County) supervisorial districts. This action would become effective with the 2014 elections. However, by December, 2010, the Board had actually reduced its trustees to 5. Terms are for 4 years. Every year the trustees elect one member to serve as President and one to serve as Clerk of the Board.

The Board is guided by an extensive body of Bylaws. There is a link to the Board Bylaws on the School District's website: [http://www.amadorcoe.org/Board%20Policy/Board\\_Policy.htm](http://www.amadorcoe.org/Board%20Policy/Board_Policy.htm). These Bylaws govern school board activities, behavior, and school district operations.

Several complaints were received by the Grand Jury regarding unprofessional trustee behavior and violations of both the Brown Act and Board Bylaws.

## **METHOD OF STUDY**

This investigation followed two avenues of inquiry. The relevant Bylaws governing trustee behavior were analyzed to determine what the Board policy actually states regarding the alleged behavior. It should be noted that only the Board policies governing the alleged misconduct were analyzed.

Interviews were conducted with 3 trustees and 5 District management and current and former District staff. There was research into and discussion of the California Education Code and the Brown Act (Government Code §§94950-54963). Legal counsel was consulted regarding the interpretation of the Bylaws and the CA Education Code. Board agendas and minutes were studied and discussed. Correspondence with Board trustees and the District Office provided further areas of research.

## **AUTHORITY**

Penal Code §919 (c), The grand jury shall inquire into the willful or corrupt misconduct in office of public officials of every description within the county.

Penal Code §933.5, 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 . . .may investigate and report upon the method or system of performing duties of such district (including school districts)...

## DISCUSSION

The Grand Jury received a citizen complaint that identified several areas of inappropriate behavior of the Board and by one trustee. The complaint alleged:

- conduct during Board meetings was inappropriate and unprofessional
- violations of the Brown Act frequently occurred
- interaction between the trustees and the District management was volatile

The complaint stated that there was a public hearing that did not follow the Board Bylaws regarding the Censure Policy Procedures (BB9401); that the trustee caused a situation where District staff were requested to disregard District policy (BB9200); and that the trustee was aggressive and unprofessional in actions toward District staff that impeded those staff members from performing their job duties.

The Grand Jury needed to determine if a violation of policy had, in fact, occurred. It should be noted that only the Board policies governing the alleged misconduct were analyzed. In the course of the investigation, other areas of concern arose:

- training requirements of trustees for Board administration is inconsistent and not mandated
- correct use of Board meeting "open sessions" and "closed sessions" as dictated by the Brown Act were not followed

### School District Bylaw Violations

Relevant Bylaws were identified as directly pertaining to the complaints.

*Bylaw BB9005 Governance Standards: "...Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct . . . Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community. . . [they should] Act with dignity, and understand the implications of demeanor and behavior . . ."*

The specific behavior referenced in the complaint claimed the trustee acted in a manner contrary to Board Bylaw BB9005 toward the Superintendent of Education. The Grand Jury interviewed 3 Trustees and 1 member of the District Management. Interaction between the Superintendent and the trustee concerned job performance and resulted in a poor evaluation of the Superintendent. The Grand Jury reviewed documents that established violations of this Bylaw did occur. According to documents reviewed, the Grand Jury found the trustee acknowledged the behavior as unprofessional by issuing a written apology to the Superintendent, yet the poor evaluation remained.

While the Bylaws regarding standards and ethical conduct are clear, the consequences of violating the standards are not. This is a general problem that the Grand Jury found with numerous Bylaws. The Bylaws contain no language stating what would happen if violations occurred. Presumably the ultimate consequence for improper behavior is official censure. Censure is addressed in Bylaw BB9401- Trustee Censure Policy. Careful reading of this procedure reveals it to be flawed.

*Bylaw BB9401: "...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.*

*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 to the Board President for investigation and review to an ad hoc committee composed of 3 trustees not subject to the complaint . . ."*

The problems with this Bylaw are many. It states the School Board must first determine if further investigation is warranted, but no procedure to make this determination is delineated. Is a vote by the School Board required? Is a majority of 3 required to pursue an investigation? Does the individual accused of improper behavior get to vote on what could potentially be a censure of his or her own behavior? If the accused individual does get a vote, how many votes are required to pursue the investigation? The procedure as written first refers the issue to the Board President. What if the President is the accused trustee? Who then has the responsibility to put together the ad hoc committee? What if multiple members of the Board are accused of improper behavior? How is that situation handled? These are just some of the questions and issues that are not answered by this Bylaw.

Allegations of misconduct were brought before the Board in June 2013 (item 13.1) to "appoint Special committee to investigate Complaints of Trustee Misconduct." According to the Board Minutes, a lengthy discussion followed with one trustee stating there was no time to review the incident report, another trustee complained about the cost of referring this to legal counsel, and yet another trustee expressed dismay that the allegations were taken to this level. The allegations were never investigated because the individual accused of the improper behavior was allowed to vote against further investigation. With no procedures defined on BB9401 the trustees can decide not to investigate. The allegations were never addressed and were never proven as true or not true.

Several complaints to the Grand Jury involve a trustee becoming improperly involved in directing District staff in the performance of their duties. The Grand Jury interviewed 3 Trustees and 5 District management and staff. Those interviewed corroborated that confrontations occurred where District staff was performing their job duties while children were present. The safety of the children was contingent upon staff doing his or her job without distraction or interference by anyone. Those interviewed also corroborated that incidents occurred between the trustee and District staff regarding changes to District procedures. Numerous Bylaws establish the working relationship between the School Board

and the District staff. The complaints stated that a trustee acted contrary to each of the following Bylaws:

- Bylaw BB9000 - Working Relationship Policy: ". . . *The ACUSC Board of Trustees provides direction to the Superintendent rather than an individual Trustee offering direction . . .*"
- Bylaw BB 9200 - Limits of Board Members Authority: ". . . *The Board member has no individual authority. Individually, the Board member may not commit the district to any policy, act, or expenditure . . .*"
- Bylaw BB 9005 - Governance Standards: ". . . *[Board members must] Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff . . .*"
- Bylaw BB9401 - Trustee Censure Policy: ". . . *All Board members are expected to maintain the highest standards of conduct and ethical behavior . . .*"

District staff members who were interviewed, to a person, stated they found the trustee's manner and tone to be threatening and inappropriate. The interaction initiated by the trustee left District staff with a feeling of fear regarding their employment if they were to complain or protest. It is the opinion of the Grand Jury that no formal complaint by District staff against the trustee was initiated due to fear of retaliation.

## **Training**

There is a wide disparity among trustees regarding attending training. One trustee had attended no training in 14 years while other trustees attended training regularly. Most of the training is supplied by the California School Boards Association and is quite intensive and varied. The relevance of the training can be easily seen by the training titles themselves for the 2013 conference: Common Core; Community Partnerships, Engagement, and Advocacy; The Digital Age; Funding, Finance, and Facilities; Leadership Through Governance; School Safety; and Student Achievement. Any trustee competence would be enhanced through exposure to any of the above listed topics. The Bylaws do not mandate training. The rapid change in technology and the evolving models of curriculum, however, indicate that substantial training is required if all trustees are to maintain current knowledge.

Board Bylaws direct that the Board set goals each year and then evaluate their accomplishments at the year end.

Bylaw BB 9400 - Board Self-Evaluation: *Effective and efficient Governing Board operations are an integral part of creating a successful education 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 . . . evaluated as a whole and not as individuals . . . should include the*

*establishment of strategies for improving Board performance . . . shall include suggestions for continued Board member development.*

While the various trustees interviewed were aware of the Bylaws pertaining to School Board self evaluation and training, most were vague on specifics. All trustees interviewed thought evaluations of the Board were a good idea, but no one could state exactly the last time such an evaluation was undertaken or what the outcome was. The Board has set no goals nor evaluated its accomplishments of these goals in writing for several years.

## **Brown Act Violations**

The Brown Act (Government Code 54950+) was passed by the California legislature with the basis that the people must be informed so they can keep control over their government. The law applies to the “legislative bodies” of local government agencies, including school boards. The Brown Act defines how the legislative body interacts with the public and staff, as well as between themselves.

Significant deficiencies exist for the trustees' knowledge of both the Bylaws and the Brown Act. While the trustees interviewed claimed to know what the Brown Act requires, it is clear that the Board engaged in numerous violations of the Act.

Interviews with trustees identified several areas of Brown Act violations including:

- Meetings held by a majority of the Board to discuss and determine action to be taken regarding censure of trustees (violation of GC §54952.2(a)). Action taken, as defined by the Brown Act, is a “collective decision made by a majority of the members of the legislative body” or a “collective promise to make a positive or negative decision.”
- Attendance at a conference by a majority of the Board where discussions were held with legal presenters regarding censure of trustees (violation of GC §54952.2 (c) (2))

Yet there is no written record that these meetings were publicly noticed or agendized to allow the public an opportunity to provide input. (violation of GC §54953.2) Per GC §54959, each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of [the Brown Act], and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor. All actions taken where the Board is in violation of the Brown Act may be null and void as well. (GC §54960.1 (a))

GC §54954.2 states that an agenda must be posted “at least 72 hours before a regular meeting. . . [and shall contain] a brief general description of each item of business to be transacted or discussed at the meeting . . .” The Grand Jury found that items on several ACUSD/COE agendas lacked any description at all. At a Board meeting attended by Grand Jury members, there was discussion about an item with no description. During the discussion, it was stated that the title was just a “place holder” and additional information should have been added prior to posting.

GC §54954.3 (a) confirms that “opportunities [must be provided] for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body’s consideration of the item . . .” The ACUSD/COE agendas allow for public comment as noted on every agenda:

11.0 PUBLIC COMMENTS: Any person may address the Board at this time upon any subject within the jurisdiction of the Amador County Unified School District Board of Trustees or the Amador County Office of Education Board of Trustees; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent Board Meeting.

Please note – 20 minutes total on any subject or 3 minutes per speaker

Examples of these violations of the Brown Act were as recent as the May, 2014 Board meeting. Continued violations of the Brown Act may result in court proceedings that may also result in an “award of court costs and reasonable attorney fees be awarded to the plaintiff in an action brought pursuant to Section 54960, 54960.1, or 54960.2 where it is found that a legislative body of the local agency has violated this chapter.” (GC §54960.5) Board Bylaw 9010 also states:

*Note: Pursuant to Government Code 54960 as amended by SB 752 (Ch. 32. Statutes of 1994), the district attorney or any interested person can sue the Board in order to stop or prevent violations of the Brown Act or to determine whether any Board rule or action which penalizes or otherwise discourages the expression of one or more of its members is valid or invalid under law.*

Also absent from Board activity is any meaningful input from legal counsel regarding their monthly meetings.

## **FINDINGS:**

- F1. An elected trustee did, on more than one occasion act as an individual rather than speaking for the entire School Board.
- F2. An elected trustee did interact directly with District staff rather than working through the Superintendent.
- F3. An elected trustee did violate policy by directly interacting with District staff to affect changes to District policy without going through the Superintendent.
- F4. When violating Board policies, an elected trustee did act in a manner that was unprofessional and confrontational.

- F5. An elected trustee did actively oppose any Board investigation into the misconduct discussed at a Board meeting in June, 2013 as required by the Bylaw 9401 when the accusations of misconduct are brought before the Board.
- F6. The complaint was never investigated by the Board because the individual accused of misconduct was allowed to vote against further investigation.
- F7. The Bylaws did not indicate consequences nor were any consequences discussed by the Board for inappropriate behavior.
- F8. Training is not required, but there is a wide disparity among trustees regarding the value of ongoing training and attendance of courses available.
- F9. While the various trustees interviewed were aware of the Bylaws pertaining to Board self evaluation and training, most were vague on specifics. All trustees interviewed thought the Board self evaluation a good idea but no one could state exactly the last time such an evaluation was undertaken or what the outcome was.
- F10. All trustees interviewed claimed to know what the Brown Act requires, yet violations continue to occur.
- F11. The contract for legal counsel includes “board governance” in the scope of work, however, absent from Board activity is any meaningful input from legal counsel regarding their monthly meetings.

## RECOMMENDATIONS:

- R1. The complaint process against a trustee should be made clear to all District staff. Superintendent may keep a complainant’s identity confidential, except to the extent necessary to investigate the complaint. Board Policy 1312.1 prohibits retaliation against complainants. (Findings 1, 2, 3, 4)
- R2. The present censure policy should be discarded. An independent 3 person board, appointed by the Board at the beginning of the school year, should evaluate **all** claims of inappropriate behavior by any elected trustee. Board policy should include consequences of inappropriate behavior if it is found to be true. (Findings 5, 6, 7)
- R3. The Bylaws should mandate continuing training for **all** trustees. (Findings 8, 10)
- R4. The Board should conduct written annual self evaluations, presented publically during a Board meeting, where both the Board goals and a statement assessing whether those goals were met are presented. (Finding 9)
- R5. The public should have the opportunity to comment on the goals and evaluations of the Board. (Finding 9)
- R6. Where appropriate, Bylaws should include specific language relating to the consequences when Bylaws are not followed. (Finding 7)

- R7. The Grand Jury, as an interested party in the violations occurring with the Brown Act, is demanding that the Board “cure and correct” the actions it has taken in violation of the Brown Act per GC §54960.1 and avoid these violations in the future. (Finding 10)
- R8. The contract for legal counsel services should include meeting agenda review and approval prior to the posting of the agenda to avoid Brown Act violations on a fixed fee rate and not an hourly rate. (Finding 10, 11)

## **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 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.

**PLANNING & ENVIRONMENT COMMITTEE**

**PROCESSES INVOLVING  
SPECIAL EVENTS WITHIN  
AMADOR COUNTY**



# PLANNING & ENVIRONMENT COMMITTEE

## Processes involving Special Events within Amador County

### EXECUTIVE SUMMARY

Complaints were received by the 2013-2014 Grand Jury (Grand Jury) regarding special events such as planned walks, runs, or marathons, held on the County's roads and impacting safe travel. An additional complaint was received regarding damage and litter left behind. There is a perceived increase in these special events. The Grand Jury inquired into this limited area of special events within Amador County (County). Several areas were researched: neighboring counties, cities within the County, and state highway regulations. Interviews were conducted with several public officials in the County and city offices. Discussions with fellow jurors and local residents were conducted.

The conclusions of this investigation into special events involving bicycle rides, runs, walks, and marathon fund raising events are:

- It is possible that there are special events in the County that have not gone through the permitting process.
- Most of the cities in the County, the County itself, and CalTrans all have permitting processes in place that have different requirements, timeframes, and approvals.
- An organizer of a special event must locate the various permit applications for any areas involved in their event. There is no single source or central location where an organizer can get information on planning these special events in the County.
- If the County wants to promote tourism and special events using the terrain challenges the County offers, a central repository of information and links to permit applications would be beneficial.



Artwork by C. Berglund

The 2013-2014 Grand Jury recommends improvements be made to the special events permitting process.

## INTRODUCTION OR BACKGROUND

The County is located in the foothills of the Sierra Nevada Mountains of California. The County bills itself as "The Heart of the Mother Lode" and lies within the California Gold Country.

According to the U.S. Census Bureau, the county has a total area of 605 square miles:

- 593 square miles of land
- 12 square miles of water

The County ranges in elevation from approximately 250 feet in the western portion to over 9,000 feet in the eastern portion and is bordered on the north by the Cosumnes River and on the south by the Mokelumne River.

The County is made up of five incorporated cities: Amador City, Ione, Jackson, Plymouth, and Sutter Creek. Unincorporated areas include the communities of Pine Grove, Pioneer, Volcano, Fiddletown, and River Pines.



Because of the unique terrain within the County of flat lands, rolling hills, and steep grades; this area is popular with groups and agencies planning benefit bicycle rides, runs, walks, or marathon events. Most of the roadways are 2-lane city streets with little or no shoulder space, small county roads, or state highways. Special events can have an impact on local traffic flow and pedestrian safety. The Grand Jury expressed a concern over a perceived increase in the number of these "special events" occurring in the County.

Jury members discussed these concerns and identified 4 areas of inquiry:

1. What is the impact of special events on neighborhoods?
2. Does the County receive any money for these events?
3. What happens when litter and road markings are left behind?
4. How and where can a resident complain about the event and its aftermath?
5. Are there many special events that occur yet do not have a permit?

A committee was appointed to research these areas of inquiry and the jury as a whole voted to investigate “Special Events occurring within Amador County.”

## **AUTHORITY**

Under Penal Code §925, the grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county.

Under Penal Code §925a, ...the grand jury may investigate and report on the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any [incorporated] city... and make such recommendations as it may deem proper and fit.

## **METHOD OF STUDY**

In conducting this investigation, the following activities were undertaken:

- Visits to the County's municipalities requesting existing policies for permits and/or complaint forms
- Interviews with City officials: Amador City, Jackson, Sutter Creek, Plymouth, and Ione
- Interviews with County officials: Planning Department, Department of Public Works
- Correspondence with the County Sheriff's Department, California Highway Patrol, and CalTrans
- Informal survey of local residents
- Committee meetings
- Review of County Codes and cities' Municipal Codes
- Internet search of neighboring counties to identify their regulations for public special events

## **DISCUSSION**

The County features nice weather, scenic terrain, challenging bicycle and running routes, relatively uncrowded roadways, commercially attractive destinations (wineries, museums,

natural wonders), and friendly people. This makes it a natural place to stage a fund-raising or topic-related event. Our businesses appreciate visitors, especially ones who are not just passing through our county, but our local residents also need to safely access the roads to accomplish their daily tasks. Legal authority for a local legislative body (city or county) to temporarily close portions of State highways for special events comes from California Vehicle Code §21101 and §21104.

#### THE CITIES: IONE

Ione has a process in place for permitting special events. An application must be filed with Ione for “any gathering, event, activity or parade on any city street, highway and/or any publicly owned property at a minimum of 30 days prior to the Event.”<sup>1</sup>

The *Application for Special Event/Parade Permit* includes:

- Name and purpose of the event
- Date and location of the event
- Anticipated number attending the event
- Name and contact information of sponsoring organization

The Ione permit requires liability insurance to cover the event. Ione offers a Special Event group insurance policy to event organizers. Cost is determined by the type of event or the risk category. Ione must be named as “additional insured” on the policy.

Event organizers may be charged for set-up fees, encroachment permits<sup>2</sup>, clean up, and traffic control. Information regarding the fees is provided to event organizers after Ione reviews the application. Final approval of the event permit and fee is at the discretion of the City Manager or designee. Non-profit organizations are generally not charged a fee.

Over the last 4 years, Ione issued a total of 25 special events permits; 13 of these were related to bike-walk-marathon events. Ione collected \$2,000 for city services and \$2,240 for police services from 4 out of the 13 events.

Ione has a complaint form available on their website [www.ione-ca.com](http://www.ione-ca.com) Frequently Used Forms, Miscellaneous, Complaint form. (Appendix B) Complaints are not anonymous and should include documentation. Complaint forms are not event specific.

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<sup>1</sup> from City of Ione *Application for Special Event/Parade Permit* form – Appendix A

<sup>2</sup> Ione Municipal Code §12.16.020 (A) “Any person, firm, or corporation desiring to cut, excavate or erect any structure or improvement in or upon any street, sidewalk, alley, way or public property of the city for the purpose of making or installing any pipes, structures, or improvements, or any other purposes, shall, before excavating or constructing for such purpose, obtain a written permit from the city.”

## THE CITIES: JACKSON

The Jackson Police Department (Jackson PD) has a process in place for permitting special events. The application for a Special Event/Parade Permit must be “filed with the Chief of Police for consideration of any gathering, event, activity or parade on any city street, and/or any publicly owned property, a minimum of 20 days prior to the event.”<sup>3</sup> Jackson PD submits a recommendation for the Special Event to the City Council for consideration and final approval.

The Application for Special Event / Parade Permit includes:

- Name and purpose of the event
- Date and location of the event
- Anticipated number attending the event
- Name and contact information of sponsoring organization

The Jackson PD permit requires comprehensive general liability insurance to cover the event, with the City of Jackson named as “additional insured” on the policy.

Over the last 4 years, Jackson issued 41 Special Events Permits; 5 of these were related to bike-walk-marathon events. Jackson does not charge a fee for a special events permit.

City of Jackson has a complaint form available on their website [www.ci.jackson.ca.us](http://www.ci.jackson.ca.us) On-line Services/Forms. (Appendix D) Complaints are not anonymous and should include documentation. Complaint forms are not event specific.

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<sup>3</sup> from Jackson Police Department *Application for Special Event/Parade Permit* form – Appendix C

## THE CITIES: SUTTER CREEK

Sutter Creek has a City Ordinance (341 – Special Events) that sets the process and procedures necessary for these events. Sutter Creek has a permit process and will help set up parameters for events. The Application for Special Event / Parade Permit includes:

- Name and purpose of the event
- Date and location of the event
- Anticipated number attending the event
- Name and contact information of sponsoring organization
- Street closures and traffic plans

There is a \$25 application fee for all special events. The Sutter Creek permit requires comprehensive general liability insurance to cover the event. The City of Sutter Creek and its officers must be named as “additional insured” on the policy. Over the last 4 years, Sutter Creek has issued a total of 61 Special Events Permits; 5 of these were related to bike-walk-marathon events. Sutter Creek has collected a total of \$1,525 in fees for special events.

Sutter Creek has no complaint form in place.

## THE CITIES: PLYMOUTH

Plymouth is working on establishing a process. There is no complaint form. Plymouth recognizes an increasing number of events and the need for regulation.

## THE CITIES: AMADOR CITY

Amador City has no formal permitting process or complaint form.

## AMADOR COUNTY

The County adopted an Encroachment Ordinance (number 1656) in 2006 that addresses encroachment into the County roads right of way. An Encroachment Permit must be obtained for driveway construction, utility line installation, signage, and traffic control, and special events in the right of way. Applications for Special Events must be submitted at least 30 days prior to event to allow for processing of insurance requirements. The *Application for Encroachment Permit* includes:

- Name and contact information of applicant
- Date and location of event
- Permit fee
- Proof of liability insurance

The County requires comprehensive general liability insurance to cover the event. Amador County, its employees, officers, officials, and volunteers must be named as “additional insureds” on the policy. The amount of the insurance is specified by the County’s Risk Manager. A fee for Encroachment Permits (\$625.00) is included with the application. This fee is established by ordinance by the Board of Supervisors (Ord. 1656 §2 (part), 2006). The fee can be waived at the discretion of the Director of the Public Works Department.

Over the last 4 years, the County issued 27 special events permits; 14 of these were related to bike-walk-marathon events. The County collected a total of \$8,125 in fees for 13 out of 14 special events.

The County Sheriff’s Department does not issue special events permits. The Sheriff’s Department schedules monthly meetings to go over events happening within the County and coordinates with other agencies, including California Highway Patrol, CalTrans, cities’ Police Departments, California Department of Forestry, Mule Creek State Prison and California Department of Corrections and Rehabilitation Fire Camp.

STATE OF CALIFORNIA – Department of Transportation (CalTrans)

Many of the main arteries through the County are State highways: 49, 88, 104, 124, etc. Benefit and marathon bicycle and running/walking events may use these state highways when moving between the cities and town areas of the County. CalTrans has a permit application processes and specific permit requirements such as traffic control, liability insurance, approvals from local jurisdictions, etc. CalTrans may receive requests for special events that do not require a permit because the activity can fall within the California Vehicle Code. Small groups riding for a special cause or charity can be exempt from the permit process as long as they follow the Vehicle Code and do not adversely affect traffic.

CalTrans defines a “special event” as a “marathon, bike-a-thon, walk-a-thon, parade, or other local celebration to be held on a State highway facility in such a way as to directly impact vehicular traffic on a State highway facility. Generally, a special event is an activity that is not consistent with the primary use of the State highway system and, therefore, closing a portion of a State highway and/or using special traffic control by CalTrans is necessary.”<sup>4</sup>

CalTrans has the authority to issue encroachment permits for special events on State highways, in accordance with Streets and Highway Code §§124, 670, and 682.5. Permittees are responsible for all traffic control and fees for special events and shall independently coordinate all activities with other affected jurisdictions. Fees include review and analysis of traffic handling proposals, answering correspondence, coordinating with law enforcement agencies, etc.

State encroachment permit fees are not required of nonprofit organizations possessing a resolution for conducting municipal parades that are considered a civic event i.e. legal holiday parades and those sponsored by veterans’ organizations, schools, or youth organizations.

The *Standard Encroachment Permit Application* (Form TR-0100 rev 7/2007), includes:

- County and highway information involved with the event
- Date and purpose of the event
- Permit approval from another agency (city or county) with a copy of approved permit when applicable
- Name and contact information of applicant
- Estimated fee deposit
- Traffic control plans with detour plans approved by the affected local entities (cities, counties and tribal governments) if required
- A certificate of liability insurance that covers all liability for personal injury and property damages. The insurance certificate must name the State of California, its officers and employees as additional insured and in an amount determined by CalTrans to be appropriate for the event. Cities, counties, public schools, local improvement districts, and other local or State agencies are exempt from insurance requirements.

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<sup>4</sup> from State of California – Department of Transportation Encroachment Permits Manual, 7/2013 §514

## FINDINGS

- F1. Special Events are included in the County's Encroachment Permit process.
- F2. There is no central location for information addressing the various agencies', cities', and departments' special events permitting processes.
- F3. The County Public Works Department has a contact number to call in the event of an area left damaged or littered after a special event. Often residents call the Sheriff's Department or do not call at all. The phone number for the County Public Works Department is 209-223-6429.
- F4. Special Events within the County often include more than one city and use connecting county and state roads between the cities.
- F5. Special Event organizers are often unaware that each location their event traverses has its own permitting requirements.
- F6. It is possible that there are special events occurring in the County that have not gone through the permitting process. There is no way to verify how frequently this happens. The actual statistics from the agencies within the County are far below the perceived volume of Special Events that occur.



Bike event in March, 2014 - Plastic arrows are 12"l x 3"w and have melted into the pavement.



Bike event in October, 2013 - Contacting County Public Works identified this event as unpermitted. Painted arrows remain in place as of April, 2014.

## RECOMMENDATIONS

- R1. The County should adopt a “Special Events Permit” for events that occur on County roads. The permit should not be hidden in local encroachment processes. (Finding 1)
- R2. Cities and the County should coordinate postings of and permitting for special events in a central location, i.e. Chamber of Commerce, County webpage, etc. (Finding 4, 5)
- R3. A single contact sheet should be developed and updated annually with contact information for all the agencies involved with special events permitting. The Information Sheet should include the agency, contact phone number, and website location, and be attached to all permits from the various agencies and on the agencies’ websites.

## 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 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

APPENDIX A: City of Ione *Application for Special Event/Parade Permit* form

APPENDIX B: City of Ione Complaint form

APPENDIX C: Jackson Police Department *Application for Special Event/Parade Permit* form

APPENDIX D: City of Jackson Complaint Form

APPENDIX E: City of Sutter Creek Application for Special Event/Parade permit

APPENDIX F: Amador County: Encroachment Permit application

APPENDIX G: CalTrans Standard Encroachment Permit Application

## APPENDIX A



CITY OF IONE  
 P.O. BOX 398  
 1 E. MAIN STREET  
 IONE, CA 95640  
 (209) 274-2412  
 FAX (209) 274-2830



**APPLICATION FOR SPECIAL EVENT/PARADE PERMIT**

An application must be filed with the City of Ione for any gathering, event, activity or parade on any city street, highway and/or any publicly owned property at a minimum of 30 days prior to the Event.

1. Name of Event: \_\_\_\_\_
2. Purpose of Event: \_\_\_\_\_
3. Will the Event be held on City \_\_\_\_\_ or Private \_\_\_\_\_ property?
4. Location Description (also attach a map showing route or exact location):  
 \_\_\_\_\_
5. Date of Event: \_\_\_\_\_ Time of Event: \_\_\_\_\_ AM/PM to \_\_\_\_\_ AM/PM  
 Sponsoring Organization: \_\_\_\_\_ Day Phone#: \_\_\_\_\_  
 (Attach by-laws & proof of Non-profit status)
6. Applicant Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_  
 Day Phone # ( ) \_\_\_\_\_ Position/Title in Organization: \_\_\_\_\_
7. Alternate Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_  
 Day Phone # ( ) \_\_\_\_\_
8. Person in Charge of Event: \_\_\_\_\_  
 Day Phone # ( ) \_\_\_\_\_
9. Anticipated size or number at the event, please explain in detail: \_\_\_\_\_  
 \_\_\_\_\_
10. Are there Special needs that you are requesting the City provided? (music, PA system, animals, entertainment, etc.)  
 \_\_\_\_\_  
 \_\_\_\_\_

CONDITIONS OF SPECIAL EVENT/PARADE PERMIT

1. **INSURANCE & SPECIAL EVENT/PARADE PERMIT:** Proof of insurance may be provided in two ways:
  - a. The City offers a Special Event Group Insurance policy. The cost is determined by the type of event or risk category. *Events with Participants require special underwriting and a separate insurance policy.* Contact the City for information for this coverage. \_\_\_\_\_
  - b. The EVENT SPONSOR provides a Certificate of Liability Insurance from their provider naming the CITY as additional insured in the amount of One Million Dollars for the term of the event and set-up as provided herein. If the EVENT SPONSOR plans to sell alcoholic beverages and EVENT SPONSOR'S standard liability policy does not provide such coverage, then a one-day "Special Event" policy must be provided to the city prior to the use of the facility. All certificates must be received at least two weeks prior to the event in ample time for review. \_\_\_\_\_
  - c. The Special Event/Parade Permit must be completed and submitted no later than 30 days prior to the event for review. A street closure or event occurring on a state highway may require a meeting with the City Manager or their designee at least two weeks prior to the event. \_\_\_\_\_
2. **ALCOHOLIC BEVERAGES:** Final approval of consumption or sale of alcoholic beverages at any event is at the discretion of the City Police Chief. It is agreed and understood that the EVENT SPONSOR shall have the sole responsibility for obtaining any required permits from the Alcoholic Beverage Control Board. If Event involves the sale or consumption of alcoholic beverages, then the City will require security for the Event. The EVENT SPONSOR is responsible for providing appropriate security at no expense to the City. The Police Chief or designee will determine the security requirements at the Event. The lone Police Department may provide the security at an additional cost to the EVENT SPONSOR. \_\_\_\_\_
3. **FEES:** The City may require the EVENT SPONSOR to pay for set-up fees, encroachment permit, clean-up and traffic control. If the City incurs overtime costs to provide any services, then the EVENT SPONSOR is required to pay those fees. In the case of an EVENT SPONSOR that is not a non-profit organization, then any costs incurred by the City will be passed onto the EVENT sponsor. The City will provide information to the EVENT SPONSOR regarding any fees after reviewing the application and determining the time required to approve the Event application.  
\_\_\_\_\_
4. **APPROVAL OF EVENT:** Final approval of Events is at the discretion of the City of lone City Manager or designee. The event is not sanctioned until the City Manager or designee approves the EVENT application. \_\_\_\_\_

11. Will food/beverage/alcohol be served?: Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

**YOU ARE RESPONSIBLE TO MEET ALL STATE AND COUNTY HEALTH CODES**

12. Security provided for event?: Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

13. Will you be requesting any streets or highways be closed? Yes \_\_\_\_\_ No \_\_\_\_\_  
**Event coordinator will need to meet with City Manager or designee to discuss routes and needs.**  
If yes, explain (attach map and information showing traffic control plan):  
\_\_\_\_\_  
\_\_\_\_\_

**(Note: City, Caltrans or County permit maybe required)**

14. Will there be any open flames of any type? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

15. Clean up plans: Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

16. Provide insurance certificate showing insurance company and coverage:  
\_\_\_\_\_

**WITH THE CITY OF IONE NAMED AS ADDITIONAL INSURED**

17. Limits of Liability: \_\_\_\_\_

18. Other Comments: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

_____ Police Chief	_____ Date	Approved Y / N	Attachment
_____ Fire Chief	_____ Date	Approved Y / N	Attachment
_____ City Manager	_____ Date	Approved Y / N	Attachment
	<u>If applicable:</u>		
_____ City Planner	_____ Date	Approved Y / N	Attachment
_____ Building Official		Approved Y / N	Attachment

## APPENDIX B

**CITY OF IONE**

**COMPLAINT FORM**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_  
COMPLAINT IS AGAINST: ( ) BUSINESS ( ) INDIVIDUAL ( ) OTHER

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ LOCATION: \_\_\_\_\_

**NATURE OF COMPLAINT:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NAME OF PERSON FILING  
COMPLAINT:**

\_\_\_\_\_

PHONE: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

**STAFF INVESTIGATION:**

\_\_\_\_\_  
\_\_\_\_\_

**STAFF RECOMMENDATION:**

\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: \_\_\_\_\_

RECALL: \_\_\_\_\_ DATE: \_\_\_\_\_

REFERRED TO: \_\_\_\_\_ DATE: \_\_\_\_\_

FILED UNDER: \_\_\_\_\_ DATE: \_\_\_\_\_

## APPENDIX C



APPLICATION FOR SPECIAL EVENT / PARADE PERMIT

An application must be filed with the Chief of Police for any gathering, event, activity or parade on any city street, and/or any publicly owned property, a minimum of 20 days prior to the event.

- 1. Name of Event:
2. Purpose of Event:
3. Location Description (also attach a map showing route or exact location):
4. Date of Event: Time of event: Sponsoring Organization: Day Phone #:
5. Applicant Name: Address: City: Day Phone #: Position/title in above organization
6. Alternate Name: Address: City: Day Phone #: Title:
7. Person in Charge at the Event: Day Phone #:
8. Anticipated size or number at the event, please explain in detail:
9. Special needs of your event (music, PA system, animals, rides, entertainment, etc.):
10. Will food / beverage / alcohol be served?: YES NO
11. Security Provided for the Event:
12. Clean Up Plans:
13. Comprehensive general liability insurance coverage provided by:
14. Limits of Liability:
15. Other Comments:
16. Signature of Applicant: Date:

YOU ARE RESPONSIBLE TO MEET ALL STATE & COUNTY HEALTH CODES

WITH THE CITY OF JACKSON NAMED AS ADDITIONAL INSURED.

## APPENDIX D



*"Preserving Our Past, Enriching Our Present, Building Our Future"*

33 Broadway, Jackson, California 95642-2301 • voice (209) 223-1646 • fax (209) 223-3141  
E-mail: [cinfo@ci.jackson.ca.us](mailto:cinfo@ci.jackson.ca.us) • Web site: <http://ci.jackson.ca.us>

## CITY OF JACKSON

### COMPLAINT FORM

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_

COMPLAINT IS AGAINST:      ( ) Business      ( ) Individual      ( ) Other

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Location: \_\_\_\_\_

NATURE OF COMPLAINT: \_\_\_\_\_

PERSON SUBMITTING COMPLAINT: \_\_\_\_\_

Phone: \_\_\_\_\_ Address: \_\_\_\_\_

Date: \_\_\_\_\_

STAFF INVESTIGATION: \_\_\_\_\_

STAFF RECOMMENDATION: \_\_\_\_\_

Signature: \_\_\_\_\_

RECALL: \_\_\_\_\_ Date: \_\_\_\_\_

REFERRED TO: \_\_\_\_\_ Date: \_\_\_\_\_

FILED UNDER: \_\_\_\_\_ Date: \_\_\_\_\_

## APPENDIX E

**SECTION I - CONTACT INFORMATION**

**Host Organization**

Organization Name: \_\_\_\_\_

Type of Organization:  Corporation  Individual  Non-Profit

Mailing Address: \_\_\_\_\_  
(Street Address) (City) (State) (Zip)

Physical Address: \_\_\_\_\_  
(If different) (Street Address) (City) (State) (Zip)

Primary Phone Number: (\_\_\_\_) \_\_\_\_\_ Fax Number: (\_\_\_\_) \_\_\_\_\_

Website Address: http://\_\_\_\_\_

**Event Organizer**

Name & Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street Address) (City) (State) (Zip)

Primary Phone Number: (\_\_\_\_) \_\_\_\_\_ Cell Phone Number: (\_\_\_\_) \_\_\_\_\_

Fax Number: (\_\_\_\_) \_\_\_\_\_ E-Mail address: \_\_\_\_\_

**Secondary Organizer**

It is recommended that Event Organizer supply contact information for a Secondary Organizer.

Name & Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street Address) (City) (State) (Zip)

Primary Phone Number: (\_\_\_\_) \_\_\_\_\_ Cell Phone Number: (\_\_\_\_) \_\_\_\_\_

Fax Number: (\_\_\_\_) \_\_\_\_\_ E-Mail address: \_\_\_\_\_

**On-Site Contact**

Contact information for the person who will be on-site and will be the primary contact on the day of the event.

Name & Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street Address) (City) (State) (Zip)

Primary Phone Number: (\_\_\_\_) \_\_\_\_\_ Cell Phone Number: (\_\_\_\_) \_\_\_\_\_

Fax Number: (\_\_\_\_) \_\_\_\_\_ E-Mail address: \_\_\_\_\_

**SECTION II - EVENT INFORMATION**

**Event Details**

Event Name/Title: \_\_\_\_\_

- Type of Event:  5k or 10k Runs     Bike Races     Block Party     Wine, Beer or Food Tasting  
 Ceremony     Concert     Festival     Fundraiser  
 Animal Show     Marathon     Parade  
 Planned Demonstration or March     Procession     Street Fair  
 Walkathons     Other: \_\_\_\_\_

Event Description (50-Word Minimum):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is this an annual event?     Yes     No

Is this a multi-day event?     Yes     No    If so, how many days? \_\_\_\_\_

Event Start Date: \_\_\_\_\_    Event End Date: \_\_\_\_\_  
(Day of Week)    (Date)    (Day of Week)    (Date)

Is there an admission fee?     Yes\*     No  
\*If so, please include admission fee details in the Event Description above.

What is the anticipated attendance?    Overall: \_\_\_\_\_    Daily: \_\_\_\_\_

Previous year's attendance (if applicable): Overall: \_\_\_\_\_    Daily: \_\_\_\_\_

**Event Set-Up & Tear-Down**

If you will be utilizing street closures please refer to the next section to provide all street closure information.

How many days will your organization require to: Set-Up: \_\_\_\_\_    Tear Down: \_\_\_\_\_

Event Set-Up Date: \_\_\_\_\_    Event Set-Up Time: \_\_\_\_\_ to \_\_\_\_\_  
(Day of Week)    (Date)

Event Start Date: \_\_\_\_\_    Event Start Time: \_\_\_\_\_ AM/PM  
(Day of Week)    (Date)

Event End Date: \_\_\_\_\_    Event End Time: \_\_\_\_\_ AM/PM  
(Day of Week)    (Date)

Event Tear-Down Date: \_\_\_\_\_    Event Tear-Down Time: \_\_\_\_\_ to \_\_\_\_\_  
(Day of Week)    (Date)

If your event is a multi-day event, please complete the following information for each separate date. Space is provided for five (5) additional entries. If your event is longer than five (5) days, please attach an additional sheet of paper with the requested information.

**Additional Day One:**

Event Set-Up Date: \_\_\_\_\_

Event Set-Up Time: \_\_\_\_\_ to \_\_\_\_\_

Event Start Date: \_\_\_\_\_

Event Start Time: \_\_\_\_\_ AM/PM

Event End Date: \_\_\_\_\_

Event End Time: \_\_\_\_\_ AM/PM

Event Tear-Down Date: \_\_\_\_\_

Event Tear-Down Time: \_\_\_\_\_ to \_\_\_\_\_

**Additional Day Two:**

Event Set-Up Date: \_\_\_\_\_

Event Set-Up Time: \_\_\_\_\_ to \_\_\_\_\_

Event Start Date: \_\_\_\_\_

Event Start Time: \_\_\_\_\_ AM/PM

Event End Date: \_\_\_\_\_

Event End Time: \_\_\_\_\_ AM/PM

Event Tear-Down Date: \_\_\_\_\_

Event Tear-Down Time: \_\_\_\_\_ to \_\_\_\_\_

**Additional Day Three:**

Event Set-Up Date: \_\_\_\_\_

Event Set-Up Time: \_\_\_\_\_ to \_\_\_\_\_

Event Start Date: \_\_\_\_\_

Event Start Time: \_\_\_\_\_ AM/PM

Event End Date: \_\_\_\_\_

Event End Time: \_\_\_\_\_ AM/PM

Event Tear-Down Date: \_\_\_\_\_

Event Tear-Down Time: \_\_\_\_\_ to \_\_\_\_\_

**Additional Day Four:**

Event Set-Up Date: \_\_\_\_\_

Event Set-Up Time: \_\_\_\_\_ to \_\_\_\_\_

Event Start Date: \_\_\_\_\_

Event Start Time: \_\_\_\_\_ AM/PM

Event End Date: \_\_\_\_\_

Event End Time: \_\_\_\_\_ AM/PM

Event Tear-Down Date: \_\_\_\_\_

Event Tear-Down Time: \_\_\_\_\_ to \_\_\_\_\_

**Additional Day Five:**

Event Set-Up Date: \_\_\_\_\_

Event Set-Up Time: \_\_\_\_\_ to \_\_\_\_\_

Event Start Date: \_\_\_\_\_

Event Start Time: \_\_\_\_\_ AM/PM

Event End Date: \_\_\_\_\_

Event End Time: \_\_\_\_\_ AM/PM

Event Tear-Down Date: \_\_\_\_\_

Event Tear-Down Time: \_\_\_\_\_ to \_\_\_\_\_

**SECTION III - STREET CLOSURE(S)**

Street Closure(s)

Closure Start Date: \_\_\_\_\_  
(Day of Week) (Date)

Closure Start Time: \_\_\_\_\_AM/PM

Closure End Date: \_\_\_\_\_  
(Day of Week) (Date)

Closure End Time: \_\_\_\_\_AM/PM

If your event requires multi-day street closures, please complete the following information for each separate date. Space is provided for five (5) additional entries. If your event requires street closures longer than five (5) days, please attach an additional sheet of paper with the requested information.

Additional Day One:

Closure Start Date: \_\_\_\_\_

Closure Start Time: \_\_\_\_\_AM/PM

Closure End Date: \_\_\_\_\_

Closure End Time: \_\_\_\_\_AM/PM

Additional Day Two:

Closure Start Date: \_\_\_\_\_

Closure Start Time: \_\_\_\_\_AM/PM

Closure End Date: \_\_\_\_\_

Closure End Time: \_\_\_\_\_AM/PM

Additional Day Three:

Closure Start Date: \_\_\_\_\_

Closure Start Time: \_\_\_\_\_AM/PM

Closure End Date: \_\_\_\_\_

Closure End Time: \_\_\_\_\_AM/PM

Additional Day Four:

Closure Start Date: \_\_\_\_\_

Closure Start Time: \_\_\_\_\_AM/PM

Closure End Date: \_\_\_\_\_

Closure End Time: \_\_\_\_\_AM/PM

Additional Day Five:

Closure Start Date: \_\_\_\_\_

Closure Start Time: \_\_\_\_\_AM/PM

Closure End Date: \_\_\_\_\_

Closure End Time: \_\_\_\_\_AM/PM

Barricade Equipment

Will organization require City barricade equipment?

Yes

No

If not, please indicate how Organization will control traffic:

Host Organization will rent barricade equipment from a private company. Host Organization will set-up and tear-down barricade equipment.

Host Organization will rent barricade equipment from a private company. Private Company will set-up and tear-down barricade equipment.

If renting from or hiring a private company, please provide the following information.

Company Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street Address) (City) (State) (Zip)

Physical Address: \_\_\_\_\_  
(If different) (Street Address) (City) (State) (Zip)

Primary Contact Number: (\_\_\_\_\_) \_\_\_\_\_ Sec. Contact Number: (\_\_\_\_\_) \_\_\_\_\_

**Traffic Plan**

The City requires a detailed Traffic Plan to be submitted if street closures are anticipated.

Applicants should prepare this plan in consultation with the Chief of Police.

Please keep in mind that streets must be closed from intersection to intersection; streets cannot be closed mid-block. Event Organizer is responsible for posting Temporary "No Parking" Signs 72 hours prior to the event and meeting other requirements that may be imposed by the Chief of Police.

Please list the streets, from intersection to intersection, which will be closed for your event. Space is provided for up to three (3) entries. If you need more space please attach an additional sheet of paper with the requested information. Your Site Plan/Map must show all streets and closures.

1) Street Name: \_\_\_\_\_

From (cross street): \_\_\_\_\_

To (cross street): \_\_\_\_\_

Type of Closure:  Street Closure  Sidewalk Closure

2) Street Name: \_\_\_\_\_

From (cross street): \_\_\_\_\_

To (cross street): \_\_\_\_\_

Type of Closure:  Street Closure  Sidewalk Closure

3) Street Name: \_\_\_\_\_

From (cross street): \_\_\_\_\_

To (cross street): \_\_\_\_\_

Type of Closure:  Street Closure  Sidewalk Closure

CITY OF SUTTER CREEK SPECIAL EVENT PERMIT APPLICATION

## SECTION IV - EVENT VENUE DETAILS

### Facility Use Permit

Will this event take place at a City facility?  Yes  No

Which facility? \_\_\_\_\_

Note: Please contact City Hall for a facility use permit.  
Please attach a copy of the Facility Use Permit to your Permit Application.

### Venue Details

Venue Name: \_\_\_\_\_

Venue Address: \_\_\_\_\_  
(Street Address) (City) (State) (Zip)

Venue Description (Please attach a detailed Site Plan/Map to your Application Packet):  
\_\_\_\_\_  
\_\_\_\_\_

### Staging Details

The following items will be used at the event (Please mark all that apply):

- Amplified Music       Bleacher(s)       Dance Floor(s)       Live Entertainment  
 Loud Speaker(s)       Microphone(s)       Stadium(s)       Stage(s)  
 Other: \_\_\_\_\_

Note: If any of the above items will be used, please indicate their location on your attached Site Plan/Map. Use of the above items may require the Event Organizer to meet ADA regulations.

### Catering/Food Vendor Details

Event Organizer must obtain health permits from all food handlers. If alcoholic beverages will be sold at the event, and are not provided by a professional caterer, an Alcoholic Beverage Control Permit is required.

Event will include the following (Please mark all that apply):

- Alcoholic Beverages       Non-Profit Food Vendors       Pre-Packaged Food/Beverage Items  
 Professional Catering       Pot Luck Items       Retail Food Vendors

If a professional caterer will be hired for this event, please provide the following information and attach copies of the company's Business Tax Certificate, Liability Insurance Certificate and Health Certificate.

Company Name: \_\_\_\_\_ Contact Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street Address) (City) (State) (Zip)

Physical Address: \_\_\_\_\_  
(If different) (Street Address) (City) (State) (Zip)

Primary Phone Number: ( \_\_\_\_\_ ) \_\_\_\_\_ Fax Number: ( \_\_\_\_\_ ) \_\_\_\_\_

CITY OF SUTTER CREEK SPECIAL EVENT PERMIT APPLICATION

**SECTION V – SECURITY, POLICE & FIRE**

Security and/or Police

- If necessary, in case of emergency, the On-Site Contact will call 9-1-1.
- Event Organizer is requesting assistance from the Sutter Creek Police Department.
- Event Organizer will use volunteers (with approval of Police) or will provide a private security company.

If providing a private security company, please provide the following information and attach copies of the company's Business Tax Certificate, Liability Insurance Certificate and California State License.

Company Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street Address) (City) (State) (Zip)

Physical Address: \_\_\_\_\_  
(If different) (Street Address) (City) (State) (Zip)

Primary Phone Number: ( ) \_\_\_\_\_ Cell Phone Number: ( ) \_\_\_\_\_

Fax Number: ( ) \_\_\_\_\_ E-Mail address: \_\_\_\_\_

Fire

- Event will require the use of electrical generators.
- Event will host the use of fireworks, explosive devices, pyrotechnics, mock gunfire and/or the use of weaponry for special effects. Additional insurance may be required for these events.  
**Note:** Please be advised that a police officer is required to be present any time weapons are loaded and/or discharged. Please contact your City Liaison for more information.
- Event will include canopies/tents with over 200 feet of material but no more than 400 feet of material.
- Event will include canopies/tents with over 400 feet of material.
- Cooking equipment with excessive heat, spark and/or open flame will be used.

If hosting the use of fireworks, explosive devices, pyrotechnics, mock gunfire and/or the use of weaponry for special effects, please provide the following information.

Date of Demonstration: \_\_\_\_\_

Time of Demonstration: \_\_\_\_\_

Demo & Location Description (Please indicate the location of the show and/or launching on the Site Plan/Map):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## INDEMNIFICATION AGREEMENT

Host Organization and/or Event Organizer agree, in consideration of the granting of this Application and Special Event Permit for:

\_\_\_\_\_ to be held on \_\_\_\_\_  
Event Name Event Date(s)

by \_\_\_\_\_ of \_\_\_\_\_  
Event Organizer/Primary Applicant Host Organization

Host Organization and/or Event Organizer(s) agree to defend, indemnify and hold harmless the City of Sutter Creek, and the City's employees, officers, managers, agents, council members, and volunteers harmless from any and all losses, damages, claims for damage, liability, lawsuits, judgment expense and cost(s) arising from any injury or death to any person or damage to any property including all reasonable costs for investigation and defense thereof (including, but not limited to, attorney fees, costs and expert fees) arising out of or attributed to the issuance of Applicant's Special Event Permit regardless of where the injury, death or damage may occur, unless such injury, death or damage is caused by the sole negligence or willful misconduct of the City.

Host Organization and/or Event Organizer agree to provide satisfactory evidence of, and shall thereafter maintain during the specified special event, such insurance policies and coverages in the types, limits, forms and ratings required by the City's Risk Manager or City Attorney or their designee.



\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# APPLICANT AGREEMENT

Please read each statement. Initialing next to each statement indicates your understanding and agreement to the statement.

\_\_\_\_\_  Host Organization and/or Event Organizer agrees, upon request, to provide a Liability Insurance Certificate providing evidence of general liability insurance coverage in the minimum amount of \$1,000,000 combined single limit AND an additional insured endorsement naming the City of Sutter Creek, its officers, employees and agents' as additional insured. This document must be submitted no later than fifteen (15) days prior to the event start date.

\_\_\_\_\_  Host Organization and/or Event Organizer agrees, upon request, to submit a Security Plan setting forth the proposed security measures to be taken to protect the health, safety and welfare of the participants, spectators, bystanders and passersby. This plan may be reviewed by the Police Department who may require alterations to the plan. Security measures may include but are not limited to the hiring of a private security or City Police Officers at the expense of the Event Organizer.

\_\_\_\_\_  Host Organization and/or Event Organizer agrees, upon request, to provide a copy of their Determination Letter, as issued by the Internal Revenue Service of the United States, if the application is made on behalf of any organization representing itself as a tax-exempt, non-profit and/or charitable organization.

\_\_\_\_\_  Host Organization and/or Event Organizer agree, upon request, to pay a refundable Cleaning Deposit no later than ten (10) days prior to the event as a condition of the issuance of the Special Event Permit. Applicant also agrees to pay any clean-up costs, in excess of the deposit, incurred by the City as a result of additional clean-up required to return the event location and surrounding area to its previous condition.

\_\_\_\_\_  Host Organization and/or Event Organizer agrees to post Temporary "No Parking" Signs on streets involved in closures for the event as required by the Sutter Creek Police Department.

\_\_\_\_\_  Host Organization and/or Event Organizer agree to work with City on placement of signs and/or barricades and to situate them in such a position that the road closure may be maintained in a safe and orderly manner.

\_\_\_\_\_  Host Organization and/or Event Organizer agree that any false statement or material misrepresentation made in support of this application and permit is cause for denial of issuance of a Special Event Permit. Applicant also agrees that failure to adhere to the policies and procedures established by the City of Sutter Creek ordinance number ~~1000~~<sup>336</sup>, known as the "Special Events Ordinance", or any conditions or restrictions imposed upon the permit by the Sutter Creek Police Department or the City Manager's Office is cause for revocation of the Special Event Permit. Applicant further agrees that the Special Event Permit may be revoked at any time by the Chief of Police or City Manager.

By signing below, Host Organization and/or Event Organizer indicate understanding and agreement to the above statements.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

CITY OF SUTTER CREEK SPECIAL EVENT PERMIT APPLICATION

## APPENDIX F

# APPLICATION FOR ENCROACHMENT PERMIT

810 Court Street • Jackson, CA 95642 • Phone: 209-223-6429 • Fax: 209-223-6395  
 e-mail: publicworks@amadorgov.org • website: [www.amadorgov.org](http://www.amadorgov.org)



<b>OWNER NAME</b>	
<b>MAILING ADDRESS</b>	
<b>PHONE NUMBER</b>	<b>ALTERNATE PHONE #</b>

<b>APPLICANT/CONTRACTOR NAME</b> (if other than owner)	
<b>MAILING ADDRESS</b>	
<b>PHONE #</b>	<b>ALTERNATE PHONE #</b>

<b>PROJECT LOCATION</b>		
<b>PARCEL #</b>		
<b>DRIVING DIRECTIONS TO SITE</b>		
<b>IS ENCROACHMENT A PROJECT CONDITION FOR ANY OF THE FOLLOWING?</b>		
<input type="checkbox"/> Use Permit <input type="checkbox"/> Parcel Map <input type="checkbox"/> Subdiv. Map <input type="checkbox"/> GP Amend. <input type="checkbox"/> Zone Change <input type="checkbox"/> None		
<b>STAKE UP DATE</b>	<b>START DATE</b>	<b>COMPLETION DATE</b>
<b>TYPE OF ENCROACHMENT</b>	<b>PERMIT FEE</b>	<p><b>❖FEES ADOPTED BY THE AMADOR COUNTY BOARD OF SUPERVISORS ON 8.29.06 ❖EFFECTIVE ON 9.29.06 ❖</b></p> <p><b>FEE: \$625.00 + 75% of Contractor's Estimate for Security.</b> The security will be refunded upon project completion.</p> <p>A site inspection fee of \$85 will be charged to determine if an existing encroachment meets County requirements. If it is approved "as is" all but the \$85 fee will be refunded.</p>
<input type="checkbox"/> Ag. Entrance – Security not required	\$625	
<input type="checkbox"/> Driveway-Commercial	\$625	
<input type="checkbox"/> Driveway-Shared (list common addresses in project location)	\$625	
<input type="checkbox"/> Driveway-Standard Residential	\$625	
<input type="checkbox"/> Mailbox	\$ 25	
<input type="checkbox"/> Signage in Right of Way	\$625	
<input type="checkbox"/> Site inspection	\$ 85	
<input type="checkbox"/> Special Event in Right of Way***	\$625	
<input type="checkbox"/> Standard Road Connection	\$625	
<input type="checkbox"/> Temporary Access – Security Required	\$ 50	
<input type="checkbox"/> Traffic control	\$625	
<input type="checkbox"/> Trenching/Boring(for electric, water, sewer, phone)	\$625	
<input type="checkbox"/> Utility crossing under road	\$625	
<input type="checkbox"/> Other (please describe) _____	\$625	
<p>***Applications for Special Events <b>must</b> be submitted at least <b>thirty(30) days</b> prior to event to allow for processing of insurance requirements.</p>		

<b>TOTAL AMOUNT DUE</b>	<b>\$</b>
<b>TOTAL AMOUNT PAID</b>	<b>\$</b>
<b>BALANCE DUE</b>	<b>\$</b>
<b>APPLICATION AND FEES RECEIVED BY</b>	<b>Date</b>
Name _____	_____

<b>OWNER OR AUTHORIZED AGENT SIGNATURE</b> _____
<b>TODAY'S DATE</b> _____

• All permits OTHER THAN THOSE issued to PUBLIC AGENCY or PUBLIC UTILITY having lawful authority to occupy the **highways** are revocable on five days' notice and the encroachment must be removed or relocated as may be specified by the road commissioner in the notice revoking the permit and within a reasonable time specified by the road commissioner unless the permit provides a specified time.

# OWNER-BUILDER and CONTRACTOR'S DECLARATION

810 Court Street • Jackson, CA 95642 • Phone: 209-223-6429 • Fax: 209-223-6395  
e-mail: publicworks@amadorgov.org • website: [www.amadorgov.org](http://www.amadorgov.org)



**PERMIT #** \_\_\_\_\_

**LICENSED CONTRACTOR DECLARATION:** I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

**LICENSE CLASS** \_\_\_\_\_ **LICENSE #** \_\_\_\_\_ **DATE** \_\_\_\_\_

**CONTRACTOR SIGNATURE** \_\_\_\_\_ **PRINTED NAME** \_\_\_\_\_

**OWNER-BUILDER DECLARATION- (Check one box)** I hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the following reason (sec. 7031.5, Business and Professions Code: Any city or county that requires a permit to construct, alter, improve, demolish or repair any structure, prior to its issuance, also requires the applicant for the permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors' State License Law (Chapter 9 commencing with Section 7000) of Div. 3 of the Business and Professions Code) or that he or she is exempt there from and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500):

- I, as owner of the permit, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale. (Sec. 7044, Business and Professions Code: The Contractors' State License Law does not apply to an owner of property who builds or improves thereon, and who does the work himself or herself or through his or her own employees, provided that the improvements are not intended or offered for sale. If however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale.
- I, as owner of the permit, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractors' State License Law does not apply to an owner of property who builds or improves thereon, and who contracts for the projects with a contractor(s) licensed pursuant to the Contractors' State License Law).
- I am exempt under Sec. \_\_\_\_\_, B & P.C. for this reason.

**OWNER SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

**WORKERS' COMPENSATION DECLARATION: (Check one box)** I hereby affirm under penalty of perjury one of following declarations:

- I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

**CARRIER #** \_\_\_\_\_ **POLICY #** \_\_\_\_\_  
(This section need not be completed if the permit is for one hundred dollars (\$100) or less.)

- I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California and agree that, if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

**OWNER OR AUTHORIZED AGENT SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

**WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000). IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.**

**CONSTRUCTION LENDING AGENCY:** I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued. (Sec. 3097, Civ. C.).

**LENDER'S NAME** \_\_\_\_\_

**LENDER'S ADDRESS** \_\_\_\_\_

**I CERTIFY THAT I HAVE READ THIS APPLICATION** and state that the above information is correct. I agree to comply with all county ordinances and state laws relating to building construction, and hereby authorize representatives of this county to enter upon the above-mentioned property for inspection purposes.

**OWNER OR AUTHORIZED AGENT SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

## **Instructions for Completing a Residential Encroachment Permit Application**

- Fill out the first page of the Encroachment Permit Application form starting with owner's name, address and phone number. List your Contractor, if you have one, and include his address and phone number.
- Project Location = address of encroachment
- Please indicate if encroachment is a condition of Use Permit, or Map
- Please indicate type of encroachment you wish to construct
- Be sure to sign and date the application
- Fill out the Owner-Builder and Contractor's Declaration

### **FEES:**

The current fee for a permit is \$625.00. We also require a Security Deposit equal to 75% of a contractor's estimate. This deposit will be refunded in full upon the completion of the encroachment. You have two options –

1. Get an estimate from a licensed contractor and submit a copy of that estimate for approval and pay 75% of that cost.
2. Use the average estimate that we got from three contractors (\$2,800). This will amount to a total of **\$2,725** - \$625 for the permit and \$2,100 for security.

Submit your application at the Public Works office counter at the County Administration Center, 810 Court Street, Jackson, CA 95642 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Thursday.

Upon submittal of application and payment of fees, an orange stake will be given to you. You will need to place it at the centerline of your encroachment just off the edge of the road, on the date you indicate on the application. That is when the inspector will go out and mark the boundaries of the encroachment with white paint. When he gets back in the office he will type up the permit and mail it out. This process usually takes less than a week.

When your encroachment has a final inspection, we begin the process of refunding your security deposit. Please be advised that it takes approximately 2 weeks to receive your refund.

## APPENDIX G

# STANDARD ENCROACHMENT PERMIT APPLICATION

TR-0100 (REV. 07/2007)

FOR CALTRANS USE	
PERMIT NO.	
DIST/CO/RTE/PM	
SIMPLEX STAMP	
DATE OF SIMPLEX STAMP	

Permission is requested to encroach on the State Highway right-of-way as follows:  
**(Complete all BOXES [write N/A if not applicable] Please print single sided)**  
 This application is not complete until all requirements have been approved.

1. COUNTY		2. ROUTE	3. POSTMILE		
4. ADDRESS OR STREET NAME				5. CITY	
6. CROSS STREET (Distance and direction from site)			7. PORTION OF RIGHT-OF-WAY		
8. WORK TO BE PERFORMED BY <input type="checkbox"/> OWN FORCES <input type="checkbox"/> CONTRACTOR			9. EST. START DATE		10. EST. COMPLETION DATE
11. EXCAVATION	MAX. DEPTH	AVG. DEPTH	AVG. WIDTH	LENGTH	SURFACE TYPE
12. EST. COST IN STATE HIGHWAY RIGHT-OF-WAY			FUNDING SOURCE(S) <input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE <input type="checkbox"/> LOCAL <input type="checkbox"/> PRIVATE		
13. PIPES	PRODUCT TYPE	DIAMETER	VOLTAGE / PSIG	14. CALTRANS' PROJECT CODE	

15.  Double Permit   Parent Permit Number \_\_\_\_\_  
 Applicant's Reference Number / Utility Work Order Number \_\_\_\_\_

16. Have your plans been reviewed by another Caltrans branch?    NO    YES (If "YES") Who? \_\_\_\_\_

17. Completely describe work to be done within STATE highway right-of-way :  
 Attach 6 complete sets of plans (folded to 8.5" x 11"), and any applicable specifications, calculations, maps, etc.  
 All dimensions shall be in U.S. Customary (English) Units.

18. Is a city, county, or other agency involved in the approval of this project?

YES (If "YES", check type of project and attach environmental documentation and conditions of approval.)

COMMERCIAL DEVELOPMENT    BUILDING    GRADING    OTHER \_\_\_\_\_

CATEGORICALLY EXEMPT    NEGATIVE DECLARATION    ENVIRONMENTAL IMPACT REPORT    OTHER \_\_\_\_\_

NO (If "NO", please check the category below which best describes the project, and complete page 4 of this application.)

DRIVEWAY OR ROAD APPROACH, RECONSTRUCTION, MAINTENANCE, OR RESURFACING    FENCE

PUBLIC UTILITY MODIFICATIONS, EXTENSIONS, HOOKUPS    MAILBOX

FLAGS, SIGNS, BANNERS, DECORATIONS, PARADES AND CELEBRATIONS    EROSION CONTROL

OTHER \_\_\_\_\_    LANDSCAPING

19. Will this project cause a substantial change in the significance of a historical resource (45 years or older), or cultural resource?    YES    NO  
 (If "YES", provide a description)

20. Is this project on an existing highway or street where the activity involves removal of a scenic resource including a significant tree or stand of trees, a rock outcropping or a historic building?    YES    NO (If "YES", provide a description)

21. Is work being done on applicant's property?    YES    NO (If "YES", attach site and grading plans.)

**ADA NOTICE:** For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 654-6410, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

**STANDARD ENCROACHMENT PERMIT APPLICATION**

TR-0100 (REV. 07/2007)

PERMIT NO.
------------

22. Will this proposed project require the disturbance of soil?  YES  NO  
 If "YES", estimate the area within State Highway right-of-way in square feet AND acres: \_\_\_\_\_ (ft<sup>2</sup>) AND \_\_\_\_\_ (acres)  
 estimate the area outside of State Highway right-of-way in square feet AND acres: \_\_\_\_\_ (ft<sup>2</sup>) AND \_\_\_\_\_ (acres)

23. Will this proposed project require dewatering?  YES  NO  
 If "YES", estimate total gallons AND gallons/month. \_\_\_\_\_ (gallons) AND \_\_\_\_\_ (gallons/month)  
 SOURCE\*:  STORMWATER  NON-STORMWATER  
 (\*See Caltrans SWMP for definitions of non-storm water discharge: <http://www.dot.ca.gov/hq/env/stormwater/index.htm> )

24. How will any storm water or ground water be disposed of from within or near the limits of this proposed project?  
 Storm Drain System  Combined Sewer / Storm System  Storm Water Retention Basin  
 Other (explain): \_\_\_\_\_

PLEASE READ THE FOLLOWING CLAUSES PRIOR TO SIGNING THIS ENCROACHMENT PERMIT APPLICATION.

**The applicant, understands and herein agrees that an encroachment permit can be denied, and/or a bond required for non-payment of prior or present encroachment permit fees. Encroachment Permit fees may still be due when an application is withdrawn or denied, and that a denial may be appealed, in accordance with the California Streets and Highways Code, Section 671.5. All work shall be done in accordance with Caltrans rules and regulations subject to inspection and approval.**

**The applicant, understands and herein agrees to the general provisions, special provisions and conditions of the encroachment permit, and to indemnify and hold harmless the State, its officers, directors, agents, employees and each of them (Indemnitees) from and against any and all claims, demands, causes of action, damages, costs, expenses, actual attorneys' fees, judgments, losses and liabilities of every kind and nature whatsoever (Claims) arising out of or in connection with the issuance and/or use of this encroachment permit and the placement and subsequent operation and maintenance of said encroachment for: 1) bodily injury and/or death to persons including but not limited to the Applicant, the State and its officers, directors, agents and employees, the Indemnitees, and the public; and 2) damage to property of anyone. Except as provided by law, the indemnification provisions stated above shall apply regardless of the existence or degree of fault of Indemnitees. The Applicant, however, shall not be obligated to indemnify Indemnitees for Claims arising from the sole negligence and willful misconduct of State, its officers, directors, agents or employees.**

**An encroachment permit is not a property right and does not transfer with the property to a new owner**

**DISCHARGES OF STORM WATER AND NON-STORM WATER: Work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. Work shall also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department's Encroachment Permits Manual and encroachment permit. Compliance with the Departments NPDES permit requires amongst other things, the preparation and submission of a Storm Water Pollution Protection Plan (SWPPP), or a Water Pollution Control Program (WPCP), and the approval of same by the appropriate reviewing authority prior to the start of any work. Information on the requirements may also be reviewed on the Department's Construction Website at:**

<http://www.dot.ca.gov/hq/construc/stormwater>

25. NAME of APPLICANT or ORGANIZATION (Print or Type)	E-MAIL ADDRESS
---	----------------

ADDRESS of APPLICANT or ORGANIZATION WHERE PERMIT IS TO BE MAILED (Include City and Zip Code)
---

PHONE NUMBER	FAX NUMBER
--------------	------------

26. NAME of AUTHORIZED AGENT / ENGINEER (Print or Type)	IS LETTER OF AUTHORIZATION ATTACHED? <input type="checkbox"/> YES <input type="checkbox"/> NO	E-MAIL ADDRESS
---	--	----------------

ADDRESS of AUTHORIZED AGENT / ENGINEER (Include City and Zip Code)
--

PHONE NUMBER	FAX NUMBER
--------------	------------

27. SIGNATURE of APPLICANT or AUTHORIZED AGENT	28. PRINT OR TYPE NAME	29. TITLE	30. DATE
--	------------------------	-----------	----------

PERMIT NO.
WORK ORDER/REFERENCE NUMBER

FEE CALCULATION -- FOR CALTRANS USE					
<input type="checkbox"/> CASH <input type="checkbox"/> CREDITCARD    NAME ON CARD _____    PHONE NUMBER _____ <input type="checkbox"/> CHECK    NUMBER _____    NAME ON CHECK _____    PHONE NUMBER _____ <input type="checkbox"/> EXEMPT <input type="checkbox"/> PROJECT CODE _____ <input type="checkbox"/> DEFERREDBILLING (Utility)					
CALCULATED BY	(1)		(2)		
<b>REVIEW</b>	1. FEE / DEPOSIT	DATE	2. FEE / DEPOSIT	DATE	TOTAL FEE / DEPOSIT
1. _____ HOURS @ \$ _____ *	\$ _____		\$ _____		\$ _____
2. _____ HOURS @ \$ _____ *			\$ _____		\$ _____
<b>INSPECTION</b>	1. FEE / DEPOSIT	DATE	2. FEE / DEPOSIT	DATE	TOTAL FEE / DEPOSIT
1. _____ HOURS @ \$ _____ *	\$ _____		\$ _____		\$ _____
2. _____ HOURS @ \$ _____ *			\$ _____		\$ _____
<b>FIELDWORK</b>					
_____ HOURS @ \$ _____ *	\$ _____		\$ _____		\$ _____
<b>EQUIPMENT &amp; MATERIALS</b>	DEPOSIT	DATE	DEPOSIT	DATE	DEPOSIT
	\$ _____		\$ _____		\$ _____
<b>CASH DEPOSIT IN LIEU OF BOND</b>	\$ _____		\$ _____		\$ _____
<b>TOTAL COLLECTED</b>	\$ _____		\$ _____		
<b>CASHIER'S INITIALS</b>	_____		_____		\$ _____
* The Standard Hourly Rate is set annually by HQ Encroachment Permits. District Office staff do not have authority to modify this rate.					
<b>PERFORMANCE BOND</b>	<input type="checkbox"/>	DATE			AMOUNT \$
<b>PAYMENT BOND</b>	<input type="checkbox"/>	DATE			AMOUNT \$
<b>LIABILITY INSURANCE REQUIRED?</b>		<input type="checkbox"/> YES <input type="checkbox"/> NO			AMOUNT \$

**STANDARD ENCROACHMENT PERMIT APPLICATION**

TR-0100 (REV. 07/2007)

PERMIT NO. \_\_\_\_\_

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**INSTRUCTIONS**  
for completing page 4

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This page needs to be completed when the proposed project **DOES NOT** involve a City, County or other public agency.

Your answers to these questions will assist departmental staff in identifying any physical, biological, social or economic resources that may be affected by your proposed project within the State highway right-of-way and to determine which type of environmental studies may be required to approve your application for an encroachment permit.

It is the applicant's responsibility for the production of all required environmental documentation and supporting studies and in some cases this may be costly and time-consuming. If possible, attach photographs of the location of the proposed project.

Please answer these questions to the best of your ability. Provide a description of any "YES" answers (type, name, number, etc.)

- 
1. Will any existing vegetation and/or landscaping within the highway right-of-way be disturbed?

---

  2. Are there waterways (e.g. river, creek, pond, natural pool or dry streambed) adjacent to or within the limits of the project or highway right-of-way?

---

  3. Is the proposed project located within five miles of the coast line?

---

  4. Will the proposed project generate construction noise levels greater than 86 dBA (e.g. jack-hammering, pile driving)?

---

  5. Will the proposed project incorporate land from a public park, recreation area or wildlife refuge open to the public?

---

  6. Are there any recreational trails or paths within the limits of the proposed project or highway right-of-way?

---

  7. Will the proposed project impact any structures, buildings, rail lines, or bridges within highway right-of-way?

---

  8. Will the proposed project impact access to any businesses or residences?

---

  9. Will the proposed project impact any existing public utilities or public services?

---

  10. Will the proposed project impact existing pedestrian facilities, such as sidewalks, crosswalks, or overcrossings?

---

  11. Will new lighting be constructed within or adjacent to highway right-of-way?

---

## INSTRUCTIONS FOR COMPLETING THE STANDARD ENCROACHMENT PERMIT APPLICATION

Please complete items 1 through 30. Insert “N/A” in the boxes, if it does not apply to your project. Please print your application single sided and submit all of the required attachments with the application (described in Section VII, A & B of the “Encroachment Permit Application Guide Booklet” found at:

[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/publications/E.P.\\_Application\\_Guide\\_Booklet.pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/publications/E.P._Application_Guide_Booklet.pdf)

### All dimensions shall be in US Customary (English) Units.

- 1 – 5:** County, highway route number, highway postmile (location of work), address of work site (if the property does not have an address, enter street or road name), and city.
- 6:** Distance and the direction from the nearest cross street to the work site (e.g., 500 ft north of C Street).
- 7:** Portion of State right-of-way where work will occur (pavement, shoulder, back of curb, slope, ditch, etc.)
- 8:** Indicate whether a contractor or your own work forces will perform the work.
- 9 – 10:** Estimated start and completion dates for the permit work.
- 11:** Maximum depth, average depth, average width and length. Describe the existing highway surface type (concrete, asphalt, gravel, dirt, etc.) of the excavation area.
- 12:** Estimated cost for all work to be done within State right-of-way, and funding source(s).
- 13:** Type of pipe or conduit material to be used and product (water, gas, etc.), the diameter, and voltage of electrical current or pressure of liquid or gas.
- 14:** Project Code (ID) number if this is a State project, capital project, or joint venture project.
- 15:** Indicate if you are applying for a “Double Permit” and list the “Parent Permit Number”. Your company’s reference number or utility work order number for this project.
- 16:** Has another Caltrans branch seen or reviewed your plans? Who?
- 17:** Describe the proposed work to be done entirely. If applicable, attach six (6) complete sets of FOLDED plans (folded 8-½” X 11”) and any applicable specifications, calculations, maps, etc.
- 18:** Check “YES”, if you are getting a permit or approval from another agency (City, County, etc.), and an environmental determination has been made. If your project is Exempt, then check the Categorically Exempt, Negative Declaration, Environmental Impact Report box if one has been prepared. Attach a copy of the approved document and a copy of the Notice of Determination.

If you check “NO”, check the box of the appropriate type of work to be done, or check “other” and fill in the type of work to be done.

- 19:** A Historical Resource includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript that has historical or archeological significance, or significance in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.
- 20:** In this context a Scenic Resource includes, but is not limited to, trees that display outstanding features of form or age; unique, massive rock formations; historic buildings that are rare examples of their period, style, design, or which have special architectural features and details of importance.
- 21:** Is there any work being done on the applicant's property?
- 22:** Indicate if the propose project will require the disturbance of soil. If "YES", estimate the area within AND outside of State Highway right-of-way in square feet AND acres.
- 23:** Indicate if the proposed project will require dewatering. If "YES", estimate volume in total gallons AND gallons per month. Also indicate the source (Storm Water or Non-Storm Water, see Caltrans SWMP for definitions of non-storm water discharge)
- <http://www.dot.ca.gov/hq/env/stormwater/index.htm>
- 24:** Indicate how any storm water or ground water will be disposed of from or near the limits of the proposed project.
- 25:** Name of the applicant or organization applying for the permit. List e-mail address if applicable, the address where the permit is to be mailed, phone and a fax numbers.
- 26:** Name of the authorized agent or engineer on behalf of the applicant or organization. Attach letter of authorization signed by the applicant or organization, e-mail address if applicable, address, phone and fax numbers.
- 27 - 28:** Signature shall be that of the applicant or applicant's authorized agent.
- 29:** Title (owner, president, etc.).
- 30:** Date of the signature.

**PLANNING & ENVIRONMENT COMMITTEE**

**TRANSPARENCY AND  
COMMUNICATIONS  
IN CIVIC PROJECTS**



That was then . . .



This is now . . .



Cover Photo Courtesy of L. Angier 2014 - Now Photo courtesy of M. Berglund 2014

# **PLANNING AND ENVIRONMENT COMMITTEE**

## **Transparency and Communications in Civic Projects**

### **EXECUTIVE SUMMARY**

Numerous complaints were received by the 2013-2014 Amador County Grand Jury (Grand Jury) concerning decisions made and contracts awarded during Amador City's bridge replacement and subsequent downtown modification projects. Some members of the public perceived that many aspects of the projects were not legally authorized and that the public was not allowed to participate in the decision making process. Workshops were held several times throughout the projects allowing the public the opportunity to discuss various aspects of the modification of downtown Amador City. These aspects included benches, street lights, stop signs, barriers, hardscape, patio seating, traffic, and pedestrian safety. The major focus of the modification project was to slow traffic through the town to ensure pedestrian and traffic safety. While there were numerous discussions about these aspects, no sufficient public consensus was reached in 2010 or 2011. Preserving the historic atmosphere of the town was a common and recurring theme.

Amador City City Council (Council) appointed 2 Council members as liaison with residents, merchants, design engineers, and construction crews. There were various committees formed throughout the process to provide input about the downtown modifications.

The Grand Jury's investigation inquired into the City's contractual processes, the agenda process, and the recordings of minutes for Council meetings, as well as the methods by which decisions were made before and during the bridge project. The Grand Jury conducted interviews, reviewed minutes for the last 6 years of Council meetings, and studied design engineering plans made available by the City Clerk.

After careful study, the Grand Jury found that authority had been legally given to the Mayor and designee by the Council for decisions involving bridge replacement and streetscape projects within monetary limits. Although the Council acted legally, the Council failed to achieve consensus, so that decisions regarding modification aspects could be made in a timely manner at open Council meetings. Because of this failure there was a perceived lack of transparency and open government.

### **BACKGROUND**

Since 2007, the replacement of the bridge over the creek in Amador City has been under serious consideration. In 2009, when the Highway 49 bypass was completed, plans for the transfer of responsibility for the old Highway 49 from CalTrans to Amador City and the subsequent modification of downtown Amador City were discussed. Workshops were held several times throughout the projects allowing the public the opportunity to discuss various aspects of the modification of downtown Amador City. These aspects included benches, street lights, stop signs, barriers, hardscape, patio seating, traffic, and pedestrian safety. The major focus was to

slow traffic through the town to ensure pedestrian and traffic safety. At several planned meetings,(i.e. Town Hall meeting, Council meeting, etc.) there was not sufficient public consensus to make decisions about these details in 2010 or 2011. Preserving the historic atmosphere of the town was a common and recurring theme.

Numerous complaints were received concerning decisions made and contracts awarded during Amador City's bridge replacement and subsequent downtown modification projects. Some members of the public perceived that many aspects of the projects were not legally authorized and that the public was not allowed to participate in the decision making process. Several complaints about the behavior of public officials at public meetings and in private conversations were also received. One person stated that the plans were unavailable for public review and that their desires had not been considered. It was alleged that decisions of design were not in keeping with the culturally historic flavor of the city and that some elected officials were acting outside their jurisdiction.

## **AUTHORITY**

Under Penal Code §925a, ...the grand jury may investigate and report on the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any [incorporated] city... and make such recommendations as it may deem proper and fit.

## **METHOD OF STUDY**

In the course of this investigation, the Grand Jury:

- conducted interviews with Amador City officials
- reviewed minutes and agendas of Council meetings
- reviewed contracts for design engineers
- inspected Amador City construction areas
- spoke with citizens of Amador City
- reviewed plans and specifications by bridge engineers and streetscape designers

## **DISCUSSION**

Several events occurred over the period of time since the bridge replacement was first presented to Amador City. In April, 2009 the public was invited to attend a Community Workshop "to discuss the aesthetic and streetscape features of the Main Street improvement and Bridge Replacement projects." In May, 2009 a summary from the workshop was presented to the Council outlining the residents' concerns and their ambivalence about such details as:

- benches
- streetlights

- location of the old City Hall (Firehouse)
- stop signs
- barriers
- hardscape
- new outdoor patio seating
- detour route during the bridge construction

The major focus of downtown streetscape modifications was to slow traffic through the town to ensure pedestrian and traffic safety.

During the next two years, numerous Council meetings occurred with bridge updates and streetscape recommendations presented to the Council. All items were properly agendized and these agendas were posted in public locations.

No single committee was appointed by the Council to oversee the entire project. Several committees were formed as needed:

- Design Review Committee (DRC) -formed February, 2010 with 7 members
- AdHoc Committee
- Bridge Replacement Committee or Bridge Selection Committee
- Streetscape Committee

Unfortunately, the Council minutes are not complete enough to research the exact dates these committees started or membership of the earlier committees. The Amador City City Clerk has no listing of membership.

In May and June, 2011, there were Council meetings with agendized Streetscape Design reports. At that time, there was a contract awarded for a preliminary plan for the streetscape design. On May 17, 2012, the Council approved two contracts with design engineers for bridge replacement and streetscape design projects. (items 6b-2, 6b-3) Language included in the contracts authorized the Mayor to issue Task Orders and Work Orders for any projects costing less than \$10,000 each without returning to the Council for approval. At that time, the minutes stated scope of work and timelines could only be changed by written agreement between the Mayor and the Consulting Project Manager. The term of this contract was for 5 years or until the completion of all task/work orders. Progress reports to the Mayor were required of the design engineers on a monthly basis or whenever requested.



There were several design drawings of the proposed bridge and its surroundings set out for public view in the Office of the City Clerk. Plans are dated from 1995 through 2013 and included specifications for barriers, hardscapes, and stop signs.

In June, 2012 a Task Order (3.1) was authorized to incorporate modifications to the layout of existing roadways and design details for several streetscape improvements. In July, 2012 the Council was requested by the design engineers to authorize 2 Council members to approve Change Orders less than \$25,000 (an increase from \$10,000) for each Main Street and Bridge Replacement Project. (item 6a) This request was approved by the Council. Two councilmen were chosen because they were already on the Bridge Selection Committee and had the necessary experience.

**Public Input**

In the beginning of the Bridge project, the public participated in open hearings to discuss the various aspects of the modification of downtown Amador City. Yet there was not sufficient public consensus to make any decisions about these details. The Council failed to achieve consensus, so that decisions regarding modification aspects could be made in a timely manner at open Council meetings. Because of this failure there was a perceived lack of transparency and open government.

After the bridge was replaced and most of the streetscape work was completed, a group of merchants organized the Historic Amador City Committee (HACC) in January, 2014. A presentation was made by the HACC to the Council. At that time, this committee expressed dismay that merchants did not have more input into the streetscape design. Specific desires were expressed including: streetlights, crosswalks, sidewalk solutions, parking along Main Street, landscaping, and the area at the Welcome sign south of town. By March, 2014 many items were discussed specifically at Council meetings. While they are not an official City appointed committee, the HACC represents a large number of residents and has some influence on actions taken from March 2014 forward.

## **Guiding Ordinance**

The Council adopted Ordinance 169 in April, 2011, the purpose of which was to:

- set specific design review guidelines
- preserve the character of existing historic structures
- encourage use of forms and materials consistent & compatible with Amador City's existing pattern of historical structures
- expedite the design review process
- establish design review specifics which apply to all new buildings and remodeling
- identify characteristics of historic building stock which citizens wish to protect & promote
- amend Municipal Code §17.72.060 - this applies to all construction within city limits with no approval received until plans are reviewed by Design Review Committee and approved by Council

Council members recognized the “need to preserve character of existing historic structures, to use materials consistent with Amador City’s pattern of historical structures” and to expedite the design review process. “Residents...are concerned about preserving and enhancing the beauty and natural environment of the community.” It is noted that the DRCs meetings were to be recorded and that any plans approved could not be changed without review by the DRC and the Council. In August, 2012 the Council discussed an amendment to Ordinance 169 (Ordinance 170). Ordinance 170 was to allow "for minor and insignificant" exceptions to the Administrative Review process, establish fees for design review, and allow for emergency exceptions. After discussion, the Council did not approve Ordinance 170.

## **Guiding Government Codes**

Open government is the governing doctrine which holds that citizens have the right to access the documents and proceedings of the government to allow for effective public oversight.

Transparency allows citizens to control their government, reducing government corruption, bribery, and other malfeasance. The Ralph M. Brown Act is California's open meeting law. The

law's intent is that the actions of public commissions, boards, and councils in California be taken openly and that their deliberations be conducted openly. (GC §54950)

It cannot be overstated that any legislative or governing entity must ensure that it abides by this law:

*GC §54950 ...The Legislature finds and declares that the public commissions, boards, and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.*

*The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

*GC §54951... As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.*

## **FINDINGS**

- F1. The public had ample opportunities to attend open and publicly agendized meetings where important decisions were being made, voice their concerns, and make suggestions about various aspects of the streetscape project.
- F2. Several public hearings and open meetings were conducted for public input to influence decisions made, but no consensus was reached regarding benches, hardscape, street light placement, etc.
- F3. There were several design engineers' drawings and specifications of the proposed bridge and downtown Amador City available for public view in the City Hall.
- F4. After reviewing the plans located at the back of the City Clerk's Office, the Grand Jury found that the streetscape items built conformed to the plans.
- F5. Agendas are publicly displayed in 3 locations in conformance with the Brown Act.
- F6. Minutes from Council meetings are inadequate. The Public Hearing sections of the Council meetings are not complete and persons who speak and subjects discussed are not included in the minutes. Motions made and votes identified, including the number of abstentions, are not noted.
- F7. The Council assigned several committees and liaisons over an extended period of time to address various aspects of the bridge replacement projects including streetscape. There was no formal communication between groups and no standing meetings scheduled, agendized, or publicly noticed.

- F8. Important decisions made during the period between 2009 and the completion of the projects was made in a legal manner.
- F9. While Ordinance 169 was in place, the Council bypassed the DRC approval requirement when it authorized the Mayor or designees to develop and approve task orders and work orders in project design without returning to the Council for approval.
- F10. The Council gave authority to 2 Council members to develop work assignments and to authorize the work based on dollar limits.
- F11. The Council, by allowing 1 or 2 persons the authority to approve work on major projects without full Council disclosure and public discussion, violated the principle of open government and caused distrust among the citizens.

## **RECOMMENDATIONS**

- R1. The public is encouraged to attend Council and other public meetings to become involved and to avoid missing out on decisions that affect the city. (Findings 1, 2, 5)
- R2. The Council should improve the minutes of Council meetings and should develop written backup material for oral presentations of standing committees. A good example of well documented minutes can be found on the Amador County Board of Supervisors' website. (Finding 6)
- R3. The Council must maintain positive working relationships with the community. (Findings 7, 11)
- R4. To facilitate transparency and open government, minutes and packet materials should be available on the City's internet website and to attendees at the Council meetings. (Findings 7,11)
- R5. For any continuing or new projects, the Council should make a formal standing committee that will address the specific project and be properly agendized and publicly noticed. (Finding 7)
- R6. The Standing Committees should prepare formal written reports and presentations to the Council every month until the projects are completed. This will allow for public review and involvement. (Findings 7,11)

## **REQUEST FOR RESPONSE**

Pursuant to Penal Code §933(c), a response to this report is required. No later than 90 days after the grand jury submits a final report in the operations of any public agency subject to its reviewing authority, the **governing body** of the public agency shall comment to the presiding judge of the Superior Court on the findings and recommendations.

## **APPENDIX A**

**Photos of Amador City**  
New streetlight  
Benches old and new



**PUBLIC HEALTH COMMITTEE**

**QUALITY AND EFFECTIVENESS  
OF COMMUNICATIONS IN  
CHILD WELFARE CASES**



# **PUBLIC HEALTH COMMITTEE**

## **Quality and Effectiveness of Communications in Child Welfare Cases**

### **EXECUTIVE SUMMARY**

The 2013-2014 Grand Jury (Grand Jury) received several citizen complaints about the treatment they or their relatives received from CPS. Concerns were expressed that extended family members were not notified of the detention process (removal of a child from the home), nor were their wishes considered when determining the final placement of the children involved. Extended family members felt that their concerns were ignored. Given that more than one complaint was received, the Grand Jury determined that further investigation was required.

When a family finds itself in a situation where a child(ren) is (are) removed from the home by Child Protective Services (CPS), emotions can run very high. In this instance, the definition of the word “family” changes from its familiar usage to a clinical and legal one. This distinction will be made clear by using the terms “core family” and “extended family” when appropriate. The core family members are the mother, father, or legal guardian of the child in question. All core family members have court appointed advocates, but extended family members do not. Members of an extended family are adults who are grandparents, aunts, uncles, or siblings of the child. There can be assumptions and misconceptions regarding the legal standing of various extended family members in CPS cases. This was the basis for the Grand Jury area of inquiry. It became clear that there are procedures and means of communication in place to protect the child and support the core family involved. It was also discovered that CPS caseworkers, attorneys, and the Court work together with the core family in an effort to reunify whenever possible.

The 2013-2014 Grand Jury commends Amador County (County) Child Welfare Services, attorneys, and the Court for having as their primary goal the reunification of the core family through collaborative efforts in the best interest of every child.

### **INTRODUCTION OR BACKGROUND**

CPS is the major system of intervention for child abuse and neglect in California. Each CPS department is county-based and has broad responsibilities and powers to ensure child safety within its jurisdiction. Existing law provides for services to assist abused and neglected children and their core families. The CPS goal is to keep the child in his/her own home when it is safe. When the child is at risk, CPS develops an alternate plan as quickly as possible.

A legal opinion provided by County Counsel cautioned the Grand Jury regarding the confidential nature of juvenile court proceedings. Records pertaining to juvenile court proceedings could be obtained only by filing a notice and request to all interested parties, as directed by the California Welfare and Institutions (W&I) Code §827. Juvenile cases are not open to the public. The

Grand Jury determined that the specific cases involving children and their core and/or extended family members were not within the jurisdiction of the Grand Jury under Penal Code §925.

A common thread among the complaints was the issue of communication between CPS caseworkers (caseworkers), immediate or core family members (mother, father, or legal guardian) and extended family members (grandparent, aunt, uncle, niece, nephew, step-parents or siblings). The complaints repeated that the time-lines were unclear, communications were not taken seriously, and consideration was not given to extended family members. This became the area of focus for the investigation by the Grand Jury.

## **AUTHORITY**

Under Penal Code §925, the grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county.

## **METHOD OF STUDY**

During the course of this investigation, the Grand Jury:

- Reviewed County-supplied Detention and Counsel Information Packets (See Appendix A)
- Reviewed statistics provided by County CPS
- Interviewed staff from Child Protective Services, the Legal Pool, and the Court
- Corresponded with County Child Welfare Services/Social Services staff for clarification
- Reviewed the following websites and documents:
  - a. <http://www.acf.hhs.gov/programs/cb/resource/title-ive-foster-care>)
  - b. California W&I CODE §5520, §10553, §10554, §1143, §16501
  - c. All County Letter No. 08-23: Child Welfare Training Regulations, effective July 7/1/2008
  - d. Letter to Grand Jury from Amador County Department of Social Services, dated September 5, 2013
  - e. <http://www.dss.cahwnet.gov/cdssweb/pg93.htm>
  - f. California Child Welfare Manual Policies and Procedures (MPP)
  - g. California Penal Code §925, §11165.1, §11165.3, §11165.4
  - h. California Structured Decision Making System Policies and Procedures Manual Update: September 28, 2012
  - i. US Department of Health and Human Services – Administration for Children and Families, *Child Abuse and Neglect User Manual Series*, 2006

## Glossary of Terms <sup>1</sup>

- **ADVOCATE:** the person or persons who plead the cause of another and is authorized to provide advocacy services pursuant to the W&I Code §5520
- **CASE PLAN:** a written document which is based upon an assessment of the circumstances which required child welfare services intervention. A plan goal, objectives to be achieved, specific services to be provided, and case management activities are included. Updates contain any changes regarding information in the case plan and include specific information about the current condition of the child and family.
- **CHILD:** a person under 18 years of age or a person up to 19 years of age who meets the requirements of W&I Code §11403
- **CHILD ABUSE:**<sup>2</sup> a child who is:
  - physically injured by other than accidental means
  - subjected to willful cruelty or unjustified punishment
  - abused or exploited sexually
  - neglected by a parent or caretaker who fails to provide adequate food, clothing, shelter, medical care or supervision
- **CHILD IN IMMEDIATE DANGER:** a child whose health and safety are in jeopardy as described in W&I Code §306(b)
- **CHILD WELFARE SERVICES:** public social services directed toward protecting and promoting the welfare of children as defined by W&I Code §16501(a)
- **CORE FAMILY MEMBERS:** mother, father, or legal guardian (see definition of parent)
- **COURT HEARINGS:**
  - **Detention Hearing:** The Court gives the parents a notice about what is going on and what can happen in a dependency case. The parents get a copy of the petition (see definition of petition) and any other papers for the case.
  - **Dispositional Hearing:** The Court may decide questions such as: where the child will live for the time being, who will have legal custody, and what services the child and family will need to reduce the risk to the child and to address the effects of maltreatment (case plan).

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1 Definitions taken from Child Welfare Services Program, General Requirements Regulations 31-002, Manual Letter No. CWS-02-01 Effective 7/1/2002.

2 California Penal Code §11165.1 ("sexual abuse" means sexual assault or sexual exploitation...), §11165.3 ("the willful harming or injuring of a child or the endangering of the person or health of a child..."), and §11165.4 (... "unlawful corporal punishment or injury... upon any child...")

- **Family Maintenance Review Hearing:** Child remains in custody of parent/guardian. A hearing must be held within six months after the date of the original dispositional hearing and no less frequently than once every six months thereafter as long as the child remains a dependent of the family (see Status Review Hearing).
  - **Interim Hearing:** Provides frequent updates to the Court and to the family regarding their progress in between the mandated hearings.
  - **Jurisdictional Hearing:** Court decides if what the petition says is true.
  - **Status Review Hearing:** Opportunity to evaluate the progress that has been made toward completing the case plan and court orders, and to revise the plan as needed. If no progress has been made, and none seems likely, it is a chance to change the goal of the plan completely.
- **EXTENDED FAMILY MEMBERS:** for the purposes of preferential consideration for placement of a child, an adult who is a grandparent, aunt, uncle, or sibling of the child
  - **FAMILY REUNIFICATION SERVICES:** those services described in W&I Code §16501(h)
  - **PARENT:** the natural or adoptive father or mother, whether married or unmarried; or other adult fulfilling the parental role
  - **PETITION:** a document filed with the court for the detention of and/or jurisdiction over the child whose welfare is in question. The petition states that the child’s welfare is within the jurisdiction of juvenile court per W&I Code §300. The petition asks the court to declare the child a dependent of the court.
  - **RELATIVE:** an adult who is related to the child by blood, adoption, or affinity within the 5<sup>th</sup> degree of kinship, including step-parents, step-siblings, and all relatives whose status is preceded by the words “step”, “great”, “great-great”, or “grand”, or the spouse of any of these persons, even if the marriage was terminated by death or dissolution. For the purposes of preferential consideration for placement of a child, “relative” means an adult who is a grandparent, aunt, uncle, or sibling of the child.
  - **RISK ASSESSMENT:** documented information collected from the child(ren), caregiver, and/or collateral support persons that evaluated the protective capacity of the caregiver, and likelihood for future maltreatment, the age and vulnerability of a child or children, while including objective values of different cultures that will not result in a disparity of treatment services provided to all families receiving child welfare services. (Appendix A)

## DISCUSSION

“Child welfare services” are public social services which are directed toward the accomplishment of any or all of the following purposes.<sup>3</sup>

- Protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children
- Preventing, remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children
- Preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family when desirable and possible
- Restoring to their families children who have been removed by the provision of services to the child and the families
- Identifying children to be placed in suitable adoptive homes in cases where restoration to the biological family is not possible or appropriate
- Ensuring adequate care of children away from their homes in cases where the child cannot be returned home or cannot be placed for adoption

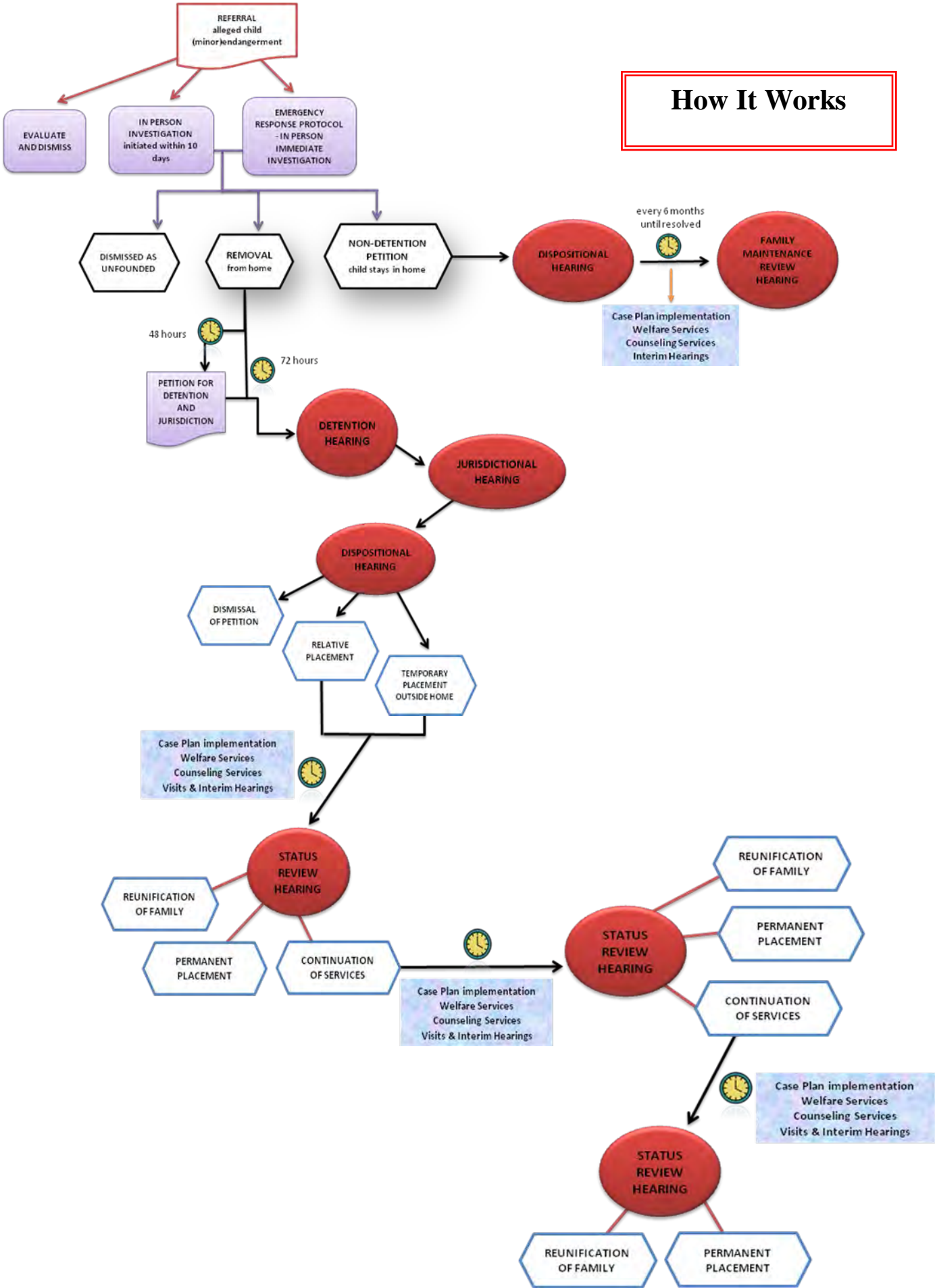
"Child welfare services" also means services provided on behalf of children alleged to be the victims of child abuse, neglect, or exploitation. Services provided on behalf of each child represent a continuum of services, including:

- Emergency response services
- Family preservation services
- Family maintenance services
- Family reunification services
- Permanent placement services, including supportive transition services

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<sup>3</sup> California W&I Code § 16501(a) The definition of “family,” for the purposes of providing child protective services, is parents, adults fulfilling the parental role, guardians, children, and others related by ancestry or marriage.

# How It Works



## **How It Works**

The goal of California Child Welfare Services is to ensure the best interest of the child. Reunifying the core family is a primary objective. When a referral is received, the social service staff obtains facts from the person making the referral to determine if the referral alleges abuse, neglect, or exploitation. The Emergency Response staff determines if an in-person response is indicated. Whenever a report indicates the need for protection, CPS will:

- Accept the case
- Intervene in the crisis, if required
- Apply Family Preservation and Support Services for some families
- Assess or identify problems, gather facts, and clarify the problems
- Plan and provide services, set goals, identify resources, and establish timeframes
- Document the case
- Terminate the case or transfer it to another program

Approximately 12 months of services are provided to children who remain safely in the home while the core family receives appropriate services. If it is determined that a child cannot remain in the home, even with family preservation and support services, then foster placement is arranged in the most family-like setting that is located close to the parent's home and consistent with the best interests of the child. This placement may, or may not, be with extended family members.

Up to 18 months of services are provided to children and their core families when a child has been removed from the home and the core family is making progress toward reunification. In some very limited circumstances, core family reunification cases can be extended up to 24 months. When a child cannot be returned to a safe home after services have been delivered, the child must be provided with a family-like living arrangement as soon as possible. This may, or may not, be in the care of extended family members.

Attendance at classes, therapy sessions, etc. by core family members is tracked and documented. This information is used by caseworkers and the Court to assess the level of progress toward eliminating the need for ongoing Court intervention.

Time-lines are set by the State and the W&I Code and are established at the time of the detention hearing.

## **Regulations**

CPS is guided by a number of regulations – primarily those of the State of California. The largest grouping of related regulations is from the State of California Health and Human Services Agency, Department of Social Services Manual of Policies and Procedures (*Child Welfare Services*). Chapter 31 includes regulations in the following areas:

- General Requirements
- Intake
- Case Plan
- Service Delivery
- Placement
- Special Requirements

Other related regulations come from the W&I and from the State of California Penal Code.

It is the purpose of the W&I Code to establish programs and services which are designed to:

- Provide protection, support or care of children
- Provide protective services to the fullest extent deemed necessary by the juvenile court, probation department or other public agencies designated by the board of supervisors to perform the duties prescribed in the code
- Insure that the rights or physical, mental or moral welfare of children are not violated or threatened in their present circumstances or environment (W&I Code §1-27 (19))

## **Services**

Services are available to children and their core families when children are victims of, or at risk of, abuse, neglect, exploitation, or parental absence. Child welfare services may include, but are not limited to, a range of service-funded activities:

- Case management
- Counseling
- Emergency shelter care
- Emergency in-home caretakers
- Temporary in-home caretakers
- Respite care
- Therapeutic day services

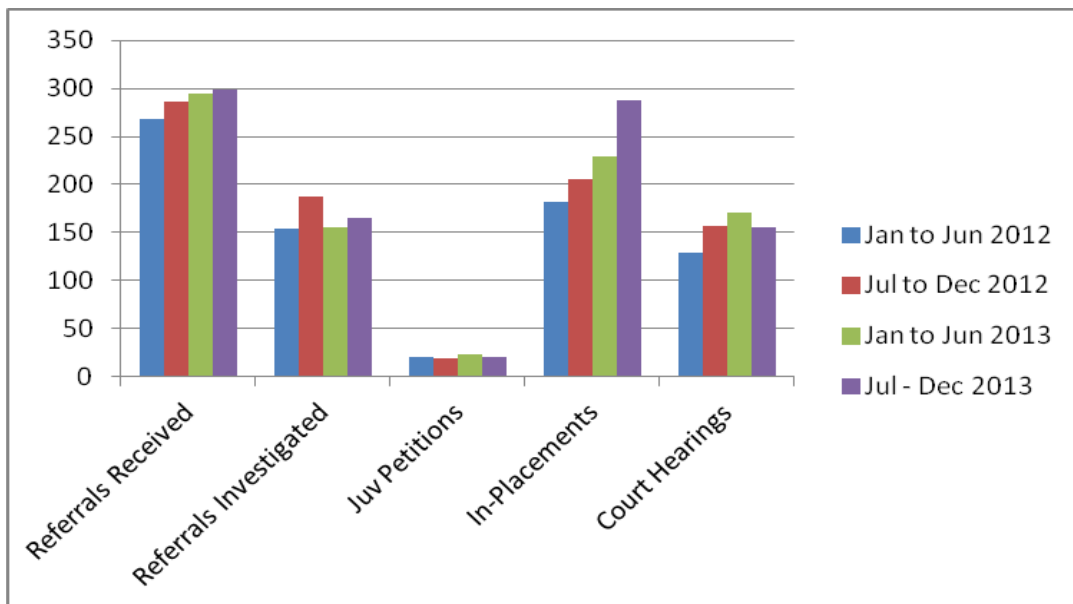
- Teaching and demonstrating homemakers
- Parenting training
- Substance abuse testing
- Transportation

These service-funded activities shall be available to children and their core families in all phases of the child welfare program in accordance with the child's case plan and departmental regulations. (Appendix A: Referral Form)

The individual child's case plan is the guiding principle in the provision of these services. The case plan is developed within a maximum of 60 days of the initial removal of the child, of the in-person response, or by the date of the dispositional hearing pursuant to W&I Code §358, whichever comes first.

The County uses the same caseworker for the term of a case. There are 6 caseworkers in the County with an average of 20 – 30 cases each, at various stages within the process. Current caseworkers have varying lengths of service in providing child welfare services. CPS case statistics are as follow:

Amador County CPS Program Statistics



Program Statistics are defined as follows:

- **Referrals Received:** number of suspected child abuse/neglect reports received during the month
- **Referrals Investigated:** number of suspected child abuse/neglect reports investigated during the month (10 day and immediate response)
- **Juvenile Petitions:** number of Juvenile Dependency Petitions filed during the month, one petition per child
- **In Placements:** number of children in out-of-home placement during the month, including foster homes, relative homes, non-related extended family member homes, and group homes, as well as non-minor dependents living in Supervised Independent Living Placements
- **Court Hearings:** number of juvenile dependency court hearings held during the month, counted per family and not per child

### **Basic Requirements and Additional Training for CPS Caseworkers**

Basic requirements for hire by County CPS include knowledge and abilities gained by graduation from college, including successful completion of 30 semester units in social welfare, human services, sociology, or other behavioral sciences AND

- One (1) year of experience comparable to that of an Eligibility Worker II or Employment and Training Worker II OR
- Three (3) years of experience comparable to that of a Vocational Assistant OR
- One (1) year of full-time social work case management experience in a public or private social services agency

Caseworkers must also possess a valid and current California Driver's License issued by the Department of Motor Vehicles.

Training regulations come from the State of California and are implemented by the County. Caseworkers' additional training includes communication techniques and Structured Decision Making (SDM). SDM is a process that helps caseworkers make objective decisions that balance the important values of child safety and core family integrity. (Appendix B: Risk Assessment Form)

New CPS caseworkers receive extensive training to understand how to apply the high degree of complexity of regulations and their clinical application to real life circumstances. All County caseworkers are trained in the first year for 15 days at the University of California at Davis. After the first year, training is ongoing on a variety of subjects following State regulations.

## **Representation**

There are currently 3 attorneys available to CPS clients. They alternate representing the core family members: child, mother, or father with each separate case. Each attorney carries an average of 50+ cases at various levels within the process. Caseworkers and attorneys have the right to contact schools, therapists, and health care providers without parental permission. All core family members have advocates: caseworkers advocate for the child, and attorneys represent each child and each parent/guardian. Extended family members are not provided with court appointed attorneys. Extended family members include grandparents, aunts, uncles, cousins, etc. - all relatives who are not the child's mother, father or legal guardian. Extended family members do not have legal standing in CPS cases in the eyes of the law. They may choose to have their own representation.

## **Communications**

At the time the child is removed from the home or shortly thereafter, core families are given written communications contained in a Detention Packet. Caseworkers review these written communications with the core family members. The Detention Packet includes: (Appendix B)

- Your Rights Under California Welfare Programs (2 copies) (PUB 13)
- Amador County Juvenile Court Information for Parents (2 copies) (JV 050)
- Amador County Child Protective Services Pre-Disposition Referral Form (2 copies)
- Notification of Relatives (2 copies)
- Foster Youth Rights (2 copies) (PUB 369)
- Amador County Multi-Party Authorization for Use, Disclosure of Confidential Information (2 copies)
- Supervised Visitation Guidelines (2 copies)
- Foster Care Grievance Procedures

All communications, written and verbal, between caseworkers and core family members are documented in the case plan. The Notification of Relatives form gives parents the option to list extended family members who might be able to care for their child/children, should the parents choose to use it. (Appendix A: Notification of Relatives form) Caseworkers notify these relatives of the child's removal from the home (detention) within 30 days. It must be made clear that extended family members are only notified and have an opportunity to be involved if one of the core family members completes the Notification of Relatives form.

The Detention Hearing is held within 72 hours after the removal of the child. At this first hearing, parents receive a packet of Judicial Council Forms from their attorney: (Appendix C)

- JV-055 Pamphlet: the Dependency Court: How it Works
- JV-050 Pamphlet: Information for Parents
- JV-140 Notification of Mailing Address
- JV-225 Health and Education Questionnaire
- JV-505 Statement Regarding Paternity
- ICWA-020 Parental Notification of Indian Status
- JV-190 Waiver of Rights: Juvenile Dependency
- FC 2 CA Dept of Social Services AFDC Foster Care Eligibility

There is some duplication of forms between the Detention Packet and the Judicial Council Forms to ensure that the core family members receive this information. They can then ask their attorneys questions.

Attorneys interviewed stated that between the Detention Hearing and the Status Review Hearings, they study the files and talk to the core family member they represent. In between the established Status Review Hearing dates, the caseworkers, attorneys and/or core family members may request additional court (Interim) reviews. In order to maintain impartiality, the Court has no communication with parties involved except during scheduled court hearings.

### **Funding**

Amador County CPS is funded through the California Department of Social Services using a combination of state and federal monies. Funds are appropriated annually with specific requirements and fixed allowable uses. Funding is awarded by formula and is contingent upon the State's approved Title IV-E<sup>4</sup> plan.

Funds are available for:

- monthly maintenance payments for the daily care and supervision of eligible children
- administrative costs to manage the program
- training of staff and foster care providers
- recruitment of foster parents
- costs related to the state-wide data collection system  
(<http://www.acf.hhs.gov/programs/cb/resource/title-ive-foster-care>)

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4 The Social Security Act, Title IV-E The Federal Foster Care Program, as amended, and implemented under the Code of Federal Regulations (CFR) at 45 CFR parts 1355, 1356, and 1357.

In 2011, the State realigned non-federal funding responsibility for program activities and services to local governments. This increased flexibility with funds allows the counties to determine how to best serve the children and families in the community. California is a state supervised and county administered child welfare system.

## **FINDINGS**

- F1. There are assumptions and misconceptions about the legal standing of extended family members.
- F2. Each situation can be emotional for all family members, both core and extended.
- F3. Core family members have the responsibility throughout the process to read the handouts provided by caseworkers regarding Detention Court and to ask questions if something is not clear.
- F4. Steps in the process of Child Welfare Services can be difficult to understand. While complex in nature, the process is intended to protect the child and support the core family.
- F5. The County is interested in the core family's progress toward eliminating the problems that led to the County's intervention.
- F6. CPS caseworkers, attorneys and the Court are all motivated toward reunification of core families.
- F7. CPS has put together procedures to formally address complaints regarding the care of the child by the foster family.

## **RECOMMENDATIONS**

- R1. The County should develop a handout specifically for extended family members explaining the CPS process and their role in it. (Finding 1, 2)
- R2. If extended family members are present at the Detention Hearing, forms JV050 and JV055 should be provided to them by caseworkers. (Finding 3)

## **CONCLUSION**

County Child Welfare Services/Social Services staff work to communicate clearly with core families with whom they come into contact. Even though the process is complex, closely regulated, and confusing to many core and extended family members, staff continues to have the best interest of each child clearly in focus.

The 2013-2014 Grand Jury commends Amador County Child Welfare Services, attorneys and the Court for having as their primary goal the reunification of the core family through collaborative efforts in the best interest of every child.

## **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 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**

- A. Risk Assessment Form
- B. Detention Packet
- C. Judicial Counsel Packet

## **DISCLAIMERS**

This report on the Quality and Effectiveness of Communications in Child Welfare Cases is issued by the 2013-2014 Grand Jury with the exception of two members of this Grand Jury, who might have a perceived conflict of interest. These jurors were excluded from all parts of the investigation, which included interviews, deliberations, and the writing of this report. This report is based on information obtained from outside sources with none of this information being obtained from the excluded Grand Jurors.

## APPENDIX A

CALIFORNIA  
FAMILY RISK ASSESSMENT

r: 09-12

Referral Name: \_\_\_\_\_ Referral #: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 County Name: \_\_\_\_\_ Worker Name: \_\_\_\_\_ Worker ID#: \_\_\_\_\_

NEGLECT	Score	ABUSE	Score
N1. Current Report Is for Neglect		A1. Current Report Is for Physical Abuse	
a. No.....	0	a. No.....	0
b. Yes.....	1	b. Yes.....	1
N2. Prior Investigations (assign highest score that applies)		A2. Number of Prior Investigations	
a. None.....	-1	a. None.....	-1
b. One or more, <u>abuse</u> only.....	1	b. One or more, neglect only.....	0
c. One or two for <u>neglect</u> .....	2	c. One for abuse.....	1
d. Three or more for <u>neglect</u> .....	3	d. Two or more for abuse.....	2
N3. Household Has Previously Received CPS (voluntary/court ordered)		A3. Household Has Previously Received CPS (voluntary/court ordered)	
a. No.....	0	a. No.....	0
b. Yes.....	1	b. Yes.....	1
N4. Number of Children Involved in the Child Abuse/Neglect Incident		A4. Prior Physical Injury to a Child Resulting from Child Abuse/Neglect or Prior Substantiated Physical Abuse to a Child	
a. One, two, or three.....	0	a. None/not applicable.....	0
b. Four or more.....	1	b. One or more apply.....	1
N5. Age of Youngest Child in the Home		<input type="checkbox"/> Prior physical injury to a child resulting from CA/N	
a. Two or older.....	0	<input type="checkbox"/> Prior substantiated physical abuse of a child	
b. Under two.....	1	A5. Number of Children Involved in the Child Abuse/Neglect Incident	
N6. Characteristics of Children in Household (add for score)		a. One, two, or three.....	0
a. Not applicable.....	0	b. Four or more.....	1
b. One or more present (mark all applicable and add)		A6. Characteristics of Children in Household (score 1 if any present)	
<input type="checkbox"/> Developmental, learning, or physical disability.....	1	a. Not applicable.....	0
<input type="checkbox"/> Developmental <input type="checkbox"/> Learning <input type="checkbox"/> Physical		b. One or more present (mark all applicable).....	1
<input type="checkbox"/> Medically fragile or failure to thrive.....	1	<input type="checkbox"/> Delinquency history	
<input type="checkbox"/> Mental health or behavioral problem.....	1	<input type="checkbox"/> Developmental disability	
N7. Primary Caregiver Provides Physical Care of the Child That Is:		<input type="checkbox"/> Learning disability	
a. Consistent with child needs.....	0	<input type="checkbox"/> Mental health or behavioral problem	
b. Inconsistent with child needs.....	1	A7. Two or More Incidents of Domestic Violence in the Household in the Past Year	
N8. Primary Caregiver Has a History of Abuse or Neglect as a Child		a. No.....	0
a. No.....	0	b. Yes.....	1
b. Yes.....	1	A8. Primary Caregiver Employs Excessive/Inappropriate Discipline	
N9. Primary Caregiver Has/Had a Mental Health Problem		a. No.....	0
a. No.....	0	b. Yes.....	1
b. Yes.....	1	A9. Primary Caregiver Is Domineering	
N10. Primary Caregiver Has/Had an Alcohol and/or Drug Problem		a. No.....	0
a. None/not applicable.....	0	b. Yes.....	1
b. One or more apply (mark all applicable).....	2	A10. Primary Caregiver Has a History of Abuse or Neglect as a Child	
<input type="checkbox"/> Alcohol ( <input type="checkbox"/> Last 12 months and/or <input type="checkbox"/> Prior to the last 12 months)		a. No.....	0
<input type="checkbox"/> Drugs ( <input type="checkbox"/> Last 12 months and/or <input type="checkbox"/> Prior to the last 12 months)		b. Yes.....	1
<input type="checkbox"/> Marijuana <input type="checkbox"/> Methamphetamine <input type="checkbox"/> Heroin <input type="checkbox"/> Cocaine		A11. Primary Caregiver Has/Had a Mental Health Problem	
<input type="checkbox"/> Other: _____		a. No.....	0
N11. Primary Caregiver Has Criminal Arrest History		b. One or more apply.....	1
a. No.....	0	<input type="checkbox"/> During the last 12 months	
b. Yes.....	1	<input type="checkbox"/> Prior to the last 12 months	
N12. Current Housing			
a. Not applicable.....	0		
b. One or more apply.....	1		
<input type="checkbox"/> Physically unsafe, AND/OR			
<input type="checkbox"/> Family homeless			
<b>TOTAL NEGLECT RISK SCORE</b> _____		<b>TOTAL ABUSE RISK SCORE</b> _____	

SCORED RISK LEVEL. Assign the family=s scored risk level based on the highest score on either the neglect or abuse indices, using the following chart:

<u>Neglect Score</u>	<u>Abuse Score</u>	<u>Scored Risk Level</u>
<input type="checkbox"/> -1-1	<input type="checkbox"/> -1-0	<input type="checkbox"/> Low
<input type="checkbox"/> 2-5	<input type="checkbox"/> 1-3	<input type="checkbox"/> Moderate
<input type="checkbox"/> 6-8	<input type="checkbox"/> 4-6	<input type="checkbox"/> High
<input type="checkbox"/> 9+	<input type="checkbox"/> 7+	<input type="checkbox"/> Very High

POLICY OVERRIDES. Mark yes if a condition shown below is applicable in this case. If any condition is applicable, override the final risk level to very high.

- |                              |                             |   |
|------------------------------|-----------------------------|---|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 1. Sexual abuse case AND the perpetrator is likely to have access to the child.                                 |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 2. Non-accidental injury to a child under age two years.  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 3. Severe non-accidental injury.  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 4. Caregiver action or inaction resulted in the death of a child due to abuse or neglect (previous or current). |

DISCRETIONARY OVERRIDE. If a discretionary override is made, mark yes, increase risk by one level, and indicate reason.

- Yes    No   5. If yes, override risk level (mark one):    Moderate    High    Very High
- Discretionary override reason: \_\_\_\_\_

Supervisor's Review/Approval of Discretionary Override: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

FINAL RISK LEVEL (mark final level assigned):    Low    Moderate    High    Very High

RECOMMENDED DECISION

Final Risk Level	Recommendation
Low	Do Not Promote*
Moderate	Do Not Promote*
High	Promote
Very High	Promote

\*Unless there are unresolved safety threats.

PLANNED ACTION:

- Promote  
 Do Not Promote

If recommended decision and planned action do not match, explain why:

---

SUPPLEMENTAL ITEMS

Note: These items should be recorded, but are not scored.

1. Primary caregiver characteristics:
  - Yes No
  - a.   Blames child
  - b.   Provides insufficient emotional/psychological support
  
2. Secondary caregiver characteristics:
  - No secondary caregiver
  - Yes No
  - a.   Has history of abuse/neglect as a child
  - b.   Has/had mental health problem
    - During the last 12 months  Prior to the last 12 months
  - c.   Has/had an alcohol and/or drug problem (*mark all applicable*)
    - Alcohol ( Last 12 months and/or  Prior 12 months)
    - Drugs ( Last 12 months and/or  Prior 12 months)
      - Marijuana  Methamphetamine  Heroin  Cocaine
      - Other: \_\_\_\_\_
  - d.   Employs excessive/inappropriate discipline
  - e.   Domineering
  - f.   Secondary caregiver has criminal arrest history

## APPENDIX B



2. Get written and oral explanations about your application and aid.
3. Get a receipt for any documents you turn in.
4. See your case record.
5. See state and county laws and regulations.
6. Ask a judge to review any county decision about your eligibility, benefits, or services.
7. Not face discrimination in receiving program benefits or services.
8. File a complaint about discrimination.
9. Get extra help from county staff to make sure you get your benefits if you have a disability or impairment that makes it hard to understand the program rules.
10. Have your information kept confidential.
11. Be treated with courtesy and respect.

#### IF YOU ARE HAVING PROBLEMS WITH YOUR AID OR SERVICES:

1. Keep records of all your information, documents, and contacts with the county.
2. Get a receipt when you turn anything in.
3. You can bring someone with you to a meeting with your worker.
4. Complain. There are 4 ways to do this:
  - *Informal*: You can ask to speak to a supervisor to talk about problems with a worker or to go over the rules and the proposed action on your aid or services.
  - *State Hearing*: Ask for a state hearing if there is a problem with your aid or services. **You must ask for a hearing within 90 days of the county's action.** You may be able to file after 90 days if you have a good reason, like illness or a disability.
  - *Discrimination complaint*: If you feel that the county has discriminated against you, you can make a discrimination complaint to the County's Civil Rights Coordinator or to the State Civil Rights Bureau, and to the Federal Government. You must do this within 180 days of the discrimination. For more on this, see the section beginning "Prohibited Discrimination."

If the discrimination also affects your benefits or services, **you must also ask for a state hearing** if you wish to challenge the county's decision on your benefits or services.

- *Grievance*: You can file a complaint with the county if they have a grievance procedure. **This does not protect your benefits** in the way that asking for a state hearing does.

#### STATE HEARINGS

- You can ask for a state hearing any time you disagree with a county's action on your benefits or services.
- You can also ask for a state hearing if the county is not giving you benefits or services which you think you should get.
- A state hearing is heard by a state Administrative Law Judge. The county will have someone at the hearing to explain why they took their action.
- A state hearing is not a court hearing. You do have the right to have a representative with you. There are free legal services in every county. They are listed on the back of your county notices. You can bring witnesses. You have the right to a free interpreter. Ask the county how to get one.
  - If your problem is with General Assistance or general relief, you must ask for a county hearing.
  - If your problem is with Social Security benefits, you must contact the Social Security Administration.

#### CONTINUING YOUR AID OR SERVICES PENDING A STATE HEARING

The county must give you a notice at least 10 days before any action to change your aid or services takes place. If you ask for a hearing before the action takes place, you can get "aid paid pending" your hearing. This means your aid stays the same until you get a hearing decision.

**You MUST ask for a hearing on any new notice you get, if you disagree.**

## HOW TO REQUEST A STATE HEARING

1. Phone: Ask for a State Hearing by contacting the CA Department of Social Services at (800) 743-8525 or (800) 952-5253
2. Fill out the back of your Notice of Action (NOA) or send a written request to:  
CDSS, State Hearing Division  
744 P Street M.S. 09-17-37  
Sacramento, CA 95814

## PROHIBITED DISCRIMINATION

Under State law, welfare agencies may not provide you aid, benefits or services that is different from aid provided to others on the basis of

*Race, Color, National Origin (including language), Ethnic Group Identification, Age, Disability, Religion, Sex, Sexual Orientation, Political Affiliation, Marital Status, or Domestic Partnership*

Federal laws also prohibit discrimination on several, although not all, of the bases listed above.

Federal Law also prohibits :

1. Delaying or denying the placement of a child for adoption or into foster care on the basis of race, color or national origin of the adoptive or foster parents, or the child;
2. Denying to any individual the opportunity to become a foster or adoptive parent on the basis of race, color or national origin of the individual or child involved.

## EXAMPLES OF DISCRIMINATION

- The County does not give you a free interpreter.
- A worker tells a certain ethnic group about more programs and services than people of other ethnicities.
- The County won't help you get audio tapes of a program orientation to help you with a disability that makes it hard for you to read.
- A worker learns of your religion or politics and then treats you differently.
- You can't get to appointments because the county building does not have an elevator.

- You cannot get your wheelchair into examination, interview rooms or restrooms.
- Men get referred to job training for better paying jobs than women.
- The county does not want you to have training because they say you are "too old."
- You are not allowed to adopt a baby because you are of a different race.

## DISCRIMINATION COMPLAINTS

If you think you have been discriminated against, you may submit a complaint application separately to the County or the State, and the Federal Government. The Federal agency that you must complain to depends on which program your complaint is about.

You can file a discrimination complaint with:

1. FOR ALL PROGRAMS ADMINISTERED BY YOUR COUNTY WELFARE DEPARTMENT:

The County's Civil Rights Coordinator. Ask your county office for the name, address and phone number of their Civil Rights Coordinator. He/she will independently investigate your complaint.

2. Civil Rights Bureau

California Department of Social Services  
744 P Street, MS 8-16-70  
Sacramento, CA 95814  
(916) 654-2107  
(866) 741-6241 (Toll-Free)

3. FOR THE CALFRESH PROGRAM:

United States Department of Agriculture  
Director, Office of Civil Rights,  
Room 326-W, Whitten Bldg.  
1400 Independence Avenue, S.W.,  
Washington, D.C. 20250-9410  
(202) 720-6382 (voice and TTY)

4. FOR ALL OTHER PROGRAMS:

Health and Human Services  
Office of Civil Rights  
90 7th Street, Suite 4-100  
San Francisco, CA 94103  
(415) 437-8310 (voice)  
(415) 437-8311 (TDD)

## TIME LIMITS TO TAKE ACTION

If you suffer discrimination, you must submit your complaint within 180 days of the actual discrimination. If the discrimination also affected the level of your benefits and services, you must also ask for a state hearing within 90 days. A discrimination investigation cannot change your benefit levels or services...only a state hearing can do that.

## LIMITS ON CERTAIN RIGHTS

Although you have the right to privacy and confidentiality, there are certain laws that allow limited exceptions. You can ask the county for the laws.

## QUESTIONS

If you have any questions about the rights listed here, call the Public Inquiry Unit: toll free (800) 952-5253. The TDD toll-free telephone number is (800) 952-8349.

## PROGRAMS COVERED BY THIS PAMPHLET

- Adoption Assistance Program (AAP)
- Adult Protective Services
- Alcohol and Drug Program
- California Food Assistance Program (CFAP)
- Medi-Cal
- CalWORKs
- CalWORKs Child Care
- CalWORKs Welfare-to-Work Program/Services
- Cash Assistance Program for Immigrants (CAPI)
- Child Welfare Services
- Denti-Cal
- Early & Periodic Screening, Diagnosis, and Treatment (EPSDT)
- CalFresh (Food Stamps)
- Foster Care
- In-Home Support Services
- Kinship Guardian Assistance (Kin-GAP)
- Mental Health

- Multipurpose Senior Services Program (MSSP)
- Personal Care Services Program (PCSP)
- Refugee Cash Assistance
- Social Services



STATE OF CALIFORNIA

HEALTH AND HUMAN  
SERVICES AGENCY

DEPARTMENT OF  
SOCIAL SERVICES

This pamphlet is available from your Local County Welfare Office and at [www.cdss.ca.gov](http://www.cdss.ca.gov) in the following languages:

- |             |             |                       |
|-------------|-------------|-----------------------|
| • Arabic    | • Japanese  | • Russian             |
| • Armenian  | • Korean    | • Spanish             |
| • Cambodian | • Lao       | • Spanish Large Print |
| • Chinese   | • Mien      | • Tagalog             |
| • Farsi     | • Portugese | • Ukranian            |
| • Hmong     | • Punjabi   | • Vietnamese          |

Also Available in large print, Braille, and Audio CD

PUB 13 (6/11)

OSP 12 126715

AMADOR County  
**JUVENILE COURT**  
**INFORMATION FOR PARENTS**



Form Approved by the  
Judicial Council of California  
JV-050 (New January 1, 1999)

Dear Parent or Guardian:

**PLEASE READ THIS INFORMATION.**



**1. Why is this matter being investigated?**

There have been one or more reports about the safety of your child; a police officer or social worker must investigate to see if your child's safety and protection require official intervention through the juvenile court.

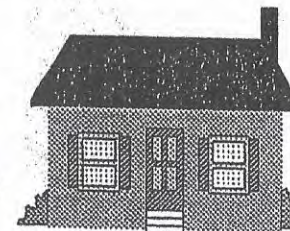
**2. If my child was taken from me, why?**

Your child may have been taken from you and placed in protective custody because a police officer or social worker believes it necessary for the protection of your child. Some of the reasons may be:

- a. Your child had inadequate care or supervision:
- b. Your child was neglected or abused or molested:
- c. Your child was left with someone who could not or would not provide adequate care.

**3. If my child is not with me, where is my child?**

Your child may be at a county shelter or in a temporary foster home. The social worker will provide additional information or give you a number to call to find out more about the arrangements that have been made for your child's care and about your future contact with your child. To learn more, call your child's social worker at the number on the back of this pamphlet during regular business hours.



**4. Will my child be returned to me?**

It is possible that your child will be returned to you. The social worker assigned to investigate the case will

2

review information about you, your home, and your child and will act according to what appears to be the best way to make sure your child is safe. If your child is not returned to you, your child may be temporarily placed with:

- a. Your child's other legal parent (if you are not living together);
- b. A relative;
- c. A foster or shelter home.



### 5. What about relatives?

The law requires that you tell the social worker the names, addresses, phone numbers, and other information about your child's other legal parent or other relatives who may be able to care for your child. The social worker will contact them, see if they can provide for your child, and determine if the home will be safe for your child. In this way, your child may not have to go to someone your child and you do not know.

### 6. What happens now?

If the social worker believes your child is not safe, the social worker will file papers in juvenile court, asking the court to declare your child to be a dependent of the court and to make orders regarding the care, custody, and supervision of your child.

The first paper filed is called a "petition," and it must be filed within two court days (regular work days) of the time your child was taken from you or within a reasonable time if your child remains with you.

You will be notified of the date, time, and place of the first court hearing.

***It is very important for you to come to court for this hearing.***

## Additional Information:

AMADOR County Juvenile Court

Address of the juvenile court

500 Argonaut Lane

Jackson, California 95642

Phone number of the juvenile court

209-257-2600

You can get more information about where your child is and about the court processes from your child's social worker or your local child welfare agency. The following is a list of local helpful telephone numbers:



Social worker: \_\_\_\_\_

Other useful numbers to be provided by the county

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Amador County Child Protective Services  
Pre-Disposition Referral Form**

To: \_\_\_\_\_

There are services available to assist you in reunifying with your child(ren). Although you are not court ordered to do so at this time, you are encouraged to contact the service agencies marked below immediately so that you can benefit from the support they provide. If you sign a release of information form, your social worker can assist with the referral process. If you have any questions, please contact your social worker at (209)223-6550.

**Parenting Education**

- Amador-Tuolumne Community Action Agency  
935 South State Highway 49, Jackson, California (209)223-1485
  - Baby Steps
  - Creative Parenting
  - Common Ground
  - Home Visitor Program
  
- Other program: \_\_\_\_\_

**Substance Abuse Treatment**

- Amador County Behavioral Health Department  
10877 Conductor Blvd., Sutter Creek, California (209)223-6412  
Call for an assessment and follow the recommendations of the evaluator.
  
- AA/NA meetings: 24 hour hotline (209)223-4989  
Locations/Times \_\_\_\_\_
  
- Other program: \_\_\_\_\_

**Mental Health Treatment (therapy, medication evaluations)**

- Amador County Behavioral Health Department  
10877 Conductor Blvd., Sutter Creek, California (209)223-6412  
Call for an assessment and follow the recommendations of the evaluator.
  
- Other program: \_\_\_\_\_

**Domestic Violence Services**

- Operation Care (counseling, safe house, crisis line)  
621 New York Ranch Road, Jackson, California (209)223-2897  
Crisis Line: 209-223-2600
  
- Other program: \_\_\_\_\_

**Other services available to you:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Received by: \_\_\_\_\_ Date received: \_\_\_\_\_

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### Notification of Relatives

Amador County Child Protective Services is required to provide notification to relatives of children being placed into out-of-home care. Your social worker must work with you to identify and to engage relatives. Please list below relatives of your child(ren) as well as any contact information you have for them. If you require additional space, please use the back of this form.

Name, address, and telephone number of maternal grandmother:

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Name, address, and telephone number of maternal grandfather:

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Name, address, and telephone number of paternal grandmother:

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Name, address, and telephone number of paternal grandfather:

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Names, addresses, and telephone numbers of maternal aunts and uncles:

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Names, addresses, and telephone numbers of paternal aunts and uncles:

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Names, addresses, and telephone numbers of adult siblings:

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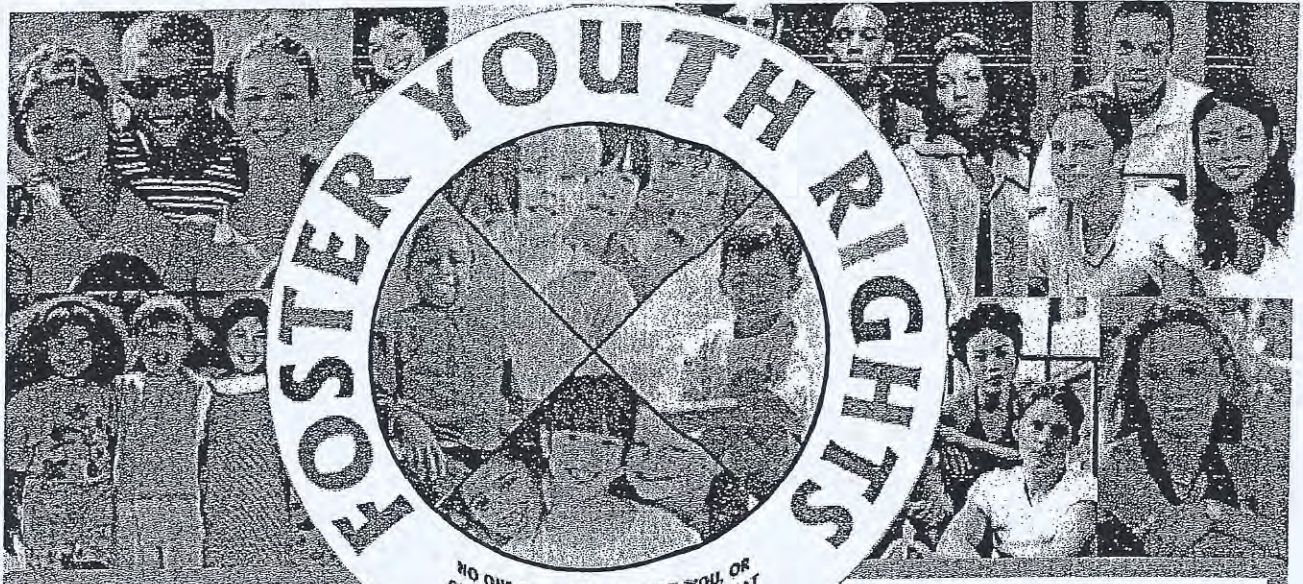
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Names, addresses, and telephone numbers of additional relatives:

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## YOU have RIGHTS too!

### YOU HAVE THE RIGHT TO LIVE IN A SAFE, COMFORTABLE HOME WITH:

- ◆ enough clothes and healthy food
- ◆ your own place to store your things
- ◆ an allowance (if you are in a group home)
- ◆ a phone that you can use to make confidential calls (unless a judge says you cannot)

### YOU HAVE THE RIGHT TO:

- ◆ be treated with respect
- ◆ go to religious services and activities of your choice
- ◆ send and get unopened mail (unless a judge says someone else can open your mail)
- ◆ contact people who are not in the foster care system (like friends, church members, teachers, and others)
- ◆ make contact with social workers, attorneys, probation officers, CASAs, foster youth advocates and supporters, or anyone else involved with your case
- ◆ be told about your placement by your social worker or probation officer

### NO ONE CAN:

- ◆ lock you in a room or building (unless you are in a community treatment facility)
- ◆ abuse you physically, sexually or emotionally for any reason
- ◆ punish you by physically hurting you for any reason
- ◆ look through your things unless they have a good and legal reason



### YOU HAVE RIGHTS AT COURT TOO. YOU CAN:

- ◆ go to court and talk to the judge
- ◆ see and get a copy of your court report and your case plan
- ◆ keep your court records private, unless the law says otherwise
- ◆ be told by your social worker or probation officer and your attorney about any changes in your case plan or placement

### YOU HAVE HEALTH RIGHTS. YOU CAN:

- ◆ see a doctor, dentist, eye doctor, or talk to a counselor if you need to
- ◆ refuse to take medicines, vitamins or herbs (unless a doctor or judge says you must)



### YOU HAVE SCHOOL RIGHTS. YOU CAN:

- ◆ go to school every day
- ◆ go to after-school activities right for your age and developmental level

**Remember your rights. Also remember that the foster parent's or group home's job is to supervise you and keep you safe and healthy.**

If you feel you are being discriminated against because of, but not limited to, your sex, race, color, religion, or for any other reason, please contact the Foster Care Ombudsman Help-line.

### YOU HAVE THE RIGHT TO DO SOME THINGS ON YOUR OWN. YOU CAN:

- ◆ have your own emancipation bank account (unless your case plan says you cannot)
- ◆ learn job skills right for your age
- ◆ work, unless the law says you are too young
- ◆ manage the money you earn (if right for your age, developmental level and it's in your case plan)
- ◆ go to Independent Living Program classes and activities if you are old enough

### YOU HAVE FAMILY RIGHTS TOO. YOU CAN:

- ◆ visit and contact your brothers and sisters (unless a judge says you cannot)
- ◆ contact parents and other family members, too (unless a judge says you cannot)

### YOU HAVE OTHER RIGHTS TOO. YOU CAN:

- ◆ tell the judge how you feel about your family, lawyer, and social worker
- ◆ tell the judge what you want to happen in your case
- ◆ have your own lawyer
- ◆ live with a family member if that would be a safe place
- ◆ call the Foster Care Ombudsman Office and Community Care Licensing at any time
- ◆ get help with school if you need it



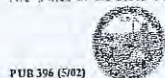
Call the FOSTER CARE OMBUDSMAN at:  
**1-877-846-1602 (It's a free call!)**

Remember: What you tell us is private (except in certain circumstances).

Or, write to us at:  
Foster Care Ombudsman  
744 P Street, MS 9-025  
Sacramento, CA 95814

Or, fill out the "Complaint Page" on our website:  
[www.fosteryouthhelp.ca.gov](http://www.fosteryouthhelp.ca.gov)  
Or, send us e-mail:  
[fosteryouthhelp@dss.ca.gov](mailto:fosteryouthhelp@dss.ca.gov)

The Office of the State Ombudsman wishes to thank the Los Angeles Affiliate of the National Association of Counsel for Children for their pioneering efforts to inform youth of their rights in the juvenile system.



STATE OF CALIFORNIA  
Gray Davis, Governor

HEALTH AND HUMAN SERVICES AGENCY  
Granland Johnson, Secretary

DEPARTMENT OF SOCIAL SERVICES  
Rita Saenz, Director



# AMADOR COUNTY MULTI-PARTY AUTHORIZATION FOR USE, DISCLOSURE AND EXCHANGE OF CONFIDENTIAL INFORMATION

This Multi-Party Authorization allows involved staff of identified agencies to use, disclose and exchange confidential information for the purpose of treatment, referral, coordination and provision of services.

*This authorization is given pursuant to state and federal laws which govern the disclosure of confidential healthcare information including California Code of Civil Procedure section 56.10 et seq., California Welfare and Institutions Code section 5328 et seq., and 42 CFR Part 2.*

## SECTION 1

Name of client \_\_\_\_\_ Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

## SECTION 2

*With your written authorization, staff from the community agencies listed below may share information with each other. Information disclosed is limited to that which is relevant to formulate an integrated services plan or to deliver services to adults and to children and their families.*

**USE AND DISCLOSURE OF HEALTH INFORMATION:** Using your *initials*, choose which agencies may use, disclose and exchange information:

- \_\_\_\_\_ Amador County Behavioral Health (Mental Health & Substance Abuse)
- \_\_\_\_\_ Amador County Dept. of Social Services
- \_\_\_\_\_ Amador County Public Health Department
- \_\_\_\_\_ Amador Tuolumne Community Action Agency
- \_\_\_\_\_ Amador Unified School District
- \_\_\_\_\_ Amador County Office of Education      Other \_\_\_\_\_
- \_\_\_\_\_ Amador County Probation Department      Other \_\_\_\_\_

## SECTION 3

The following information may be exchanged: (Initial one)

\_\_\_\_\_ All health information pertaining to my medical history, mental or physical condition and treatment received, OR

\_\_\_\_\_ Only the following records or types of health information (including any dates):

\_\_\_\_\_  
\_\_\_\_\_

A separate authorization is required to authorize the disclosure of psychotherapy notes.  
A separate authorization is required to authorize the disclosure of HIV test results.

**SECTION 4**

**MY RIGHTS:**

- I understand that this authorization is for exchange with those persons or individuals who are directly involved with providing services to myself or to my family.
- I understand that I may refuse to sign this authorization or limit the exchange or disclosure of information. Refusal to sign, or limiting the consent, will not have an adverse impact on my eligibility for services under the individual program(s).
- Information about myself and my family is strictly confidential and will only be released to those agencies and/or persons indicated above, unless court ordered or otherwise required or permitted by law.
- For further information about my privacy rights, I may obtain a copy of the Notice of Privacy Practices from Amador County Mental Health, Public Health or Alcohol and Drug Services. I understand that I may revoke this authorization at any time, but I must do so in writing and submit it to my County health care provider.
- I understand that I have a right to receive a copy of this authorization.
- Information disclosed pursuant to this authorization will not be re-disclosed to anyone not listed on this form unless I sign a separate authorization for release.

**SECTION 5**

**EXPIRATION:**

This authorization is valid only if signed and dated, and it expires: (check one)

Twelve months from date signed

On \_\_\_\_\_ (date)

Other \_\_\_\_\_ (describe event)

**SECTION 6**

**AUTHORIZATION TO RELEASE HEALTH INFORMATION:**

Signature \_\_\_\_\_ Date \_\_\_\_\_

If not the patient, indicate the relationship: \_\_\_\_\_  
(Parent, Guardian, Conservator)

Witness: \_\_\_\_\_

**SECTION 7**

**SPECIFIC AUTHORIZATION FOR RELEASE OF ALCOHOL AND/OR DRUG TREATMENT INFORMATION:**

**If my medical records include Alcohol and Drug Abuse Program records I understand that the following information applies to those records:**

*The confidentiality of alcohol and drug abuse patient records maintained by this program is protected by Federal law and regulations. Generally, the program may not say to a person outside the program that a patient attends the program, or disclose any information identifying a patient as an alcohol or drug abuser unless: 1) the patient consents in writing, 2) the disclosure is allowed by a court order, 3) the disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation, or 4) the patient commits or threatens to commit a crime either at the program or against any person who works for the program. Violation of the federal law and regulations by a program is a crime. Suspected violations may be reported to appropriate authorities in accordance with Federal regulations. Federal law and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities. (See 42 USC section 290dd-22 and 42 CFR Part 2).*

Signature \_\_\_\_\_ Date \_\_\_\_\_

If not the patient, indicate the relationship: \_\_\_\_\_  
(Parent, Guardian, Conservator)

Witness: \_\_\_\_\_

**SECTION 8**

**A COPY OF THIS FORM IS VALID AS THE ORIGINAL.**

Copies must be forwarded to all agencies identified to exchange information.

Copies sent to: \_\_\_\_\_

**SECTION 9**

**Notice to Providers:** Information provided to you pursuant to this release is confidential and protected under state and/or federal law. You may not further disclose this information to anyone not specifically included in this release without the specific written consent of the person to whom it pertains, or as otherwise permitted under the law. If information has been provided to you regarding alcohol and drug abuse patient records an additional notice re: Prohibition on Re-disclosure applies (attachment A).

**SECTION 10**

**ATTACHMENT A: Notice to Providers**

**Prohibition on Re-disclosure:** This notice accompanies a disclosure of information concerning a client in alcohol/drug abuse treatment, made to you with the consent of such client. This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

**Supervised Visitation Guidelines**

Child(ren)'s name: \_\_\_\_\_  
\_\_\_\_\_

The Court has ordered that your visitation with your child(ren) be supervised. A social worker or a case aid will, therefore, observe you and your child(ren) during your time together. The social worker/case aid will take notes to document your visits. These observations could be used in a court report presented to the judge to provide information regarding your interaction with your child and an update on your progress.

The social worker/case aid is supervising your visits to ensure that your child does not feel fear, anxiety, guilt, shame, or self blame during your time together. The social worker/case aid may provide feedback and modeling to assist with your interaction with your child. However, the social worker/case aid is not going to parent for you.

**You will be expected to comply with the following guidelines:**

1. Once your visitation schedule is arranged, you will be expected to arrive on time. If you do not arrive on time, the social worker or case aid will give you 15 minutes and then will return your child to his/her placement. There will not be a make up visit. If you are less than 15 minutes late, you will have your visit but it will end at the scheduled time.
2. If you are unable to attend the visit, please contact your social worker at (209)223-6550 at least 24 hours prior to the cancellation, or as soon as you are aware of a problem. There may or may not be a make-up visit.
3. Only the people listed below will be allowed to be present during your visits with your child(ren).  
\_\_\_\_\_  
\_\_\_\_\_

Any requests for additional participants must be made to your social worker at least two weeks in advance.

4. You are not permitted to discuss placement issues or the court case with your child during the visits. Your visit may be terminated if you violate this rule.
5. You are not to be under the influence of drugs or alcohol during visitation times. If you are suspected to be under the influence of drugs and/or alcohol, the visit will be terminated. Smoking during visits is also prohibited.
6. Obscenities, threats, intimidations toward the child and/or Social Services' staff will not be tolerated and will result in the termination of visits by the social worker or case aid who is supervising your visit.
7. Cell phone use is not permitted during the visits.
8. Whispering is not allowed. Passing notes to the child(ren) is not allowed.
9. Other: \_\_\_\_\_

Your Social Worker: \_\_\_\_\_ Case Aid: \_\_\_\_\_

I have received the visitation guidelines and agree to comply with these rules.

Signed \_\_\_\_\_ Date: \_\_\_\_\_



## DEPARTMENT OF SOCIAL SERVICES

10877 Conductor Blvd. Suite 200,  
Sutter Creek, CA 95685 PHONE (209) 223-6550.

The purpose of this document is to explain the procedures for filing a grievance (review request) regarding the placement or removal of a child in **foster care**. It is intended for a parent/guardian, foster parents or other complainants. This procedure addresses the requirements of Child Welfare Services Program General Requirements 31-020.

1. The grievance process cannot be used under the following conditions:
  - The child is in immediate danger.
  - A signed waiver of notice has been obtained from the foster parent(s), as specified in CDSS MPP Div. 31-440.1.
  - A court has ordered the child's removal.
  - Adverse licensing or approval actions have occurred that prohibit the foster parent(s) from continuing to provide services.
  - Removal of a voluntarily-placed child is made or requested by the child's parent/guardian.
  - The child is removed from an emergency placement.
  - Removal of a child or modification of services resulting from an administrative review panel determination.
  - Removal of a child for direct placement into an adoptive home.
  - Any complaint regarding only the validity of a law or of a statewide regulation.
  - Any complaint regarding an issue for which a state hearing is available as specified in Welfare and Institutions Code Sections 10950 through 10965.
2. The complainant files a "review request" by writing a statement and sending it to "Director" at address on top of this page.
3. The review request shall set forth the facts which the interested person believes provides a basis for reversal of the county action. The request must also contain contact information to facilitate setting up the review meeting.
4. The complainant shall file the review request within 10 days after becoming aware of the action under complaint. In cases of removal the complainant shall submit the review request to the county not less than two calendar days prior to the intended date of removal.
5. If needed the county can assist in preparation of the complaint.
6. The review shall be held within 10 working days of the complaint being received

by the agency.

7. Notice of the date, time and place for the review shall be received by all parties not less than 5 calendar days prior to the hearing (unless all parties agree that it is convenient to choose an earlier date).
8. The review agent will be the Director or designee.
9. All reviews will be non-adversarial in nature.
10. All parties shall be permitted to examine all documents and physical evidence introduced by parties to the hearing. Applicable confidentiality standards will be maintained.
11. The parties and their representatives and witnesses while testifying shall be the only persons present unless all agree to the presence of other persons.
12. All testimony shall be given under oath or affirmation.
13. The review agent shall have the authority to review for a period not to exceed ten calendar days if additional evidence or witnesses are necessary for determination of the issue.
14. The review agent will decide based on the evidence presented at the hearing.
15. The review agent shall render a written decision within 5 days after review completion.

## APPENDIX C

A

**AMADOR COUNTY COUNSEL**

County Administration Center  
810 Court Street, Jackson, CA 95642  
Telephone (209) 223-6366 ♦ FAX (209) 223-4286



**VIA HAND DELIVERY**

Gregory Gillott,  
County Counsel

Jennifer Moge, Deputy  
Grace Pak, Deputy  
Angela Creach, Paralegal  
Julie Brown, Legal Secretary

**RE: Amador Superior Court Dependency Case**

Dear Parent's Counsel:

Enclosed with this letter are the following Judicial Council Forms for you to share with your clients.

- |          |   |
|----------|---|
| JV-055   | Pamphlet: The Dependency Court: How It Works            |
| JV-050   | Pamphlet: Information for Parents                       |
| JV-140   | Notification of Mailing Address                         |
| JV-225   | Health and Education Questionnaire                      |
| JV-505   | Statement Regarding Paternity                           |
| ICWA-020 | Parental Notification of Indian Status                  |
| JV-190   | Waiver of Rights: Juvenile Dependency                   |
| FC 2     | CA Dept of Social Services AFDC Foster Care Eligibility |

Thank you for your attention to this matter. If you have any questions or concerns, please contact me at 223-6366.

Sincerely,

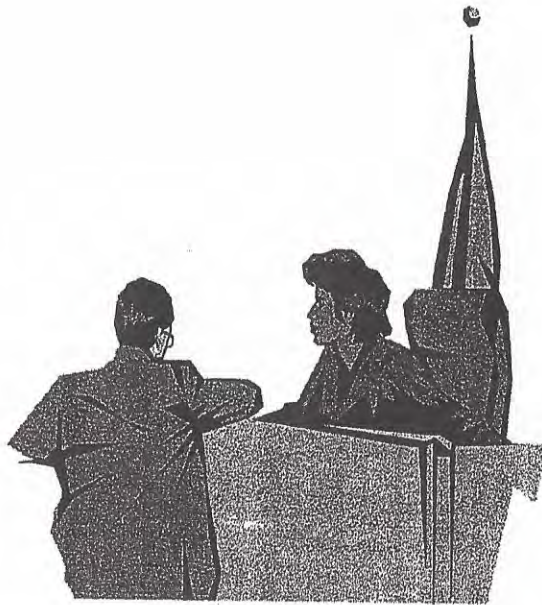
Amador County Counsel  
Enclosure

cc: Social Worker, Dept. Social Services  
Minor's Counsel

AI

Amador County  
JUVENILE COURT

THE DEPENDENCY COURT:  
HOW IT WORKS



Form Approved for Optional Use  
Judicial Council of California  
JV-055 (Rev. January 1, 2001)

JV-055



One of the goals of the dependency court is to have the matter regarding your child resolved as quickly as possible. We need your help and cooperation to do that. The court has become involved with you and your child because certain things have happened in your life that led to this involvement; you will be required to follow specific steps to

end court involvement. You must follow these steps within certain time limits. The steps and the time limits will be explained to you.

If your child becomes a dependent of the court, that means that the court will make orders for you, for your child, and for the social worker, so that your child will be protected. In most cases, you will have an opportunity to end court involvement.

As a court dependent:

1. The court may allow your child to reside in your home under court supervision; or
2. The court may place your child outside of your home.

If, during the time your child is a dependent of the court, reunification services are not ordered, or reunification efforts fail, your child could be adopted.

The specific reasons you are in court are stated in the petition and in other papers you may have received.

**PLEASE READ THE PETITION CAREFULLY.**

2

### 1. Do I need a lawyer?

You have the right to have a lawyer represent you in court, and the first court hearing in your case may be postponed for a short time so that you may hire one. If you cannot afford a lawyer, the court may appoint one for you. You may have to repay the court for the costs of your lawyer according to your ability to pay.



### 2. Will anyone else have a lawyer?

The county counsel may be representing the social worker and the court may also appoint a lawyer to represent your child. The lawyer's job is to represent the interests of your child. A Court Appointed Special Advocate, called a CASA volunteer, may also be appointed by the court to assist your child.

### 3. What will happen at the first hearing?



- a. If your child has been taken away from you, at the first court hearing the judge will decide whether your child will be returned to you until the next court hearing, or whether your child will remain away from you.
- b. Be sure to tell the social worker or your lawyer about any of the child's relatives who might be able to care for your child until the next hearing (or longer) if your child is not returned to you at the first hearing.

3

- c. In most cases you will be able to have visits with your child if the child is not returned to you.
- ### 4. What happens then?
- a. You have a right to have a trial where the judge will decide whether the statements in the petition are true.
  - b. If there is to be a trial, a date will be set for that trial.
  - c. Whether your child is with you or not, if you admit that all or part of the statements in the petition are true, or allow the judge to make a decision based on the reports presented, there will not be a trial on those issues.

The social worker will prepare a report for the court, based on an investigation that will include talking to you and to others. The report will include recommendations about where your child should be living for the next six months (when the next court hearing will be held) and what you and others can do to help solve the problems that brought you and your child into court.

If the judge decides that the statements in the petition are true, the judge will probably make your child a dependent child of the court, which means that your control over your child will be limited and the child may be removed from your custody.

There will be a case plan that will be worked out by you and the social worker; this plan will be presented to the court. The court will *probably* order that all or part of the case plan be carried out. The case plan may include such things as the following:

- a. Parenting classes
- b. Individual counseling
- c. Family counseling
- d. Treatment for abuse of alcohol and other drugs



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e. Special programs and classes

f. Visitation with your child

If your child is removed from your custody and there is a case plan ordered, the social worker will be required to include in the case plan: (1) services to help you reunify with your child and (2) services to achieve legal permanence for your child should reunification fail. Legal permanence may include adoption or appointment of a legal guardian.



If, at any time after your child is removed from you, you decide that you are not interested in reunifying with your child, you can talk with your social worker. You should also talk with your lawyer, who can explain your right to (1) waive reunification services, (2) relinquish your parental rights, and (3) assist in the development of a permanent plan for your child.

5. What do I need to do then?

- a. The social worker and others will be required to assist you to obtain the services listed in your case plan.

***It is important that you get started on your case plan as soon as possible. Following the case plan, within the required time lines, is the key to reunification with your child.***



- b. The court will review your case at least every six months. At the first review hearing, the court will consider whether court dependency for your child is still required and, if your child has been removed from your home, whether your child may be returned home.

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- c. If your child was **under three years old** when he or she was first removed from your care, and you have not participated regularly in court ordered treatment, or if you have not contacted or visited your child for the last six months, the court can end services. If a brother or sister of the child under three was also removed, services may end for that child also.
- d. If your child was **over three years old**, and the child is not returned to you after six months, the court can order services for six more months.



- e. Services to reunify your child with you will end after 12 months unless the court decides there is a **substantial probability** that your child can be returned to you by the end of 18 months from the time the police officer or social worker took your child away.

- f. If services are ended, the court will set a hearing to make a permanent plan for the child.

***In order for the court to consider returning your child to you, you must follow the orders of the court without delay.***

***BECAUSE if the court orders a hearing for a permanent plan, your child will not be returned to you and there will be NO more assistance by the social worker or the court to help you reunify with your child.***

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**6. How does the court make a permanent plan for my child?**

a. If the court decides that your child will not be returned to you and another plan for the child is required, the court **MUST** set a hearing within four months to decide what should happen to your child.



b. At that hearing, the court has only three choices, in the following order of preference:

- (1) To terminate your parental rights and order the child placed for adoption ("Terminating your parental rights" means that legally you are no longer the child's parent);
- (2) To appoint a legal guardian for your child; or
- (3) To place your child in long-term foster care.

If a relative adopts your child, you, the adoptive parent(s), and the child may agree to postadoption contact between you and your child. Your lawyer can explain this "Kinship Adoption Agreement" to you if adoption by a relative is the permanent plan.



**SOME IMPORTANT THINGS FOR YOU TO REMEMBER:**

1. The social worker cannot give you legal advice but will explain procedures.



2. If you have additional questions about the process, please ask your lawyer or the judge.

3. You must tell the court and the social worker where your mail should be sent so you will receive all the important documents about your child. If you change your mailing address, you must tell your social worker immediately.

**Additional Information:**

Some important telephone numbers:

Social worker: 209-223-6550

Juvenile court: 209-257-2603

Lawyer: \_\_\_\_\_

The date of my next hearing is:

\_\_\_\_\_

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AMADOR County  
**JUVENILE COURT**  
**INFORMATION FOR PARENTS**



Form Approved by the  
Judicial Council of California  
JV-050 (New January 1, 1999)

Dear Parent or Guardian:

**PLEASE READ THIS INFORMATION.**



**1. Why is this matter being investigated?**

There have been one or more reports about the safety of your child; a police officer or social worker must investigate to see if your child's safety and protection require official intervention through the juvenile court.

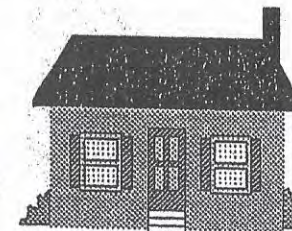
**2. If my child was taken from me, why?**

Your child may have been taken from you and placed in protective custody because a police officer or social worker believes it necessary for the protection of your child. Some of the reasons may be:

- a. Your child had inadequate care or supervision:
- b. Your child was neglected or abused or molested:
- c. Your child was left with someone who could not or would not provide adequate care.

**3. If my child is not with me, where is my child?**

Your child may be at a county shelter or in a temporary foster home. The social worker will provide additional information or give you a number to call to find out more about the arrangements that have been made for your child's care and about your future contact with your child. To learn more, call your child's social worker at the number on the back of this pamphlet during regular business hours.



**4. Will my child be returned to me?**

It is possible that your child will be returned to you. The social worker assigned to investigate the case will

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review information about you, your home, and your child and will act according to what appears to be the best way to make sure your child is safe. If your child is not returned to you, your child may be temporarily placed with:

- a. Your child's other legal parent (if you are not living together);
- b. A relative;
- c. A foster or shelter home.



### 5. What about relatives?

The law requires that you tell the social worker the names, addresses, phone numbers, and other information about your child's other legal parent or other relatives who may be able to care for your child. The social worker will contact them, see if they can provide for your child, and determine if the home will be safe for your child. In this way, your child may not have to go to someone your child and you do not know.

### 6. What happens now?

If the social worker believes your child is not safe, the social worker will file papers in juvenile court, asking the court to declare your child to be a dependent of the court and to make orders regarding the care, custody, and supervision of your child.

The first paper filed is called a "petition," and it must be filed within two court days (regular work days) of the time your child was taken from you or within a reasonable time if your child remains with you.

You will be notified of the date, time, and place of the first court hearing.

***It is very important for you to come to court for this hearing.***

## Additional Information:

AMADOR County Juvenile Court

Address of the juvenile court

500 Argonaut Lane

Jackson, California 95642

Phone number of the juvenile court

209-257-2600

You can get more information about where your child is and about the court processes from your child's social worker or your local child welfare agency. The following is a list of local helpful telephone numbers:



Social worker: \_\_\_\_\_

Other useful numbers to be provided by the county

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Clerk stamps date here when form is filed.

**To the social worker or probation officer:** If the parent or guardian needs help completing this form, please ensure that he or she receives assistance.

**To the parent or guardian:** Complete and sign this form. The information requested on this form is necessary to meet the medical, dental, mental health, and educational needs of your child. The court has directed you to provide your child's medical, dental, mental health, and educational information. The court has also directed you to provide your medical, dental, mental health, and educational information and, if you know, the same information about the other parent or guardian. If you need help, the social worker or probation officer will help you fill out this form.

Fill in court name and street address:

**Superior Court of California, County of Amador**  
500 Argonaut Lane  
Jackson, CA 95642

Clerk fills in case number when form is filed.

**Case Number:**

① Your name: \_\_\_\_\_  
Your relationship to child: \_\_\_\_\_  
Your home address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Your mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Your telephone: \_\_\_\_\_

② Your child's name: \_\_\_\_\_  
a. Your child's date of birth: \_\_\_\_\_  
b. Where was your child born? \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_

c. Hospital: \_\_\_\_\_  
d. Your child's birth weight: \_\_\_\_\_

**Child's Health**

③ Does your child have any physical or mental health challenges?  Yes  No  
If yes, is your child receiving any assistance, services or treatment for these problems? (Explain):  
a.  Allergies: \_\_\_\_\_  
b.  Injuries: \_\_\_\_\_  
c.  Diseases: \_\_\_\_\_  
d.  Disabilities: \_\_\_\_\_  
e.  Other: \_\_\_\_\_  
f.  Other: \_\_\_\_\_

④ Is your child taking any medication?  Yes  No  
If yes, please list the medicines and explain why your child is taking them:

Medication and dosage	Reason for taking medication	Date began
_____	_____	_____
_____	_____	_____
_____	_____	_____

⑤ When was your child last seen by a doctor?  
Date: \_\_\_\_\_  
Doctor's name: \_\_\_\_\_  
Doctor's office address (include city, state, zip code): \_\_\_\_\_  
Doctor's mailing address (include city, state, zip code): \_\_\_\_\_  
Doctor's telephone number: \_\_\_\_\_

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Case Number: \_\_\_\_\_

Child's name: \_\_\_\_\_

- 6 When was your child last seen by a dentist?  
 Date: \_\_\_\_\_  
 Dentist's name: \_\_\_\_\_  
 Dentist's office address (include city, state, zip code): \_\_\_\_\_  
 Dentist's mailing address (include city, state, zip code): \_\_\_\_\_  
 Dentist's telephone number: \_\_\_\_\_

- 7 List the names of all doctors, nurses, dentists, hospitals, clinics, and other health-care providers and healers who have seen your child within the past two years:
- | Name  | Address (city, state, zip code) | Date of last visit | Reason for visit |
|-------|---------------------------------|--------------------|------------------|
| _____ | _____                           | _____              | _____            |
| _____ | _____                           | _____              | _____            |
| _____ | _____                           | _____              | _____            |

- 8 What doctor, nurse, dentist, hospital, clinic, or other person has your child's health records?  
 a. Medical records: \_\_\_\_\_  
 b. Dental records: \_\_\_\_\_  
 c. Mental health records: \_\_\_\_\_

- 9 When was your child's eyesight last tested?  
 Date of examination: \_\_\_\_\_  
 Who examined your child's sight: \_\_\_\_\_  
 Address (include city, state, zip code): \_\_\_\_\_  
 Telephone number: \_\_\_\_\_

- 10 Does your child wear glasses?  Yes  No  
 11 Does your child wear a hearing aid?  Yes  No  
 12 Is your child covered by an insurance policy?  
 a. Medical  Yes  No (If yes, specify insurance policy): \_\_\_\_\_  
 b. Dental  Yes  No (If yes, specify insurance policy): \_\_\_\_\_  
 c. Vision  Yes  No (If yes, specify insurance policy): \_\_\_\_\_

**Child's Education**

- 13 Before your child was removed from your home, what school did your child attend?  
 Name of school: \_\_\_\_\_  
 Address (include city, state, zip code): \_\_\_\_\_  
 a. Is your child still allowed and able to attend this school?  Yes  No  
 b. If no, did you agree to give up your child's right to remain at this school?  Yes  No  
 c. Before removal, was your child receiving or had your child received any assistance or help at school or any assessments, evaluations, services, or accommodations to help your child with any physical, mental, or learning-related disabilities or other special educational needs?  Yes  No  
 (1) If yes, what assessments, evaluations, services, or accommodations was your child receiving?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (2) Who gave your child these educational services?  
 \_\_\_\_\_  
 \_\_\_\_\_

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Case Number: \_\_\_\_\_

Child's name: \_\_\_\_\_

- 13 d. If applicable, do you have a copy of your child's individualized education program (IEP), section 504 plan, individual family plan (IFP), or quality of life assessment?  Yes  No
- e. What language did your child first learn to speak? \_\_\_\_\_
- f. What is his or her primary language? \_\_\_\_\_
- g. What language do you most often use when speaking to your child? \_\_\_\_\_
- h. Has your child ever been identified as English proficient or as an English language learner by a school?  
 Yes  No
- i. Has your child ever been enrolled in a specialized program to learn English?  Yes  No

- 14 List all other schools or day care your child has attended:
- |  |                            |
|--|----------------------------|
| School ( <i>name, city, state</i> ): _____ | Dates of attendance: _____ |
| School ( <i>name, city, state</i> ): _____ | Dates of attendance: _____ |
| School ( <i>name, city, state</i> ): _____ | Dates of attendance: _____ |
| School ( <i>name, city, state</i> ): _____ | Dates of attendance: _____ |

- 15 a. What grade is your child in? \_\_\_\_\_
- b. Does he or she have any special needs?  Yes  No  
If yes, please describe:

- c. If the child is three years old or younger, do you believe that the child may be eligible for services to help with motor, developmental, or other delays?

If yes, explain why:

What assessments, evaluations, services, treatment, or accommodations do you believe the child may need for the delay?

- d. Do you believe the child may have a disability?

If yes, please describe:

What assessments, evaluations, services, treatment, or accommodations do you believe the child may need for the disability?



Child's name: \_\_\_\_\_

Case Number: \_\_\_\_\_

16 Has your right to make educational decisions for the child been limited?  Yes  No

If yes, who has the right to make educational decisions for the child?

Name: \_\_\_\_\_

Relationship to child: \_\_\_\_\_

**Biological Parent's Health and Education** (You are required by Welfare and Institutions Code section 16010 to provide this information about yourself. If you do not want to provide this information, please talk to your attorney.)

17 a. When were you last seen by a doctor and dentist? \_\_\_\_\_

(1) What medical problems run in your family?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) Do you have medical problems or disabilities?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) What medications do you take?

Medication	Reason for taking medications
_____	_____
_____	_____
_____	_____

b. What is your educational history?

(1) School last attended (name, city, state): \_\_\_\_\_

(2) Last grade completed: \_\_\_\_\_

18 a. If you know, provide the following information about your child's other parent:

(1) Name of other parent: \_\_\_\_\_

(2) Relationship to child: \_\_\_\_\_



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Case Number: \_\_\_\_\_

Child's name: \_\_\_\_\_

18 a. (3) Other parent's medical problems and disabilities  
(Please include physical, mental, and learning problems):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) The child's other parent takes the following medications:

Medication	Reason for taking medications
_____	_____
_____	_____
_____	_____

(5) The following medical problems run in the family of my child's other parent:

\_\_\_\_\_  
\_\_\_\_\_

b. My child's other parent has the following educational history:

- (1) School last attended: \_\_\_\_\_
- (2) Last grade completed: \_\_\_\_\_

I declare under penalty of perjury under the laws of California that the information on this form is true and correct to my knowledge. This means that if I lie on this form, I am guilty of a crime.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print parent's/guardian's name*

▶ \_\_\_\_\_  
*Parent/guardian signs here*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print social worker's name*

▶ \_\_\_\_\_  
*Social worker signs here*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print probation officer's name*

▶ \_\_\_\_\_  
*Probation officer signs here*

Clerk stamps date here when form is filed.

1 Child's name: \_\_\_\_\_

- 2  I am not the parent of this child. I do not wish to participate in juvenile court proceedings about this child. I understand that:
- I will receive no further notices of hearings in this matter.
  - I will not get a chance for custody of this child or court-ordered visitation with this child.
  - If the child cannot be returned to a custodial parent or guardian, it is possible that all parental rights will be terminated and the child will be adopted.
  - This denial applies only to the juvenile court proceedings and does not prevent the local child support agency from seeking to have another court determine that I am the child's parent for purposes of support of the child. If that occurs, I will have the right to a court trial, to confront and cross-examine witnesses and present evidence on my behalf, and to be represented by a lawyer who may be appointed if I cannot afford to hire one.

Fill in court name and street address:

Superior Court of California, County of Amador  
500 Argonaut Lane  
Jackson, CA 95642

Fill in case number if known:

Case Number: \_\_\_\_\_

- 3  I know I can have an attorney for this.
- I want the judge to appoint an attorney for me.
- or
- I give up my right to an attorney.

- 4  I do not know if I am the parent of the child and I  consent to  request blood or DNA testing to determine whether or not I am the biological parent. I understand that:
- If I am judged to be the parent of the child, I will have to support the child until the child reaches the age of 18 and has completed high school, or completes high school between the ages of 18 and 19, or reaches the age of 19, whichever comes first.
  - If I do not support the child when I have the money to do so, I may be charged with a crime under Penal Code section 270 and, if convicted, could be sentenced to pay a fine of up to \$2,000 and spend up to one year in county jail, or one year and a day in state prison.

- 5  I believe I am the child's parent and request that the court enter a judgment of parentage. I understand that:
- If I am judged to be the parent of the child, I will have to support the child until the child reaches the age of 18 and has completed high school, or completes high school between the ages of 18 and 19, or reaches the age of 19, whichever comes first.
  - If I do not support the child when I have the money to do so, I may be charged with a crime under Penal Code section 270 and, if convicted, could be sentenced to pay a fine of up to \$2,000 and spend up to one year in county jail or one year and a day in state prison.

**IMPORTANT NOTICE ON PAGE 4. READ BEFORE SIGNING.**

Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

- 6  I have already established parentage of the child by (if known):
  - a.  A voluntary declaration signed by me on (date): \_\_\_\_\_  
 A copy is attached.
  - b.  A court judgment of parentage on (date): \_\_\_\_\_ in (county): \_\_\_\_\_  
 A copy is attached.

7  I am married to the child's parent. Date of marriage: \_\_\_\_\_

- 8  I believe I am the parent of the child and request that the court find that I am the presumed parent of the child.
  - a.  The child lived with me from \_\_\_\_\_ to \_\_\_\_\_ and from \_\_\_\_\_ to \_\_\_\_\_.
  - b.  I have told the following people that the child is mine:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8b - People I Have Told the Child Is Mine" at the top. Number of pages attached: \_\_\_\_\_

c.  I have participated in the following activities with the child (for example, school, daycare, sports):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8c - Child's Activities" at the top. Number of pages attached: \_\_\_\_\_

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Case Number:

Your name: \_\_\_\_\_

8 d.  I have given the following money or things to the child:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8d - Things Given to Child" at the top. Number of pages attached: \_\_\_\_\_

e.  The child has spent the following time with my family:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8e - Other Information" at the top. Number of pages attached: \_\_\_\_\_

f.  Other information I want the court to know is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8f - Other Information" at the top. Number of pages attached: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

▶ \_\_\_\_\_  
Sign your name

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your attorney's name

▶ \_\_\_\_\_  
Signature of your attorney



Case Number:

Your name: \_\_\_\_\_

**To the alleged parent of the child:**

- As the child's alleged parent, you will not get services to help you get your child back. You will not automatically get the child to live with you or your relatives.
- If the judge finds that you are the child's parent, the judge may order services to help you get the child back, but does not have to order services for you.
- If you say that you are not the child's parent and will not take a test to find out if you are the parent, and do not want services to help you get the child back, you can fill out this form and not be a part of this case.
- You can have a trial and ask the judge to decide if you are the child's parent. You can pay a lawyer to be at the trial. If you cannot afford a lawyer, the judge may appoint one for you for free. At a trial, you can ask witnesses questions and give evidence to the judge.
- If you want the court to decide if you are the child's parent, fill out this form.



This form is used to keep contact information confidential. It may be used along with any Judicial Council Juvenile Court form, including *Request to Change Court Order* (form JV-180), *Application and Affidavit for Restraining Order* (form JV-245), *Relative Information* (form JV-285), *Caregiver Information Form* (form JV-290), and *De Facto Parent Request* (form JV-295).

*You do not need to fill out this entire form, only the information that you know.*

① Your name: \_\_\_\_\_  
 Your telephone number: \_\_\_\_\_  
 Your address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

② Child's name: \_\_\_\_\_  
 Child's telephone number, if known: \_\_\_\_\_  
 Child's address, if known: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

③ If known:  
 Child's Indian custodian, if any (*name each*): \_\_\_\_\_  
 Custodian's telephone number: \_\_\_\_\_  
 Custodian's address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

④ If known:  
 Child's caregiver (*name each*): \_\_\_\_\_  
 Caregiver's telephone number: \_\_\_\_\_  
 Caregiver's address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Fill in child's name and date of birth:

Child's Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Clerk fills in case number when form is filed:

Case Number: \_\_\_\_\_

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):    TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>          HEARING DATE AND TIME:       CASE NUMBER:
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Amador</b> STREET ADDRESS: 500 Argonaut Lane MAILING ADDRESS: CITY AND ZIP CODE: Jackson, CA 95642 BRANCH NAME:	
CHILD'S NAME:	HEARING DATE AND TIME:
<b>WAIVER OF RIGHTS-JUVENILE DEPENDENCY</b>	

**TO THE PARENT OF THE ABOVE NAMED CHILD:**  
 Read this form carefully. The judge will ask you if you understand each right, and if you are voluntarily giving up that right.

For items 1, 2, and 3, check each box that applies, unless you have a question.

**1. Petition**

- a.  I have read the petition and I understand it.
- b.  The petition has been read to me and I understand it.

**2. Right to an Attorney.** You have the right to be represented by an attorney and one will be appointed for you if you cannot afford one, subject to a claim for payment.

- a.  I give up my right to be represented by an attorney.
- b.  I request the court to appoint an attorney for me.

**3. Admission/Submission.** I wish to

- a.  admit the allegations of the petition.
- b.  submit the petition on the basis of the social worker's or probation officer's report and other documents, if any.
- c.  plead no contest.

For items 4 and 5, initial each box that applies, unless you have a question.

**4. Waiver or Rights.** By admitting the allegations of the petition, submitting the petition on the report, or pleading no contest, I am giving up the following rights:

- a. The right to a trial or hearing.
- b. The right to see and hear witnesses who testify.
- c. The right to cross-examine witnesses, the social worker or probation officer who prepared the report, and the persons whose statements are contained in the report.
- d. The right to testify in my own behalf and to present my own evidence and witnesses.
- e. The right to use the authority of the court to compel witnesses to come to court and to produce evidence.
- f. Any privilege against self-incrimination in this proceeding.

*Initial*


**5. Consequences**

- a. I understand that if I plead no contest or submit the petition on the report, the court will probably find that the petition is true.
- b. I understand that if the petition is found to be true and the child is declared a dependent of the court, the court may assume custody of the child, and under certain circumstances, it is possible that no reunification services will be offered or provided.
- c. (Child under age 3 years at time of initial removal) For a child under age 3 years at the time of initial removal, I understand that if the court assumes custody of the child and I fail to participate regularly in court-ordered treatment, at the review in six months services may be terminated, and the court may make a permanent plan for the child, which could result in termination of parental rights and placement of the child for adoption.


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CHILD'S NAME:  	CASE NUMBER:  
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5. d. *(Child age 3 years or older at time of initial removal)* For a child age 3 years or older at the time of initial removal, I understand that if the court assumes custody of the child and the child is not returned within one year, or at the most 18 months from the time the child was taken into physical custody, the court will make a permanent plan for the child, which could result in termination of parental rights and placement of the child for adoption.

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PARENT OR GUARDIAN)
----------------------	---	-----------------------------------

**DECLARATION OF INTERPRETER**

6. The primary language of the  parent  legal guardian is  
 Spanish.  
 other (*specify*) :

I certify that I interpreted this form for the parent or legal guardian in that person's primary language to the best of my ability.

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OR INTERPRETER)
----------------------	---	----------------------------

**DECLARATION OF ATTORNEY**

7. I am the attorney for the  parent  legal guardian.  
 I have explained and discussed with my client the rights and consequences of  
 admitting the petition.  
 pleading no contest.  
 submitting the petition on the report.

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF ATTORNEY)
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Alle

**STATEMENT OF FACTS SUPPORTING ELIGIBILITY FOR AFDC-FOSTER CARE(FC)**

**INSTRUCTIONS:** Complete in ink all questions to the left of the heavy black line. The parent/legal guardian completes the non-shaded sections of this form instead of the BCJA 2 or SAWS 2 at redetermination only; the placement worker/county welfare department is to complete the shaded portions. The placement worker/county welfare department may complete all sections of this form instead of the BCJA 2 or SAWS 2 at application and redetermination when the parent/legal guardian is:

- Not available       Not cooperating       Deceased       Incapacitated

1. Child Name \_\_\_\_\_ 2.  Male  Female

3. Address \_\_\_\_\_

4. Birth date \_\_\_\_\_ 5. Birthplace \_\_\_\_\_

6. Social Security # \_\_\_\_\_ Applied For?  Yes  No

7. Citizen of U.S.?  Yes  No 8. Alien Status: \_\_\_\_\_

9. Does the child have medical insurance?  Yes  No

If yes, list policy number, company name, and name of policy:

10. Does the child have real or personal property?  Yes  No

If yes, list property type (land, cash, auto, motorcycle, life insurance, trust fund, bank account, bond, etc.) and its value:

11. Does the child have income?  Yes  No  Unknown\*  
If yes, list amounts below. If application pending, check associated box.

Income Type	Amount	Pending
Social Security		<input type="checkbox"/>
Child Support		<input type="checkbox"/>
Railroad Retirement		<input type="checkbox"/>
SSI/SSP		<input type="checkbox"/>
Veteran's Benefits		<input type="checkbox"/>
Salary/Wages		<input type="checkbox"/>
Other (specify)		<input type="checkbox"/>
Total Amount/Month		<input type="checkbox"/>

\* If unknown, please explain:

12. Name of School or Training Program:

**TO BE COMPLETED BY PLACEMENT WORKER/COUNTY WELFARE DEPARTMENT STAFF**

13. If child has salary/wages, is the child attending school at least half-time?  Yes  No

14. Does the child have an Independent Living Program Plan?  Yes  No

**COMPLETE BELOW FOR CHILDREN 17 AND OLDER**

15. Does the child attend school on a full-time basis?  Yes  No

16. Expected graduation/completion before 19th birthday?  Yes  No

**ELIGIBILITY WORKER ONLY**

DATE:

APPLICATION  
 REDETERMINATION

CASE NAME

CASE NUMBER

**VERIFICATION**

AGE

SOCIAL SECURITY NUMBER

CITIZENSHIP/ALIEN STATUS

DHS 6155

CHILD'S PROPERTY

CHILD'S INCOME/PENDING INCOME

ILP

VERIFIED BY SCHOOL **YES**

SCHOOL ATTENDANCE

GRADUATION

17. PARENTAL INFORMATION				VERIFICATION
	Parent 1	Parent 2	Parent 3	
Name				CHILD SUPPORT REFERRAL
Relationship				
Maiden Name				
Date of Birth				
Birthplace				
Social Security #				
Address				
Telephone #				
U.S. Citizen (yes or no)				
Veteran (Branch, Years in Service, Serial #)				
18. DEPRIVATION -- INITIAL AND REDETERMINATION				
<p>A. Is either the mother or father deceased?</p> <input type="checkbox"/> yes, fill-in A1 and skip to #19. Deprivation exists, pending verification. <input type="checkbox"/> no, PROCEED to B. A1. Deceased parent(s) name: _____ <input type="checkbox"/> Location of death: _____ <input type="checkbox"/> Date of death: _____				DEPRIVATION
<p>B. Did the mother and/or the father relinquish the child or have either parents' parental rights been terminated(TPR)?</p> <input type="checkbox"/> yes, fill-in B1 and skip to #19. Deprivation exists, pending verification. <input type="checkbox"/> no, PROCEED to C. B1. Relinquishing/TPR parent (s): _____ Date of Relinquishment(s) TPR(S): _____				
<p>C. Are the mother and father living together?</p> <input type="checkbox"/> no, skip to #19. Deprivation exists, pending verification <input type="checkbox"/> yes, PROCEED to D.				
<p>D. Is either the mother or father physically or mentally incapacitated?</p> <input type="checkbox"/> yes, skip to #19. Deprivation exists, pending verification. <input type="checkbox"/> no, PROCEED to E.				
<p>E. Is either parent unemployed?</p> <input type="checkbox"/> no, go to #19. <input type="checkbox"/> yes, go to #19.				
<b>TO BE COMPLETED BY COUNTY WELFARE DEPARTMENT AT REDETERMINATION ONLY</b>				
19. REDETERMINATION OF DEPRIVATION - GOOD FAITH EFFORTS				
<p>If the parent(s) is unavailable or uncooperative, please list below the good faith efforts made to contact the parent(s) (i.e., 2 phone calls attempted, 2 letters sent, 1 piece of returned mail, 1 home visit attempted, 1 failure to keep scheduled appointment, etc.) to redetermine deprivation.</p> _____ _____ _____				<p>DOCUMENTATION IN FILE:</p> <input type="checkbox"/> CA 341 (Medical report) <input type="checkbox"/> Written statement from physician <input type="checkbox"/> other substantiation (EAS 41-430)
				<p>GOOD FAITH EFFORTS MADE?</p> <input type="checkbox"/> YES <input type="checkbox"/> NO

A18

**VERIFICATION**

**DIRECTIONS: QUESTIONS 20-23 MUST BE COMPLETED AT INITIAL APPLICATION; QUESTIONS 20-21 MUST ALSO BE COMPLETED AT REDETERMINATIONS WHEN THERE ARE ANY CHANGES TO THE INFORMATION BELOW.**

**20. Parental Financial Information**

	Parent 1	Parent 2	Parent 3
Name			
Relationship			
Occupation			
Name of Employer			
Address of Employer			
Work Hours/Month			
Gross Monthly Wage			
Child Support Paid			
Child Support Received			
Disability (State, Workers' Compensation, etc.)			
Unemployment Benefits			
Pensions			
SSI/SSP			
Veteran's Benefits			
Other Monthly Income (i.e., social security, etc.)			
Application for Income Pending (yes, no, or unknown)			
Accounts(checking, savings, etc.)			
Name of Financial Institution			
Address of Financial Institution			
Cash on Hand			
Other Assets			
Personal Property			
Real Property & Address			
Auto(Year/Model)			

PARENTAL INCOME

PARENTAL PENDING INCOME

PARENTAL RESOURCES

**TO BE COMPLETED BY PLACEMENT WORKER/COUNTY WELFARE DEPARTMENT STAFF**

21. What is the authority for the child's out-of-home placement?

- Voluntary placement agreement (SOC 155) Date: \_\_\_\_\_
- Relinquishment - Mother Date: \_\_\_\_\_
- Relinquishment - Father Date: \_\_\_\_\_
- Termination of Parental Rights Date: \_\_\_\_\_
- Child/Agency Agreement Date: \_\_\_\_\_
- Nonrelated legal guardian Date: \_\_\_\_\_
- Court Order

Check box to indicate in which court order the finding was made. Enter date of hearing/order.

Court Order Findings	Detention Date:	Jurisdictional Date:	Dispositional Date:	Petition/Other Date:
a) Continuance in the home is contrary to the welfare of the minor.				
b) Placement and care is vested with the county.				
c) Reasonable efforts to prevent the removal of the child were made or the lack of preplacement preventative efforts was reasonable				

COURT ORDER FINDINGS MADE?

- FINDING a:  YES  NO
- FINDING b:  YES  NO
- FINDING c:  YES  NO

AA

**TO BE COMPLETED BY PLACEMENT WORKER/COUNTY WELFARE DEPARTMENT STAFF AT APPLICATION ONLY**

**VERIFICATION**

Check appropriate box.	Yes	No	Insufficient information
22. Would the services case file support a determination that the parent or relative from whom removed had minimal income and resources and that the child probably would have been eligible for public assistance in the month of removal?			
23. Has the child lived with the parent or relative from whom removed within the last 6 months?			

POEM

PARENT/LEGAL GUARDIAN:  
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.

- ELIGIBLE FACILITIES REQUIREMENTS MET
- SERVICES REQUIREMENTS MET

\_\_\_\_\_  
SIGNATURE OF PARENT/LEGAL GUARDIAN

COUNTY WHERE SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

PLACEMENT WORKER:  
ALL INFORMATION RECORDED ON THIS FORM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_  
SIGNATURE OF PLACEMENT WORKER (NOT APPLICABLE IF PARENT OF LEGAL GUARDIAN AVAILABLE)

NAME OF AGENCY \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF ELIGIBILITY WORKER \_\_\_\_\_ DATE \_\_\_\_\_

- NOT ELIGIBLE
- ELIGIBLE
  - FEDERAL
  - NONFEDERAL
  - OTHER

\_\_\_\_\_  
SIGNATURE OF ELIGIBILITY WORKER SUPERVISOR \_\_\_\_\_ DATE \_\_\_\_\_

**PERSONAL INFORMATION NOTICE**

Pursuant to the Federal Privacy Act (P.L. 93-679) and the Information Practices Act of 1977 (Civil Code Sections 1798, et. seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.17 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular. Direct any inquiries on information maintenance to your IPA Forms Officer.

2013-2014

AMADOR COUNTY CIVIL GRAND JURY

MATRIX OF COMPLAINTS  
AND INQUIRIES

**GRAND JURY 2013-2014 COMPLAINTS RECEIVED/DEVELOPED**

Complaint	Brief Description	How Managed	Final Result
#01	About Sheriff's deputies inappropriate behavior	Referred to Criminal Justice Committee for evaluation	Evaluated: Unfounded
#02	About Amador County Child Protective Services	Referred to Public Health Committee for evaluation	Investigated
#03	About Amador County Unified School District Board member behavior, training & censure procedures	Referred to Education Committee for evaluation	Investigated
#04	About private water system and County regulation of same	Referred to Planning & Environment Committee for evaluation	No jurisdiction
#05	About Amador County Child Protective Services	Referred to Public Health Committee for evaluation	Investigated
#06	About Amador County General Services Administration bidding process	Referred to County Administration Committee for evaluation	Evaluated: Unfounded
#07	About treatment of public at Amador County Sheriff's Office main counter	Referred to Criminal Justice Committee for evaluation	Evaluated: Unfounded
#08	About permitting process of special events on public roads	Developed by Planning and Environment Committee	Investigated
#09	About the lease contract of the Health & Human Services building	Referred to County Administration committee	Investigated
#10	About the Amador City Bridge Project procedures	Referred to the Planning and Environment Committee	Investigated
#11	About Behavioral Health Department in scheduling appointments	Referred to Public Health Committee for evaluation	Investigated
#12	About Amador County Child Protective Services & alleged foster care abuses	Complainant was sent a letter advising 1. that the complaint was received, 2. GJ had no jurisdiction, 3. outlined steps to be taken by complainant to address concerns	No jurisdiction

Complaint	Brief Description	How Managed	Final Result
#13	About Amador City Council regarding changes to Bridge retrofit and cityscape beautification	Referred to Planning and Environment	Investigated
#14	About Amador City Council person, verbal abuse of constituent and capricious changes to cityscape plans without proper public input	Referred to Planning and Environment Committee	Evaluated: Changes to cityscape investigated, Conduct issue referred to Education Committee, not investigated due to time constraints
#15	About Director of Amador County Public Works, impropriety in office	Referred to Jury members to do preliminary research	Evaluated: Unfounded
#16	About Amador City Council person, verbal abuse of constituent and capricious changes to cityscape plans without proper public input	Referred to Planning and Environment Committee	Evaluated: Changes to cityscape investigated, Conduct issue referred to Education Committee, not investigated due to time constraints
#17	About Amador School Reconfigurations	Complainant was sent a letter advising 1. that the complaint was received, 2. GJ had no jurisdiction	No jurisdiction
#18	About Board of Supervisors, State Officials and allegations of criminal racketeering	Complainant was sent a letter advising 1. that the complaint was received, 2. GJ had no jurisdiction	No jurisdiction
#19	About treatment at Jail facility for mentally ill arrestee	Complainant was sent a letter advising that the complaint was received too late for this jury to investigate	Recommended complainant resubmit complaint after July 1

Complaint	Brief Description	How Managed	Final Result
Developed by Grand Jury	About Amador County Film Commission Complaint remaining from the 2012-1013 Grand Jury	Referred to County Administration Committee for evaluation	Evaluated: Declined to investigate further
Developed by Grand Jury	About Amador County Airport health and safety policies/code enforcement	Referred to County Administration Committee for evaluation	Evaluated: Declined to investigate further
Developed by Grand Jury	About providing language interpretation for arrested/accused persons	Referred to Criminal Justice Committee for evaluation	Evaluated, Investigated: No report
Developed by Grand Jury	About a plan for getting information on proposed high school consolidation	Referred to Education Committee for evaluation	No jurisdiction
Developed by Grand Jury	About excessive and unnecessary financial spending at the Probation Department	Referred to Criminal Justice Committee for evaluation	Evaluated, Investigated: Unfounded
Developed by Grand Jury	About the Fire Protection Fee	Referred to Foreperson Pro Tem for discovery	No jurisdiction
Developed by Grand Jury	About the GED examination not offered in Amador County	Letter from Education Committee to ACUSD Superintendent	Response & justification of policy received
Developed by Grand Jury	About truancy within Amador County schools	Referred to Education Committee from Criminal Justice, based on review of Probation Department	Evaluated, Investigated: Unfounded

# 2013-2014 Amador County Civil Grand Jury Final Report

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