

This document is an extract of a larger publication.

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Responses to the 2013-2014 Amador County Civil Grand Jury Final Report and Follow-Up Reports

Pursuant to the law, the government entities investigated by the Civil Grand Jury must respond to the findings and recommendations found in the Final Report. We thank the agencies who understand that this process enables them to improve the public trust between the citizens of Amador County and their government.

This section of the Final Report enables the public to evaluate individually whether the agencies in question are serving the public interest to the fullest extent possible.

Following are the Responses of the entities reported on by the 2013-2014 Civil Grand Jury, and summary reports on their compliance with that Grand Jury's Findings and Recommendations:

City of Amador City

- Transparency and Communications in Civic Projects
- Special Events in Amador County

Amador County Board of Supervisors

- Health and Human Services Building—We Did the Math!
- Communications in Child Welfare Cases
- Special Events in Amador County

Amador County Public Prisons

- Pine Grove Youth Conservation Camp
- Amador County Jail
- Mule Creek State Prison

Amador County Unified School District

Bad Behavior on the Board

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City of Amador City

Response by the City Council

Transparency and Communication in Civic Projects

Finding #1

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. AGREE

Finding #2

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. AGREE

Finding #3

There were several design engineers' drawings and specifications of the proposed bridge and downtown Amador City available for public view in the City Hall. AGREE. The plans and drawings were also available for view by the public any time in the Engineer's On Site Office in the Amador Hotel.

Finding #4

After reviewing the plans located at the back of the City Clerk's Office, the Grand Jury found that the streetscape built conformed to the plans. AGREE

Finding #5

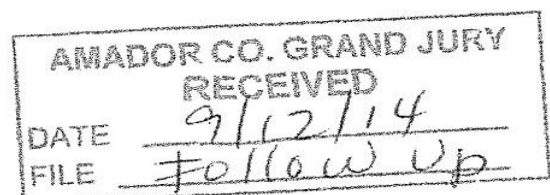
Agendas are publicly displayed in three locations in conformance with the Brown Act. AGREE

Finding # 6

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. AGREE

Motions made and votes identified, including the number of abstentions, are not noted.

DISAGREE. Motions made are identified as to who made the motion and who seconded the motion. The votes are recorded as "approved" which indicates a unanimous vote. If there are No votes they are indicated by identifying the councilman who voted NO and also abstentions are indicated.



RECOMMENDATION 1.

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. This has always been our policy.

RECOMMENDATION 2.

The Council should improve the minutes of Council meetings and should develop written backup material for oral presentations of standing committees. The City Clerk has implemented changes to improve the minutes by including the name of the public who is speaking during Public hearing and the subject about which they are speaking. The Council will request standing committees to provide a report in writing for every council meeting.

RECOMMENDATION 3.

The Council must maintain positive working relationships with the community. This has always been our policy. See Exhibits 1 through 8.

RECOMMENDATION 4.

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. The City has provided packets for attendees of Council meetings for the past several years. Putting entire packets on the City's website requires the purchase of a scanner because not all packet material is provided in electronic form.

RECOMMENDATION 5.

For any continuing or new project, the Council should make a formal standing committee that will address the specific project and be properly agendized and publicly noticed. This has always been our policy.

RECOMMENDATION 6.

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. We will require all committees to provide the Council with a written report for the Council Meeting.

Amador City Residents

Bridge Update

On Wednesday July 10th at 7pm the contract was awarded to Vinciguerra Construction.

On Thursday July 11th at 9:30 am there was a pre-construction meeting with the contractor, engineers and utilities involved. Councilman Brusatori and Councilman Brown were present. Within days, things will begin to happen.

There will be changes to everything.

Electrical, water and sewer systems will be modified, the public restrooms will be replaced with port-a-potties, traffic will be rerouted, traffic light installed, the firehouse moved and there will be necessary construction equipment.

Everyone was in agreement that the first priority is to get the bridge and road operating as soon as possible. Keeping the city clean and keeping parking spaces open for businesses is also a priority.

To help expedite the construction, since there are many sub-contractors, governmental agencies and engineers involved, Councilman Brusatori and Councilman Brown *ask any citizen to bring any concern to us*, so it can be handled by the proper entity.

A project schedule will be posted in town once the contractor and resident engineer have concurred. Updates will be provided regularly.

AMADOR CITY CITIZENS

Starting on Monday the 19th,

the bridge will be closed !

Traffic will be rerouted Water Street/Keystone Alley. The temporary bridge is almost done. Traffic will be one way at a time, with traffic lights at either end. It will take more time to get through.

Tell your friends, clients, business associates, delivery and service people.

Please do not park on Water Street from the Imperial to East School Street, Monday through Saturday, 7am to 6pm. Feel free to stop long enough to get your mail. For those who normally park on Water Street for long periods of time, the lot at East School Street and Water Street will be open for parking.

8/9/13

Exhibit 3

Hi

Like to have a bridge committee on Wed. the 18th @
City Hall @ 7pm.

There are several small things that would blend the new
into the old, plus a couple other things.

The changes would actually cost less and take less time.

Michael

9/14/13

Items For Consideration

Remove most stripping

Remove benches from Firehouse pg 12/79

Mesh in fence to be open 4" squares pg 12/79

Height of planters by Sherrills

Add restroom sign

Sidewalk "entrances" to be metal

"Chip-seal" all parking lots, Hwy 49 and Keystone

Placement of obelisk

Horse-head hitching post in front of Bellflower Gardens

Remove brick from Imperial and add curb

Committee has final word on plants to be used

Display in front of Firehouse

Name bridge

Curb and sidewalk by Bellfolwer

Curb and sidewalk by Imperial

Curb and sidewalk detail by "Peterson's"

Curb and sidewalk by Sherrills

Metal statue of miner in Amador Creek

Planting of vines and additional irrigation

12/18/13

BRIDGE COMMITTEE MEETING

Another safety concern

We will meet at the end of town by Andrae's to discuss ways to slow traffic, thus increasing pedestrian safety.

Signage, wording, shape and placement of "structures," lighting and irrigation as well as possible plants will be among the many considerations.

There will also be the original concept drawing.

SATURDAY, JANUARY 4th at 3:30

1/1/14

BRIDGE COMMITTEE MEETING

Agenda

Consider the possibility of preforming within the finances of "Part A," *in lieu* of "Part B," the following for traffic calming, pedestrian safety and increase parking.

1. A crosswalk between the Kiosk and Andrae's
2. Ways to visually delineate the area, signage, trees and/or other plantings, possible lighting
3. Ways to improve parking in South lot and downtown

SATURDAY, JANUARY 4th at 3:30

1/2/14

Bridge Committee Workshop

There will be a workshop on Thursday the 16th @ 4pm.

1. We will start at the Imperial and explain needed changes to the planting areas.
2. We will discuss aspects of the granite curbing.
3. We will then discuss the size of the planters by kiosk at the south end of town.
4. Bridge Committee has some say in plant choices in the new raised planting area by the Imperial and the planters at the south end of town.

1/14/14

Bridge Punch-list Meeting 3/23/14

Updated as of 3/25/14

Replace flagpole

Finish striping

Paint yellow @ handicap access by Ray's breezeway

White line at Water Street stop sign

Finish rock veneer

On the top of retaining wall one

All exposed surfaces on wall three by firehouse (by new planter)

Seal bathroom floors....replace bathroom locks

Place permanent Men and Women signs on bathroom doors

Sherrill parking lot

Remove Ghram's shed

Finish grade

Place obelisk in planter by the Imperial

Stone benches

The contract calls for 39 sq feet of stone bench. That roughly translates to 7 benches. Since the grading was done so well, we do not need to line the North side of the firehouse with benches.

There are two at the firehouse, two on the pop-out by Ray's building, and Ray wants two more for the front of his building. One more could be placed in an east-west alignment next to the expansion joint by the firehouse or....

Planter, irrigation and drain @ south end of Ray's building (by streetlight)

Talked to Aaron and Wayne on Monday, still in the design stage.

Prep Ray's planter where old steps were removed for planting of tree (south end)

Hydro-seed fire station lot by Rob Super

Fix Kirk Lindsay's trim (Vinciguerra's volunteered to pay for the fix)

Install blue stone crosswalks on either side of Imperial (In progress)

Asphalt drain by Carol's needs to be reshaped

Stain bridge. Color, close to black (Wayne and I will select color soon)

Raise fire department connection on the North side of Ray's building

Install street sign at the corner of bridge and Water Street

Install stop sign by hydrant by Bellfolwer Garden

Asphalt at Imperial

The contract says "The Temporary Construction Easement will be paved with 4 inches of asphalt concrete and striped in white paint to establish formal parking spaces. Asphalt Concrete dikes will be paved on the southern and northern edges of the parking lot to retain erosion from the cut bank and define the parking area from the landscape bed." Mary Anne is entitled to the 4" curbs on the north and south sided of the parking lot.

By Rob Super's, put more stone in creek where temporary bridge was removed

Looking for pictures of per-construction condition so the stonework will be accurate.

Repair concrete by Ashley's step

Soften streetlights and exterior building lighting around Firehouse

Special Events in Amador County

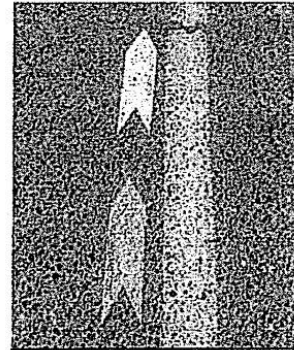
The City of Amador City agrees with Findings 1 through 6. (See attached)

Regarding Recommendations 1 through 3 the City plans to develop an ordinance covering special events. This will be on the September, 2014, Council Meeting Agenda. The City will study the Ordinances and procedures in place in the City of Sutter Creek and adopt those portions that apply to Amador City. This will include application forms, fee schedule, insurance requirements and a complaint form. We do post on our website special events that take place within our City limits and after our Ordinance is in place we will post information on obtaining permits and complaint forms.

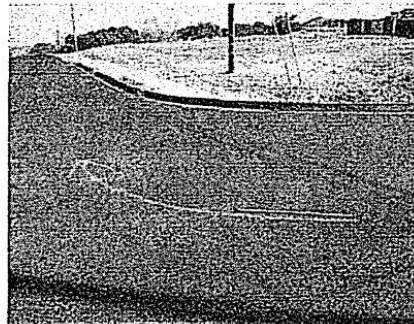
AMADOR CO. GRAND JURY	
RECEIVED	
DATE	9/12/14
FILE	Follow up

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.

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Follow-Up Report: Responses by City of Amador City to 2013-2014 Amador County Civil Grand Jury

Planning and Environment Committee:

1. Transparency and Communications in Civic Projects
2. Special Events in Amador County

BACKGROUND

The California Penal Code, §925, allows a Civil Grand Jury to selectively investigate the operations, accounts and records of departments, officers, or functions of the County. Pursuant to Penal Code §933, a response by these entities to the findings and recommendations of the grand jury's reports is required.

The 2013-2014 Grand Jury Planning and Environment Committee chose to look into:

1. Several complaints from citizens concerning decisions made and contracts awarded during Amador City's bridge replacement and downtown modifications projects.
2. Complaints regarding the impacts of special events within the County, on community safety and dealing with leftover clutter and property damage; Amador City was the one city choosing to respond to this report.

DISCUSSION

Transparency and Communications in Civic Projects

The Grand Jury received citizen complaints about various aspects of the bridge replacement project and the accompanying downtown modifications, which took place in 2013-2014, alleging that some actions and costs were not legally authorized. Further, there was contention that the public was allowed little or no participation in decision-making processes, which began in 2009 after the completion of the Highway 49 Bypass.

In their investigation, the Grand Jury spoke with City officials and citizens, reviewed City Council agendas and minutes as well as plans and specifications for the bridge and streetscape. The design contracts were looked at, and the construction area inspected. The investigation report resulted in 11 Findings, many favorable to the conduct of the City and contrary to some citizen complaints, and 6 Recommendations.

The City of Amador City Response letter to the Grand Jury arrived in September of 2014, wherein there were several attachments demonstrating its efforts at communication with its citizens by the City during the project in question. The text of the letter expressed agreement or partial agreement with Findings F1 - F6 and F8. Findings F7, and F9 - F11 found disagreement, with explanations from the City Council. The responses to the 6 Recommendations ranged from agreement because the Recommendation covered policies already in place (R1, R3, R5), to agreement that the Recommendation would be fully implemented (R2, R6), to disagreement because of unreasonable costs to the City (R4).

Special Events in Amador County

Following complaints to the 2013-2014 Grand Jury about the effects on traffic, pedestrian safety and littering, of the increasing number of special events in the County (fun walks and runs, bicycling events, etc.), it was discovered by the Jury that although Amador County, and the Cities of Lone, Jackson, and Sutter Creek do have their own permitting processes in place, the cities of Plymouth and Amador City do not. Plymouth was, at that time, reported to be establishing one.

Several areas of inquiry were developed by the Jury, including neighborhood, road and litter impacts on the cities and County, profitability to the County, complaint procedures, and also the issue of unpermitted events. The Final Report produced 6 Findings and 3 Recommendations.

In the City of Amador City's response letter, received by the Grand Jury in September of 2014, there was agreement with all the findings. Regarding the Recommendations, the City stated that it would study the special events ordinances in place in Sutter Creek and Lone, and adopt applicable measures from these. Implementation was to begin immediately, and information is to be posted on the City website.

A letter from the Grand Jury was sent to the City Clerk in April of 2015, requesting verification of the establishment of a special events policy.

CONCLUSIONS

1. Transparency and Communications in Civic Projects

The responses in this matter from the City of Amador City were found to be satisfactory to the 2014-2015 Grand Jury. A letter to this effect was sent to the City Council. No further action is necessary.

2. Special Events in Amador County

The City of Amador City had responded positively to the Findings and Recommendation of last year's report. However, as of the close of the 2015 Grand Jury term, a Special Events Ordinance had not yet been provided to the Jury by the City if such exists.

It is requested that the subsequent Grand Jury follow this issue to its agreed-upon conclusion.

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OFFICE OF

BOARD OF SUPERVISORS

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October 9, 2014

COPY

The Honorable J.S. Hermanson, Presiding Judge
Amador County Grand Jury
500 Argonaut Lane
Jackson, CA 95642

Re: 2013-2014 Grand Jury Report - Response by the Amador County Board of Supervisors

Dear Judge Hermanson:

The Amador County Board of Supervisors appreciates the opportunity to respond to the 2013-2014 Grand Jury Report. The report reflects a tremendous amount of effort on behalf of the grand jurors. The Board of Supervisors appreciates the dedication of each member of the grand jury and thanks them for their service.

Listed below you will find agency responses as well as the Board of Supervisors' response to each finding and recommendation for which the Board of Supervisors was requested to respond to in the 2013-2014 Grand Jury Report.

Health and Human Services Building-We Did the Math!

Finding #1: 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.

Response to Finding #1: AGREE. Certainly all Department Heads do not have this experience and would not be expected to have this experience. However, there is enough expertise within the County to properly manage projects such as the construction of the HHS Building if they are properly assigned.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #2: There are no written policies and procedures in to direct staff in acquiring property either by lease or by purchase.

Response to Finding #2: AGREE.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #3: A set of procedures in place could have overridden the lack of experience of the negotiating team and BOS members.

Response to Finding #3: PARTIALLY AGREE: The El Dorado County policy that was used as an example by the Grand Jury would not have necessarily changed the outcome if the same policies had been in place in Amador County at the time that the new HHS Building was being developed. The utilization of outside professionals is strictly optional in the El Dorado policy, as are most of the other aspects of that policy, which means that the policy may ultimately have had little effect. Sufficiently experienced personnel were on staff at the County at the time, but were not properly utilized.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #4: 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.

Response to Finding #4: AGREE

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #5: The lease costs of \$7,144,200 (over 5 years) were traded for \$400,000 (immediate) in cash. (see letter, Appendix A)

Response to Finding #5: PARTIALLY AGREE: This is an oversimplification, as it was not simply a trade of one for the other. Along with the \$7.1M in cost, the County also received the right to occupy the building for the five additional years. There is a value to the five years that has not been properly accounted for in this statement.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #6: 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.

Response to Finding #6: AGREE: That responsibility lies with the CAO, who should make a formal recommendation to the BOS and did.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #7: There is no policy to perform a financial cost-benefit analysis prior to BOS approval.

Response to Finding #7: AGREE

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #8: 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.

Response to Finding #8: PARTIALLY AGREE: Staff are employed by the County and relied upon to make sensible recommendations after review of all information. Board members receive staff reports and assess the recommendations and thereby make decision. It is incorrect to state that board members did not perform any due diligence on their own. Due diligence also involves review of staff recommendations.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #9: 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.

Response to Finding #9: AGREE

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #10: 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)

Response to Finding #10: AGREE

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

RECOMMENDATIONS

Recommendation #1: 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.

Response to Recommendation #1: **PARTIALLY AGREE:** A cost-benefit analysis should always be done, but it does not need to be done before any discussions are held with a potential buyer/seller, which could be considered the start of negotiations. It should be done before terms are agreed to, however. A real estate purchasing policy will be developed over the next year and will require the cost-analysis be completed and published along with any agreements.

Response to Recommendation #1: Recommendation will be implemented as described above.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #2: 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.

PARTIALLY AGREE: The County should always utilize its best personnel for negotiations. In the case of the renegotiated lease, the County's General Services Director was left out of the negotiations, which were conducted by the CAO, County Counsel and HHS Director, all of which are no longer with the County. Ultimately, the Board and the CAO have to appoint competent staff that will offer good advice to the Board and will properly follow the Board's direction. The use of outside personnel can be beneficial – the County is currently utilizing outside real estate professionals to sell excess properties around the County. However, to mandate it in every transaction seems overly restrictive and potentially cost prohibitive.

Response to Recommendation #2: Recommendation will be partially implemented.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #3: 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.

Response to Recommendation #3: **PARTIALLY AGREE:** The initial decision to lease versus buy should be discussed in open session when it is made, but subsequent renewals of the lease do not necessarily need to be hashed out in an open forum. The new real property policy that will be developed will contain limits for when renewals can be approved via the consent agenda and when they should be on the regular agenda.

Recommendation will be fully implemented.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #4: 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.

Response to Recommendation #4: PARTIALLY AGREE – In all cases, all consideration, regardless of amount, encompassed by any agreement should be formally acknowledged and it should all be included in the same agreement, not in separate Board actions. If that practice had been followed with the revised HHS lease, then the \$400,000 given to the County as part of the agreement would have been included in the agreement rather than under separate agreement. Having everything in one agreement makes it easier to understand the true terms of the agreement. Having everything in separate agreements can confuse the situation and make it difficult to understand exactly what the transaction holds. The revised real property policy will contain language that requires that all compensation contained within one transaction be fully disclosed within the documents of that single transaction.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Communications in Child Welfare Cases

This response to the Board of Supervisors was prepared by James A. Foley, LCSW / Director of Health and Human Services, to the Grand Jury’s findings and recommendations (the report itself is undated but the cover letter is dated 6-18-14) regarding the Child Protective Services / Department of Health and Human Services. The report is titled: “Quality and Effectiveness of Communications in Child Welfare Cases”.

FINDINGS

Finding #1: There are assumptions and misconceptions about the legal standing of extended family members.

Response to finding # 1: Respondent agrees. “Extended family members” certainly have considerable confusion about their status when a child/family member is under Court jurisdiction. The extended family members have no “legal standing” unless the judge presiding over the case determines that an extended family member is made the “Legal Guardian” or “De Facto Parent”. If parental rights are terminated, by the court, sometimes an extended family member can become an adoptive parent.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #2: Each situation can be emotional for all family members, both core and extended.

Response to finding # 2: Respondent agrees.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #3: Core family members have the responsibility throughout the process to read the handouts provided by caseworkers regarding Detention Court and ask questions if something is not clear.

Response to finding # 3: Respondent agrees.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #4: 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.

Response to finding # 4: Respondent agrees.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #5: The County is interested in the core family’s progress toward eliminating the problems that led to the County’s intervention.

Response to finding #5: Respondent agrees, this is in line with legal mandates.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #6: CPS caseworkers, attorneys and the Court are all motivated toward reunification of core families.

Response to finding #6: Respondent agrees, this is also mandated.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #7: CPS has put together procedures to formally address complaints regarding the care of the child by the foster family.

Response to finding #7: Respondent agrees. These procedures were developed in response to the Grand Jury's discussion with the CPS Program Manager and the HHS Director regarding MPP 31-020. Amador County has always handled grievances through more stringent investigations and by taking such matters to the court where each family member has legal representation. Grievance procedures are now in place and are given out to family members on a routine basis. Other complaints are handled in one, or more, of several ways; by the normal process of CPS investigations, by law enforcement, with cross reporting to Community Care Licensing, with the child's attorney or during court reviews during which those concerns are handled by a judge.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

RECOMMENDATIONS

Recommendations # 1 (Related to findings 1 & 2): The County should develop a handout specifically for extended family members explaining the CPS process and their role in it.

Response to Recommendations # 1: This has been in place for some time. Many documents were given to the Grand Jury and interviews with the HHS Director and CPS Program Manager were conducted. This specific topic was not discussed.

When a child is detained CPS social workers ask the core family to complete the form titled: "**Notification of Relatives /List of Relatives**". (This document is referenced in the Grand Jury's report "Quality and Effectiveness of Communications in Child Welfare Cases" on pg 133). This form describes the requirement of engaging relatives and asks the core family to provide contact information for relatives in 8 different categories; maternal grandmother, maternal grandfather, paternal grandmother, paternal grandfather, maternal aunts and uncles, paternal aunts and uncles, adult siblings

and additional relatives. Note that if CPS social workers are not given contact information they may be unable to contact these extended relatives.

Once the contact information is obtained for those extended relatives a phone call is made or a **letter is sent** (template attached) informing the extended relative of the legal proceedings. That letter gives basic information about the extended relatives' potential involvement and confidentiality requirements.

If contact is made the extended relative is given a document titled: "**Important Information for Relatives**". This 3 page FAQ covers questions such as how to help, how to communicate with the court, what role they may play in the case, visits with core family and special cases such as out of state placements and Native American children. This document provides information that is specifically targeted at reducing assumptions and misunderstandings extended family members may have regarding their role. Often an extended family member, such as a grandparent, wants their role to be more central than the court chooses.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation # 2: If extended family members are present at the Detention Hearing, forms JV050 and JV055 should be provided to them by caseworkers. (Finding3).

Response to Recommendation # 2: Respondent disagrees. First, Finding 3 specifically states that it is about "Core Family Members" which the Grand Jury clarified are separate from "Extended Family Members". Finding #3 and Recommendation #2 reference two different groups of family members.

The two documents listed are specifically aimed at the parents or guardians of the child (Core family members) and if those documents were given to extended family members it would cause further confusion. The Court sets the standards for how involved various family members can be based on their involvement in the child's life, rules of confidentiality, the parents' level of participation and long term planning.

There is little information in those documents that is directed at the roles that extended family members might play in the child's life. The documents listed above in Response to Recommendation #1 (In particular **Important Information for Relatives**) that are given to extended family members provide relevant information for their specific level of involvement.

Giving out this accurate, and targeted, document (**Important Information for Relatives**) does not cost CPS, or the county, any more than the cost of the paper.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Planning & Environment Committee
Processes involving Special Events within Amador County

Finding #1: Special Events are included in the County's Encroachment Permit process.

Response to Finding #1: Agreed

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #2: There is no central location for information addressing the various agencies', cities' and departments' Special Events permitting process.

Response to Finding #2: Agreed

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Response to Finding #3: 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.

Response to Finding #3: Agreed

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #4: Special Events within the County often include more than one city and use connecting county and state roads between the cities.

Response to Finding #4: Agreed

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #5: Special Event organizers are often unaware that each location their event traverses has its own permitting requirements.

Response to Finding #5: Agreed

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Finding #6: 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.

Response to Finding #6: Agreed

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

RECOMMENDATIONS

Recommendation #1: The County should adopt a “Special Events Permit” for events that occur on County roads. The permit should not be hidden in local encroachment process. (Finding 1)

The Amador County Department of Transportation and Public Works intends to establish a specific permit for Special Events. Establishment and adoption of a Special Event permit will require new forms and adoption of a fee which will require an ordinance be adopted by the Board. It is anticipated that this process will be completed within 6 months.

Response to Recommendation #1: A Draft Special Events Permit and a Draft Complaint form are attached.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #2: Cities and County should coordinate postings of and permitting for special events in a central location, i.e. Chamber of Commerce, County webpage, etc. (Findings 4,5)

Response to Recommendation #2: The Amador County Department of Transportation and Public Works will investigate the possibilities for central postings of Special Events. The investigation will be performed over the next 12 months.

The Amador County Department of Transportation and Public Works will immediately begin notifying other permitting agencies, by fax or email, of events which may require permitting from them.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Recommendation #3: 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.

Responses to Recommendation #3: The Amador County Department of Transportation and Public works will generate and update annually a list of contact information for other agencies involved with special events permitting. Special Event permit applicants will be provided a copy of the contact information for other agencies with permitting authority. The applicants will be encouraged to contact other identified agencies to determine their requirements.

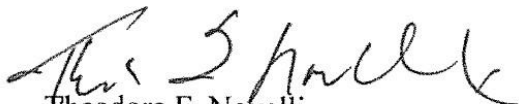
The Amador County Department of Transportation and Public Works will immediately implement distribution of contact information and encouragement of applicants to contact other permitting agencies.

A draft contact sheet is included with this response and attached.

Response by Board of Supervisors: The Board of Supervisors **agrees** with the response by the Department Head.

Thank you for allowing the Amador County Board of Supervisors the opportunity to respond to the 2013-2014 Grand Jury Report. Hopefully the information contained within this response addresses any questions or concerns the Grand Jury may have regarding the policies, procedures, and functions of services being provided by Amador County. Should there be remaining questions please do not hesitate to contact County Administrative Officer Chuck Iley or me.

Sincerely,



Theodore F. Novelli
Chairman, Amador County
Board of Supervisors

c: Mr. Chuck Iley, County Administrative Officer
Mr. Greg Gillott, County Counsel
The Honorable Martin Ryan, Sheriff-Coroner
Mr. Jim Foley, Health Services Director
Amador Ledger-Dispatch Newspaper
Amador Community News
Hometown Radio
TSPN
file



Community Development Agency

810 Court Street • Jackson, CA 95642 • Phone: 209-223-6429 • Fax: 209-223-6395

APPLICATION FOR SPECIAL EVENT / PARADE PERMIT

An application must be filed with the Community Development Agency for any gathering, event, activity or parade on any county road, 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: _____ to _____
Sponsoring Organization: _____ Day Phone #: _____
(attach by-laws and proof of non-profit status)
5. Applicant Name: _____
Address: _____ City: _____
Day Phone #: _____ Position/Title in above organization: _____
6. Alternate Name: _____ Title: _____
Address: _____ City: _____
Day Phone #: _____
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 _____
If YES, explain: _____
YOU ARE RESPONSIBLE TO MEET ALL STATE & COUNTY HEALTH CODES.
11. Security Provided for the Event: _____
12. Clean Up Plans: _____
13. Comprehensive general liability insurance coverage provided by: _____
WITH THE COUNTY OF AMADOR NAMED AS ADDITIONAL INSURED.
14. Limits of Liability: _____
15. Other Comments: _____
16. Signature of Applicant: _____ Date: _____



Community Development Agency

810 Court Street • Jackson, CA 95642 • Phone: 209-223-6429 • Fax: 209-223-6395

COUNTY OF AMADOR

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: _____

Road Impact Notification List 2014

Entity	E-Mail Address
Amador High School	webmaster@amadorhigh.org
	avanvelzen@amadorcoe.k12.ca.us
Amador Transit	joyce@amadortransit.com
Amador Water Agency	cmckeage@amadorwa.com
AT&T	sel672@att.com
City of Sutter Creek	mkirkley@ci.sutter-creek.ca.us
KVGC Radio	news@kvgcradio.com
	suzie@kvgcradio.com
Ledger Dispatch	editor@ledger-dispatch.com
Post 108 Ambulance	amcnany@ALPost108.Org
Sutter Creek Fire	chiefmartin@sbcglobal.net
TSPN	news@tspsntv.com
Vintner's Association	jamie@amadorwine.com
Volcano Telephone	KeithB@volcanotel.com

P G & E	fas9@pge.com
	mkr2@pge.com
	macj@pge.com

Entity	Fax
ACES Waste Service	274-4308
ACUSD Transportation	267-9356
CDF - Sutter Hill	267-0616
CHP	223-4894
City of Amador City	267-0682
City of Ione	274-2830
City of Jackson	223-3141
City of Plymouth	245-6953
JV Fire Protection Dist.	763-5659
Office of Emergency Services	223-1609
Ione Post Office	274-0629
Jackson Post Office	223-4246
Pine Grove Post Office	296-7714
Pioneer Post Office	295-5086
Sutter Creek Post Office	267-9206
Sheriff	223-5281



**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

May 13, 2015

Mr. Arthur G. Weatherford
Grand Jury Foreperson
Amador County Grand Jury
P.O. Box 249
Jackson, California 95642

Dear Mr. Weatherford:

I am in receipt of your letter dated April 20, 2015 and received by the County on April 28, 2015 wherein you request an update for items contained in the HHS Lease portion of the Grand Jury report from 2013/2014.

Staff is in the process of developing a Real Estate policy as the Board indicated in its response to you. I am attaching the latest draft from staff for your consideration, although the Board of Supervisors has not yet weighed in on this proposed policy as of yet. I believe that it addresses all of the valid concerns raised by the Grand Jury last year. It should go to the Administrative Committee for its review within the next month.

Sincerely,

A handwritten signature in cursive script, reading "Brian Oneto".

Chairman Brian Oneto
Amador County Board of Supervisors

COUNTY OF AMADOR		Number
POLICIES & PROCEDURES MANUAL		
SECTION: GENERAL SERVICES ADMINISTRATION	LEASING OF REAL PROPERTY	
ISSUE DATE: January 2015		
PAGE NO.: Page 1 of 4		

I. PURPOSE

The purpose of this policy is to outline the procedures for the creation of leases, lease amendments, and subleases and other relevant documents for the use of real property not owned by the County to accommodate county business by various county organizations, districts, agencies and departments ("departments", herein).

II. BACKGROUND

The County occasionally leases real property for its use. The Board of Supervisors recognizes that establishing an orderly and efficient process for leasing property is necessary to ensure County's needs are properly met.

III. POLICY

When a department head needs to lease office space, he or she shall in writing contact the General Services Director articulating the departments' needs. The information shall include:

- a. Program needs.
- b. Estimated square footage.
- c. Preferred location.
- d. Total cost of lease, all direct and indirect costs, operating costs, and funding sources.
- e. Parking requirements.
- f. Network and communication needs.
- g. Consideration of other options, including a lease versus buy analysis
- h. Other special requirements.

The General Services Director and the department head will initially determine if there is space available in any building currently owned or leased by the County. If not, the General Services Director will, working in conjunction with the department head, locate one or more suitable properties for the department head's inspection and approval. The department head must have Facilities inspect the premises, prior to negotiating a lease, to determine if there are any hazardous conditions, deficiencies, and to ascertain compliance with the Americans with Disabilities Act (ADA) and Title 24 of the California Code of Regulations (the "California Building Code").

COUNTY OF AMADOR		Number
POLICIES & PROCEDURES MANUAL		
SECTION: GENERAL SERVICES ADMINISTRATION	LEASING OF REAL PROPERTY	
ISSUE DATE: January 2015		
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Pursuant County Code Section 3.08.040 and Section 25350.51 of the Government Code, the Board of Supervisors hereby delegates to the General Services Director (Purchasing Agent) the authority to sign leases for land, buildings, office space, parking lots or parking lot spaces or other real property for use by the County as tenant under the following conditions:

- The total term of the lease including any extensions or options to renew, will not exceed five years;
- The rental amount does not exceed \$4,000 per month;
- A notice of intention to consummate the lease is posted in a public place for five working days prior to consummation of the lease in which notice shall describe the property proposed to be leased; the terms of the lease; and that the General Services Director or his/her designee is the County Officer authorized to execute the lease, and
- The lease is approved by County Counsel and the County Administrative Officer.

The General Services Director shall negotiate with prospective lessors to determine the relative merits and cost effectiveness of the proposed leases. The Director shall consider, but not be limited to the following factors:

- Rental rate and term of lease including any options to extend.
- Market rates.
- Whether required services (e.g., maintenance, custodial, and security services) are to be provided by the County or by the Lessor.
- Determine what utilities are available and identify those that are included in the rental rate.
- Whether property taxes are to be paid by the County or by the Lessor.
- Tenant improvement allowances and the cost of any remodeling that may be necessary.
- Provisions for termination, cost adjustments, and total costs associated with the lease.
- All other terms and conditions.

In addition, the Board of Supervisors hereby delegates to the General Services Director the power to sign amendments to an existing lease for land, buildings, office

COUNTY OF AMADOR		Number
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space or other real property for use by the County as tenant, one time, under the following conditions:

- The amendment may increase the rent over the remaining term, provided that the amendment does not result in a rental amount in excess of \$4,000 per month;
- The amendment is for the purpose of making improvements or alterations to the premises less than \$25,000.00;
- The amendment does not extend the existing term of the lease, permit, or license beyond five years; and
- The amendment is approved by County Counsel and the County Administrative Officer.

If lease requires approval of the Board of Supervisors, the General Services Director shall submit a recommendation to the County Administrative Officer regarding the preferred lease. The County Administrative Officer or his/her designee shall forward a summary of the proposed lease and a recommendation to the Board of Supervisors, which shall include the following:

- A comparative analysis of recently negotiated leases in the market area to support the proposed lease transaction.
- If a request for proposals was used, a comparative analysis of at least three of the best proposals received. If less than three proposals are received, an evaluation of the reasons for a lack of response will be provided.
- Identification of lease termination provisions, rental rate, term, any options to extend, any tenant improvement allowance, taxes, utilities, monthly occupancy costs and all other pertinent information.

Using the County's lease agreement developed by County Counsel, the General Services Director will negotiate the provisions of the lease. Prior to finalization, the General Services Director will submit the draft agreement and report to County Counsel, County Administrative Officer and the department head for review.

Leases must require the landlord to remove any hazards identified, or other contaminants from the premises prior to the date that County occupancy begins, or in accordance with a schedule approved by the County.

COUNTY OF AMADOR		Number
POLICIES & PROCEDURES MANUAL		
SECTION: GENERAL SERVICES ADMINISTRATION	LEASING OF REAL PROPERTY	
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Leases must also require the landlord to comply with laws and regulations requiring access for persons with disabilities. If the premises need to be modified in order to be accessible to persons with disabilities, the lease must require the modifications to be completed prior to County occupancy, unless waived by the Board of Supervisors. The Board of Supervisors hereby authorizes the CAO and the County's ADA Coordinator to waive these provisions under certain circumstances including, but not limited to, storage leases, land leases, and communications equipment shelter leases.

If the lease requires the landlord to clean, repair, or remodel the premises before County occupancy, it is the obligation of the department to follow the progress of the work, inspect the work when it is completed, and approve the work before County occupancy. If a dispute arises as to the scope or quality of work, the department should contact the General Services Director and/or County Counsel.

In the event that the total cost to the County over the duration of the lease is in excess of one million dollars or that any lease renewal or extension that has a total value in excess of one million dollars, then the lease agreement shall be approved by the Board of Supervisors and shall not be placed on the Consent Agenda. Also in this event, the Board should consult with a Real Estate professional regarding the proposed lease and other potential options for providing space that might be pursued.

The provisions of this section apply even if there is no monetary compensation for use of the real property. A lease must still be executed. Any question about whether a lease, permit, or license is required for the use of real property should be directed to the General Services Director or County Counsel.

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Follow-Up Report: Responses by Board of Supervisors to 2013-2014 Amador County Civil Grand Jury

County Administration Committee:

1. Health and Human Services (HHS) Building Lease – We Did the Math!

Planning and Environment Committee:

1. Special Events in Amador County

Public Health Committee:

1. Communication in Child Welfare Cases

BACKGROUND

The California Penal Code, §925, allows a Civil Grand Jury to selectively investigate the operations, accounts and records of departments, officers, or functions of the County. Pursuant to Penal Code §933, a response by these entities to the findings and recommendations of the grand jury's reports is required.

The 2013-2014 Jury chose to look into:

1. The means by which the County entered into, and then revised, the lease of the new HHS building, resulting in “grossly excessive rent” paid by the County and its tenants.
2. Complaints regarding the impacts of special events within the County, on community safety and dealing with leftover clutter and property damage.
3. Several complaints from citizens who felt that they or their families were not treated well by Child Protective Services (CPS).

DISCUSSION

The HHS Lease

Based on the review of a list of County-owned or leased properties, buildings and land provided to the Grand Jury by the county's General Services Administration (GSA), the Jury noticed the huge lease costs for the relatively new HHS Building, about \$1.4 million/year at an initial price of \$2.43/square foot (the former lease cost to house all the HHS agencies functioning in the county, in admittedly “unsatisfactory” facilities, was about \$206,000 annually, at \$0.76/square foot). The Jury chose to analyze the cost/benefit of the present lease to the County.

This investigation focused on:

1. The history of the HHS housing needs and costs evaluations
2. The decision to build such a huge new facility with what is now seen as inadequate justification (disregard of a professional evaluation showing significantly lower space needs over time than finally decided upon by the County; growth projections that were already in decline from estimates even at the time of the RFP)
3. The original 15-year 2006 lease
4. The 2008 lease renegotiation, which extended the original lease payment amount for 5 more years and eliminated the “escape clause” found in previous contracts. There was documented compensation to the County for assuming the risks of this new situation, a check in the amount of \$400,000. According to the 2014 Final Report, the amended lease contained a clause referring to this check as “Valuable Consideration” in exchange for amending the lease.

Based on their conclusion that the rents are “grossly excessive,” but which might be inescapable under the terms of the 2008 lease, the 2013-2014 Jury chose to outline the ways such a perceived blunder could be avoided in the future. The Final Report listed 10 Findings and 4 Recommendations related to the errors made, and the necessity for set policies and procedures for real estate transactions involving the County, including costs and benefits. There were no existing policies or procedures in any area of purchase/lease of land or buildings, nor was there any requirement that an experienced professional participate, nor that real estate matters should be decided in Open Meeting sessions, among other issues.

The Board of Supervisors’ (BOS) Response letter was dated October 8, 2014 and included the initial response from the appropriate County Agency Department Head, followed by the BOS comment on the agency’s statement. In it, there was agreement by the agency, and corresponding agreement by the BOS, with Findings F1, F2, F4, F6, F7, F9 and F10. Findings F3, F5, and F8 saw partial agreements, with explanations of areas of disagreement. There was partial agreement from the County Agencies and BOS with all of the 4 Recommendations, again with explanations of the disagreed-upon aspects of each Recommendation. The first 3 Recommendations were related to the establishment of written and procedural guidelines for all real estate transactions undertaken by the County. The Board stated that such policies will be organized over the year following their response. Recommendation R4 addressed the issue of the \$400,000 check being neither formally acknowledged nor its use restricted; it was stated in the response letter to the Grand Jury that ANY amount encompassed by any agreement should be publically acknowledged and included within the same agreement or contract (as it was not in this case).

A letter was sent to the Board of Supervisors in mid-April of 2015, requesting a progress report on their establishment of the appropriate real estate policies. This will require monitoring by the subsequent Grand Jury, as it was recommended by the 2014 Jury and agreed upon by the County, but the Board had requested as much as a year to complete this.

Special Events in Amador County

There were complaints to the 2013-2014 Grand Jury about the traffic and pedestrian safety effects of some of the special events in the County (fun walks and runs, bicycling events, etc.), the numbers of which are increasing. There was a further complaint about the resulting litter and property damage. It was discovered by the Jury that although many City, County and State entities do have their own permitting processes in place, these are not uniform from one to another, and it may not be easy for an organizer to determine the need for and locate the source of appropriate permits for either a fund-raising or topic-related event.

Several areas of inquiry were developed by the Jury, including neighborhood, road and litter impacts on the cities and County, profitability to the County, complaint procedures, and also the issue of unpermitted events. The Jury looked into the special event permit processes in place (as well as numbers of permits granted and fees collected over certain periods of time) in the Cities of Ione, Jackson, and Sutter Creek; Plymouth was reported to be establishing one, and Amador City had none. Amador County has a permit process and collaborates with the Sheriff's Department, who coordinates with other agencies such as the Highway Patrol, local Police Departments, etc. The State Department of Transportation (CalTrans) issues permits for events on State highways that might impact vehicular traffic.

The Final Report contained 6 Findings and 3 Recommendations. In their October 9, 2014 response letter, the County Department of Transportation and Public Works, with concurrence by the Board of Supervisors, agreed with all 6 Findings and the 3 Recommendations. Attached to the letter were draft Special Events and Complaint forms, as well as the Contact Sheet to be updated annually and distributed to all agencies involved with Special Events Permitting, both provided by Transportation and Public Works. Also in this letter, Public Works requested a time frame "over the next year" for investigating the "possibilities for central postings of Special Events" (per Recommendation R2) and said it would begin immediate notification of "other permitting agencies of events which may need permitting from them."

A Letter was sent to Public Works in mid-April of 2015 to inquire about progress made by them on the agreed-upon central posting and notification recommendations.

Communications in Child Welfare Cases

The Grand Jury received citizen complaints about the treatment they or their relatives, particularly extended family members (who are not the child's parents or legal guardians), had received from Child Protective Services (CPS). Communication between CPS and both core and extended family members was claimed to be poor, and consideration was not given to extended family members, according to complaints.

No specific case could be used in any way, so the Jury used handouts, websites, staff interviews, statistics, and procedural manuals for their study. There was a fairly large Glossary of Terms, and definitions were also taken from these sources and included within the Method of Study and Discussion sections of the report.

The report began with a graph and written description of how Child Welfare Services works (the sequence from case referral through to the two possible results: either family reunification, always the primary goal, or permanent placement of the child in another situation).

The rest of the report reviewed regulations, services, personnel requirements, legal representation (where it was stated that in the eyes of the law, extended family members do not have legal standing in CPS cases), Communications (again, the only way extended family members can be included is if one of the core family members completes a Notification of Relatives form for them), and Funding.

All child welfare services exist for the preservation of the core family, a fact about which there are "assumptions and misconceptions" regarding extended family rights, as stated in the Grand Jury's Finding F1. Most of the 7 Findings that were derived from the facts of the investigation were related to the importance, to all County staff involved, of maintaining core families whenever possible, in accordance with State mandates. The 2 Recommendations were addressed to helping extended family members to better understand their limited roles.

In the October 2014 Response letter, prepared by the HHS Director and the Board of Supervisors, there was agreement with all 7 Findings, with clarifications of F1 and F7. The responses to the 2 Recommendations made clear that with the consent/cooperation of the child's core family members, extended family is notified about proceedings and given basic information, followed by a document explaining their roles if they wish to participate.

CONCLUSIONS

1. HHS Lease

The Board of Supervisors had not yet completed the written real property policy it has agreed to establish, as of the time of the finalization of the 2015 Reports. Such a policy

was seen by the 2014 Grand Jury as a way to avoid repeating what it considered to be major mistakes made in the HHS lease(s) process.

In May of 2015, a draft version of the County's "Leasing of Real Property" policy was received in the Grand Jury office. **The 2014-2015 Jury requests that the 2015- 2016 Jury follow up on this matter.**

2. Special Events in Amador County

In its Response letter, the BOS requested time for Public Works to determine the possibilities for central postings of Special Events. As of the end of this Grand Jury's term, there has been no further word. **The 2014-2015 Jury requests that the 2015- 2016 Jury follow up on this matter.**

3. Communications in Child Welfare Cases

The Grand Jury acknowledged and thanked the Board of Supervisors and CPS for their satisfactory responses to the Findings and Recommendations of this report. No further action is required.

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DIVISION OF JUVENILE JUSTICE
PINE GROVE YOUTH CONSERVATION CAMP
P.O. Box 1040
13630 Aqueduct-Volcano Road
Pine Grove, CA 95665
209-296-7581



July 10, 2014

The Honorable J.S. Hermanson Assistant Presiding Judge
Amador County Grand Jury
500 Argonaut Lane
PO Box 249
Jackson, Ca 95642

Re: Grand Jury Report June 2014

Pursuant to Penal Code 933.05 I am required to respond to this Grand Jury report. The Amador County Grand Jury inspected Pine Grove Youth Conservation Camp on January 13, 2014. During the inspection they took an extensive tour of the facility and interviewed me as well as other PGYCC Staff. In their report they made three Recommendations:

1. PGYCC should activate a cell phone scrambler.

CDCR has already started the installation of these scramblers and plan on having them installed at all prison and correctional camps. There has been some logistical and contract issues but we hope to have them up and running in the near future.

2. PGYCC should continue and even expand the community service it renders whenever possible.

Last year PGYCC had 56,260 Community Service hours. That does not take into account the 38,902 hours fighting fires. However, our fourth fire crew should come back on line in August, and if it does, we will be able to increase our community service hours this year.

3. PGYCC should increase the number of wards training and working in waste water treatment if certification becomes an option.

Cal-Fire is looking into this to see if this is possible as they are the ones who are responsible for maintaining the facility. With our current population, every ward has to be on a fire crew. When our count goes up to the point we can man four fire crews and have wards to work the waste water treatment that will be a great option.

If you have any questions or concerns, please contact me (209) 296-7581.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Roots", is written over the typed name.

Mike Roots
Superintendent
Pine Grove Youth Conservation Camp

CGJ 2014/2015
662



AMADOR COUNTY Grand Jury

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

September 23, 2014

Mike Roots
Superintendent
Pine Grove Youth Conservation Camp
P.O. Box 1040
13630 Aqueduct –Volcano Road
Pine Grove, CA 95665

Ref: Grand Jury Report Response July 2014

Dear Mr. Roots,

The Grand Jury is in receipt of your July 10, 2014, response letter to its June 2014 Grand Jury report regarding the Pine Grove Youth Conservation Camp.

The Grand Jury understands that the California Department of Corrections and Rehabilitation (CDCR) instituted a program whereby a managed access system (MAS) jammer, commonly known as a cell phone jammer, would be deployed in all of its correctional and youth facilities, including the Pine Grove Youth Conservation Camp (PGYCC). Once installed, the MAS jammer, would block all incoming and outgoing unauthorized cell phone calls at the PGYCC.

On January 14, 2014, when the Grand Jury inspected the PGYCC, it discovered that a MAS jammer had been installed but it was not activated and was turned off. In your July 10, 2014, response you indicated that there had "been some logistical and contract issues" and that you had hoped to have the MAS jammer "up and running" in the near future. However, you did not provide a time line of an expected date for the MAS jammer to be fully operational.

Since the CDCR deployed MAS jammers to prevent unauthorized cell phone calls by inmates and wards incarcerated at its institutions for officer and public safety issues, the Grand Jury respectfully requests the following information:

1. If the PGYCC MAS jammer is not fully operational at this time, please provide an approximate time frame as to when the MAS jammer will be operational.

2. The CDCR policy regarding when the MAS jammer is activated and when it can be turned off, and by whom.
3. The CDCR policy regarding how cell phones are chosen to be authorized to be used at the PGYCC.

The Grand Jury appreciates your understanding and assistance in this matter, as it will help bring this issue to a conclusion.

Arthur G. Weatherford
Grand Jury Foreperson

DIVISION OF JUVENILE JUSTICE
PINE GROVE YOUTH CONSERVATION CAMP
P.O. Box 1040
13630 Aqueduct-Volcano Road
Pine Grove, CA 95665
209-296-7581



September 24, 2014

Chuck Threlkeld
Foreperson Pro tem
Amador County Grand Jury
500 Argonaut Lane
PO Box 249
Jackson, Ca 95642

Re: 2014/2015 Grand Jury Follow-up Committee's Response memo dated September 12, 2014

Dear Chuck Threlkeld,

You state in your memo that "the Phone Scrambler had already been installed and the system had been deactivated ..."

This is not the case and explains why the response is unclear; however, I don't agree with evasive. The cell phone scrambler, or Managed Access System (MAS), has never been fully installed or activated at Pine Grove Camp. I did tell you that the installation had been started as CDCR is moving forward at the institutions and correctional camps. After receiving your follow-up memo, I contacted Captain Jorge Santana to get an update and some more specific time frames. Captain Santana oversees the CDCR adult camps. He told me that CDCR is moving forward at the institution and have installed MAS at several facilities. He also said that they are not moving forward with installing MAS at any of the camp locations at this time.

I am sorry for the misunderstanding and hope this clears up the status of this matter.

If you have any questions or concerns, please contact me (209) 296-7581.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Roots", is written over a horizontal line.

Mike Roots
Superintendent
Pine Grove Youth Conservation Camp

OFFICE OF
SHERIFF - CORONER



COPY
MARTIN A. RYAN
SHERIFF - CORONER

July 31, 2014

The Honorable Steve Hermanson
Judge, Superior Court of California
County of Amador
500 Argonaut Lane
Jackson, CA 95642

Re: 2013-2014 Grand Jury Response

Dear Judge Hermanson:

This correspondence serves the formal Amador County Sheriff's Office response to the findings and recommendations made by the 2013-2014 Amador County Grand Jury concerning the Amador County Sheriff's Office Detention Facility (Jail).

Before addressing these items it is necessary however to correct some information about the jail as stated on pages 33-34 under the "BACKGROUND" section. The report states "The structure serves as both the Sheriff's Headquarters and the ACJ. Its 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". In reality, the jail, when constructed was rated by the predecessor to the BSCC, the Corrections and Standards Authority (CSA), at 76 beds, 11 for female inmates and 65 for male inmates. The jail can currently provide beds for 105 inmates due to the addition of triple bunks in the living quarters. However, these additional beds do not change the BSCC capacity rating of 76.

The erroneous 1984 capacity information is repeated on page 35 of the Grand Jury Report under "facility".

SERVICE • INTEGRITY • TEAMWORK • EXCELLENCE

700 COURT STREET • JACKSON, CA 95642 • (209) 223-6500 • FAX (209) 223-1609

ADMINISTRATION (209) 223-6515 • EMERGENCY SERVICES (209) 223-6384 • CIVIL (209) 223-6544
CORONER (209) 223-6754 • JAIL (209) 223-6522

RESPONSE TO FINDINGS:

Finding #1

"Both the ACJ and Amador County Superior Court have the equipment and means to utilize video arrangements; however, this equipment is not currently in use".

Response to Finding #1

Respondent **agrees** with this finding. Clarification as to the cause for the video equipment not being utilized is called for.

After several attempts to acquire the appropriate and viable technology for both the jail needs and that of the Superior Court, the video arraignment equipment has been installed and has been functioning properly for some time.

The Amador County Sheriff's Office is fully in support of using this technology to reduce the transportation and security impacts on our limited correctional staff. When this technology was initially made available, its use by the court varied depending upon who the assigned judge was on a particular case. Some would use video arraignment on occasion while others were opposed to its use.

After the most recent election for judge, the newly elected judge had several conflicts on cases he was to be assigned as he was previously an Amador County Deputy District Attorney. Transporting inmates to the court made it possible for the inmates to be transferred easily to another courtroom should a conflict be determined.

Approximately a year ago, the jail staff contacted the court to see if the video arraignment system could again be utilized. The court advised they did not have enough court clerk staff to send one over to the jail as required for video arraignment. More recently, the Undersheriff met with the court CEO regarding our desire to re-start the video arraignment and was additionally advised by a judge that court staff were not comfortable coming into the jail setting to participate in the process.

All of these factors combined have resulted in the current non-use of this valuable resource.

The Amador County Sheriff's Office will once again be contacting the judges of the Superior Court to determine if the video arraignment system can be more fully utilized at this time.

Finding #2

“It was observed that there were few books available in the inmate’s library”.

Response to Finding #2

Respondent **partially agrees** with this finding. While there were few books on the library shelves, there are many more library books that the inmates have in their possession in their cells and cell blocks.

The jail continues to accept donated books as well as continues to purchase books for the library. Because the content of all reading material is significant in a custodial setting, all reading material must be carefully screened by staff to ensure appropriate content prior to it being allowed into the jail library.

Finding #3

“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”.

Response to Finding #3

Respondent **partially agrees** with finding #3.

On the date of the jail presentation to the **Grand Jury**, 19 sentenced inmates were being housed at the El Dorado and Nevada County jails. ~~twelve~~ inmates were housed at El Dorado County at a rate of \$90 a day and spent a total of 229 days in that facility. Seven inmates were housed at Nevada County at a rate of \$70 a day and spent a total of 178 days in that facility. The total cost of this out of county inmate housing was \$33,070.

The Amador County Jail does not house 19 inmates at outside facilities for 365 days a year. Some months there are no inmates sent out of county and other times a lesser number is sent depending upon our ever fluctuating inmate count.

From January 1, 2014 through June 30, 2014, the jail housed 54 inmates in the El Dorado and Nevada County jails for a total of 1,029 days at a total cost of \$83,710.

The funding for housing inmates out of county does not come out of the Sheriff’s Office ACJ budget. These funds are made available through the county Community Corrections Partnership (CCP) via state funds to the county to offset the impacts of state prison realignment.

Finding #4

“16% of the inmates occupying beds in the jail are designated as JRC related. JRC makes a voluntary donation yearly to offset jail costs for Casino-related inmates”.

Response to Finding #4

Respondent **partially agrees** with finding #4.

In calendar year 2013 Jackson Rancheria Casino (JRC) related inmates occupied 16.99 of the 76 rated beds in the Amador County jail or 22.35%.

Since 2006, the JRC has made an annual voluntary contribution to the Amador County Sheriff's Office solely to cover the costs for two deputy sheriffs and equipment to offset impacts to our patrol bureau caused by calls for law enforcement services as a result of the casino operation. None of these voluntary funds were designated by the JRC to offset jail impacts.

Several years ago the state created a Special Distribution Fund which was paid into by gaming tribes to help offset the significant impacts of tribal gaming statewide, including impacts on local government. These funds are distributed each year through the JRC Local Revenue Committee to various county and city entities impacted by their gaming operation. For the last few years the Amador County Sheriff's Office has applied for and received a portion of the available funds to help offset jail impacts, however, the amount received only compensates for a portion of the actual documented jail impact costs.

Finding #5

Respondent **agrees** with Finding #5.

Finding #6

Respondent **agrees** with finding #6.

Finding #7

Respondent **agrees** with finding #7 and thanks the Grand Jury for recognizing the contributions of our very dedicated jail staff.

RECOMMENDATIONS:

Recommendation #1

Respondent **agrees** with recommendation #1 that utilization of the existing video arraignment system would create substantial savings in time and manpower for jail staff.

Recommendation #2

Respondent **agrees** with recommendation #2 to increase the amount of appropriate reading material available to the inmates.

Recommendation #3

Respondent **agrees** with recommendation #3 to look for viable methods for reducing the costs of housing sentenced inmates in out of county facilities including negotiating with other counties for the best rate.

It is noted that in 2014, the Governor signed legislation that extends the authority of counties to house inmates in another county jail for only three more years.

Recommendation #4

Respondent **agrees** with recommendation #4.

The Amador County Sheriff's Office has for years been tracking Jackson Rancheria Casino related impacts. In addition to impacts to the jail, we also have the ability to document impacts on our agency that occur off of the reservation or casino grounds through our in car Mobile Data Terminals. We are able to document the number of vehicle stops and arrests of those committing violations while traveling to and from the casino. We also document the impacts on our dispatch services and coroner's duties.

The totality of impacts on our agency is documented annually to the Jackson Rancheria via our annual Special Distribution Fund application.

Recommendation #5

Respondent agrees with Recommendation #5.

Since 2007, the Sheriff's Office has continued to work with the Amador County Board of Supervisor's to determine the fiscal viability of utilizing the state's AB 900 Conditional Award of \$22.7 million towards the building of a proposed 165 bed jail facility. The total construction costs of the jail building alone approaches \$45 million, and does not include infrastructure costs for the jail property, a 5% cash match, development costs and ongoing staffing costs.

The Board recently authorized and received a study by an independent contractor comparing estimated costs for developing four potential building sites which will hopefully aid in their decision process.

All potential options for solving the current jail situation are being explored with the Board of Supervisors and with the assistance of the county's General Services Director.

Sincerely,



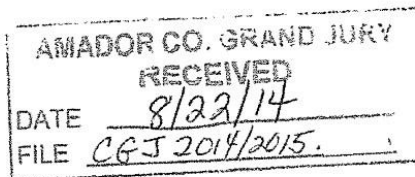
MARTIN A. RYAN
Sheriff-Coroner

MAR/es

Cc: Theodore Novelli, Chairman, Amador County Board of Supervisors
Chuck Iley, CAO, Amador County

**DIVISION OF ADULT INSTITUTIONS
MULE CREEK STATE PRISON**

4001 HIGHWAY 104
P.O. BOX 409099
JACKSON, CA 95640



August 5, 2014

Superior Court Judge Hermanson
Amador County Grand Jury
P.O. Box 249
Jackson, CA 95642

Honorable Judge Hermanson,

This letter is in response to the 2013-2014 Amador County Civil Grand Jury's Final Report: Mule Creek State Prison Inspection, dated June 18, 2014 addressed to Joe Lizarraga, Warden. This letter serves as Mule Creek State Prison's formal response to the findings and recommendations presented in the Grand Jury Report.

In response to finding #1, Grand Jury members observed "unsanitary and unhygienic floors in the medical clinic located on Yard B. Stacked cardboard boxes and orange plastic cartons made it difficult to walk in an already crowded hallway." Jury members recommended that the unsanitary and clutter issues be remedied in the Yard B medical clinic immediately.

The area in question has been cleaned and organized. Unfortunately, during the tour, some of the clinic staff were unpacking medical supplies when they were called away to attend to an inmate patient. This caused the boxes to be left in the hallway area. Upon their return, clinic staff were able to finish the unpacking process and dispose of the boxes and cartons. It is always the expectation of the MCSP health care management team that areas of patient care remain sanitary and free from clutter. Each health care clinic employs inmate porters who are continually trained in various cleaning techniques. In order to ensure a competently trained inmate janitorial workforce, MCSP has teamed with Prison Industry Authority (PIA) in the implementation of the PIA Janitorial Cleaning Contract, which will start in March of 2015. This program is expected to not only teach our inmate workforce usable skills that they can parlay into real jobs upon release; it is also expected to bring a new level of cleanliness to our health care clinics.

MCSP is also in the process of expanding its medical treatment areas. Known as the HCFIP or Health Care Facilities Improvement Project, MCSP is in the process of expanding its clinics and treatment areas to better serve the inmate population. This project is expected to be completed in July 2016. This area was discussed in finding #3 of the Grand Jury's report.

In regards to finding #2, construction of our new Level II facility has started and is well underway with a projected completion date of January 2016. MCSP highly encourages people in the local community to explore the various job opportunities that will be offered with the opening of the new facility.

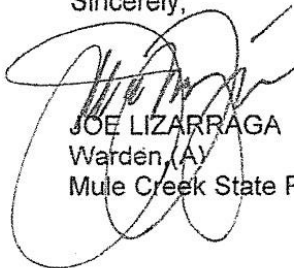
Lastly, finding #4 states that "Three PIA programs – cabinetry, office services and small engine repair – have been discontinued due to budget constraints." The recommendation of the Grand Jury was to not eliminate PIA programs if they are cash positive, offer inmates an opportunity to earn income, acquire job skills and develop good job habits.

I apologize for any confusion about our inmate programs during the Grand Jury's visit. The programs mentioned in the report are not related to PIA, but rather programs that had been offered through our Education Department as part of our Career Technical Education program. PIA currently runs a meat cutting and packaging program, industrial sewing, industrial laundry services as well as a coffee roasting program at MCSP. Our Education Department has reopened the Offices Services class and is currently evaluating the benefits of re-opening the Carpentry class as a Building Maintenance class. The small engine repair class was discontinued due to a lack of need in the current job market.

The MCSP Education Department places a high value on offering educational opportunities that will benefit our inmates in their rehabilitative process as well as afford them job skills that will benefit them upon release. We currently offer both GED preparation classes as well as High School Education classes along with our Career Technical Education classes. With the new Level II facility, MCSP hopes to expand both its educational and vocational programs to provide even more valuable skills to our inmate population.

Should you have any further questions about this matter, you may contact my Administrative Assistant, Denise Ding at (209) 274-4911, extension 5080.

Sincerely,



JOE LIZARRAGA
Warden, AY
Mule Creek State Prison

Follow-Up Report: Responses by Amador County Public Prisons to 2013-2014 Amador County Civil Grand Jury

BACKGROUND

Penal code §919(b) states that a civil grand jury shall inquire into and report on the condition and management of the public prisons within the County. There are three facilities in Amador County Pine Grove Youth Conservation Camp (PGYCC), Mule Creek State Prison (MCSP) and Amador County Detention Facility (Jail). Pursuant to Penal Code §933, a response by these entities to the findings and recommendations of the grand jury's reports is required.

DISCUSSION

Pine Grove Youth Conservation Camp

The 2013-2014 Grand Jury inspected the PGYCC on January 13, 2014. The ensuing report contained 6 Findings and 3 Recommendations. The PGYCC Superintendent responded on July 10, 2014 to the Recommendations only. He agreed, with explanations, with 2 of the 3 Recommendations. The Findings in the report were, except one, facts or positive observations regarding the functions of the facility. The exception was the Finding descriptive of the Recommendation with which the Superintendent disagreed: that the PGYCC turn on and use the cell phone scramblers reported by two previous Grand Juries as partially or fully installed. A letter requesting clarification of the scrambler issue was sent to him by this Grand Jury; the Superintendent's subsequent letter explained that the State Department of Corrections and Rehabilitation was no longer requiring them at this facility.

Amador County Jail

The report produced after the Grand Jury's inspection of the Amador County Jail on January 21, 2014 contained 7 Findings and 5 Recommendations. In the County Sheriff's response letter, dated July 31, 2014, he prefaced his responses with a correction and clarification of information given in the Final Report regarding the capacity of the jail. He then agreed with Findings F1, F5, F6, and F7, and partially agreed with F2, F3, and F4, giving explanations in all cases that this jury found satisfactory. He agreed with all the Recommendations, again with helpful explanations. Finding F1 and Recommendation R1 address the video arraignment equipment already installed at the Jail, but which is not presently being used, and has been used only intermittently because of several factors. These include the apparent refusal of certain Court staff to

participate. Although the Sheriff agreed with the Grand Jury that this equipment should be used, the solution to the video arraignment matter does not lie in his hands.

Mule Creek State Prison

The Grand Jury's inspection of Mule Creek State Prison took place on January 16, 2014, and the Warden's August 5, 2014 response letter to the Jury's report answered to the Findings only. However, these did also address the resulting Recommendations satisfactorily although not conforming exactly to response requirements.

The Warden corrected and clarified the references by the Grand Jury to the Prison Industries Authority (PIA) in Finding #4 and Recommendation #2, explaining the difference between this program and that of the Career Technical Education Department. This Grand Jury accepted the Warden's response.

CONCLUSIONS

The 2014-2015 Amador County Civil Grand Jury accepts each of the Responses from the three Public Prisons in Amador County regarding the Final Report of the 2013-2014 Grand Jury. No further action is required.

**Amador County Unified School District
Board Members (Trustees)
Amador County Civil Grand Jury 2013-2014 Final Report Response**

FINDINGS:

Finding #F1.

An elected trustee did, on more than one occasion act as an individual rather than speaking for the entire School Board.

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Finding #F-1.

Finding #F2.

An elected trustee did interact directly with District staff rather than working through the Superintendent.

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Finding #F-2.

Finding #F3.

An elected trustee did violate policy by directly interacting with District staff to affect changes to District policy without going through the Superintendent.

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Finding #F-3.

Finding #F4.

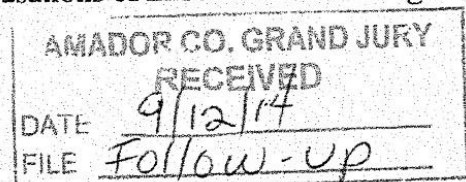
When violating Board policies, an elected trustee did act in a manner that was unprofessional and confrontational.

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Finding #F-4.

Finding #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.

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Finding #F-5.

Finding #F6.

The complaint was never investigated by the Board because the individual accused of misconduct was allowed to vote against further investigation.

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with "the complaint was never investigated by the Board" and disagrees with "because the individual accused of misconduct was allowed to vote against further investigation".

Finding #F7.

The Bylaws did not indicate consequences nor were any consequences discussed by the Board for inappropriate behavior.

Response by Governing Body

The Amador County Unified School District Board of Trustees disagrees with "the Bylaws did not indicate consequences and agrees with "nor were any consequences discussed by the Board for inappropriate behavior".

Finding #F8.

Training is not required, but there is a wide disparity among trustees regarding the value of ongoing training and attendance of courses available.

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Finding #F-8.

Finding #F9.

While 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.

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Finding #F-9.

Finding #F10.

All trustees interviewed claimed to know what the Brown Act requires, yet violations continue to occur.

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Finding #F-10.

Finding #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.

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Finding #F-11.

RECOMMENDATIONS:

Recommendation #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)

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Recommendation #R-1 that the complaint process against a trustee has not been implemented, but will be implemented in the future. Direction was given to the Superintendent to bring within 90 (ninety) days a clear complaint process.

Recommendation #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)

Response by Governing Body

Amador County Unified School District Board of Trustees agrees with Recommendation R#2, but the recommendation requires further analysis within the legal timeline (6 months).

Recommendation #R3.

The Bylaws should mandate continuing training for **all** trustees. (Findings 8, 10)

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Recommendation #R-3 and will implement in the future and within 90 (Ninety) days to develop standards for ongoing Trustee training.

Recommendation #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)

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Recommendation #R4 and will present publically written self evaluation on or before their December 17, 2014 Board Meeting.

Recommendation #R5.

The public should have the opportunity to comment on the goals and evaluations of the Board. (Finding 9)

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Recommendation #R5 and will present publically on or before their December 17, 2014 Board Meeting.

Recommendation #R6.

Where appropriate, Bylaws should include specific language relating to the consequences when Bylaws are not followed. (Finding 7)

Response by Governing Body

The Amador County Unified School District Board of Trustees recommends further analysis is required within the legal timeframe not to exceed 6 (six) months.

Recommendation #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. (Findings 10)

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Recommendation R#7 and will continue to seek education and training for the Brown Act to avoid any violations in the future.

Recommendation #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.
(Findings 10, 11)

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Recommendation #R8 with the revision that the Board President and Superintendent upon their discretion will contact legal counsel to review and approve the agenda, as needed prior to the posting of the agenda to avoid Brown Act violations.

Dated: 9/10/14

Wally Upper
Wally Upper, Board President

Mary Walser
Mary Walser, Board Clerk

Gwendolyn K. Christeson
Gwendolyn Christeson, Board Member

William Patrick Miller
William Patrick Miller, Board Member

Rose Oneto
Rose Oneto, Board Member

AMADOR COUNTY PUBLIC SCHOOLS

Amador County Unified School District

Amador County Office of Education

Board of Trustees

Amador County Civil Grand Jury
P.O. Box 249
Jackson, CA 95642
Attention: Mr. Weatherford
Civil Grand Jury Foreman

February 11, 2015

Dear Mr. Weatherford,

The Amador County Unified School District Board of Trustees has been in the process of completing and implementing the recommendations of the 2013-2014 Amador County Civil Grand Jury Report.

Please find attached the response and back-up materials for the Amador County Civil Grand Jury letter dated November 25, 2014.

Respectfully,

Wally Upper

Wally Upper, President

Amador County Unified School District
Board of Trustees

AMADOR CO. GRAND JURY	
RECEIVED	
DATE	2/23/2015
FILE	Follow Up

Brown Act Training.

Board Member Walser – Attended Brown Act Training included at the California School Board Association Conference/December 2014.

Board Member Laurent – Attended California School Board Association New Trustee Training-January 2015. Board Member Laurent will receive CSBA Brown Act Training Online.

Board Member Mottishaw- Attended Brown Act Training included at the California School Board Association Conference/December 2014.

Board Member Oneto – Attended California School Board Association Brown Act Training January 2015 and attended the County Boards of Education Conference in September 2014.

*Each Governing Board Member has received “The Brown Act – School Boards and Open Meeting Laws by CSBA.

*Brown Act Training will be offered each school year for Governing Board Members.

Recommendation #R1.

The complaint process against a trustee should be made clear to all District staff. Superintendent may keep a complainant's identify confidential, except to the extent necessary to investigate the complaint. Board Policy 1312.1 prohibits retaliation against complainants. (Findings 1, 2, 3, 4)

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Recommendation #R-1 that the complaint process against a trustee has not been implemented, but will be implemented in the future. Direction was given to the Superintendent to bring within 90 (ninety) days a clear complaint process.

Implementation.

The Governing Board approved Board Bylaw 9401 on October 08, 2014 (attached) on complaint process against a trustee.

Recommendation #R3.

The Bylaws should mandate continuing training for all trustees. (Findings 8, 10)

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Recommendation #R-3 and will implement in the future and within 90 (Ninety) days to develop standards for ongoing Trustee training.

Implementation.

The Governing Board approved Board Bylaw 9240 (attached) on Governing Board Member training.

Recommendation #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)

Response by Governing Body.

The Amador County Unified School District Board of Trustees agrees with Recommendation #R4 and will present publically written self-evaluation on or before their December 17, 2014 Board Meeting.

Implementation.

The Governing Board approved the Self Evaluation Process (attached) on November 19, 2014, to be completed and presented at a public Governing Board Meeting in December 2015 (this will allow the new two (2) board members time to understand and be involved in the process).

Recommendation #R5.

The public should have the opportunity to comment on the goals and evaluations of the Board. (Finding 9).

Response by Governing Body

The Amador County Unified School District Board of Trustees agrees with Recommendation #R5 and will present publically on or before their December 17, 2014 Board Meeting.

Implementation.

The Governing Board approved on November 19, 2014 the Self Evaluation Process (attached) to be completed and presented at a public Governing Board Meeting in December 2015 (this will allow the two (2) new board members time to understand and be involved in the process).

Recommendation #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)

Response by Governing Body

Amador County Unified School District Board of Trustees agrees with Recommendation R#2, but the recommendation requires further analysis within the legal timeline (6 months).

Implementation.

The Governing Board approved Board Bylaw 9401 on October 08, 2014 (attached) on complaint process against a trustee. Complaints against a Governing Board Member will follow the District's Uniform Complaint Procedure (attached).

Recommendation #R6.

Where appropriate, Bylaws should include specific language relating to the consequences when Bylaws are not followed. (Finding 7)

Response by Governing Body

The Amador County Unified School District Board of Trustees recommends further analysis is required within the legal timeframe not to exceed 6 (six) months.

Implementation.

Board Bylaw 9401.

Amador COE and USD

Board Bylaw

Board Development

BB 9240

Board Bylaws

Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardmanship skills. This training and knowledge may be determined by the individual Board Member's needs and experience.

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

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

(cf. 9230 - Orientation)

(cf. 9320 - Meetings and Notices)

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

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

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

Legal Reference:

EDUCATION CODE

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

GOVERNMENT CODE

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

54952.2 Meeting

Bylaw AMADOR COUNTY UNIFIED SCHOOL DISTRICT

adopted: November 14, 2001 Jackson, California

Revised: January 14, 2015

**Governing Board approved on
January 14, 2015**

Amador COE and USD

Board Bylaw

Trustee Censure Policy

BB 9401

Board Bylaws

Statement of Purpose

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

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

(cf. 9271 - Code of Ethics)

Censure Procedure

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

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

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

Bylaw AMADOR COUNTY UNIFIED SCHOOL DISTRICT

adopted: December 12, 2001 Jackson, California

revised: October 08, 2014

Governing Board approved on
October 08, 2014

Uniform Complaint Procedure Discrimination/Harassment Complaint Reporting Form

UCP Policy and Procedures

Provided by the California Department of Education • Categorical Programs Complaints Management Office • 1430 N Street, Sacramento, CA 95815 • 916-319-0928

Amador County Office of Education and
Amador County Unified School District
217 Rex Avenue, Jackson, CA 95642
209-257-5353

UCP Policy and Procedures
adopted by our
Governing Board on
August 2013

Uniform Complaint Procedures (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by a local educational agency of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees.

This document presents information about how the *Amador County Unified School District and Amador County Office of Education (Amador Public Schools)* processes UCP complaints concerning particular programs or activities in which we receive state or federal funding. A complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying and charging pupil fees for participation in an educational activity. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, *Amador Public Schools* shall assist the complainant in the filing of the complaint.

Programs or activities in which *Amador Public Schools* receives state or federal funding are:

- Adult Education
- Consolidated Categorical Aid Programs
- Career Technical and Technical Education and Training Programs
- Child Care and Developmental Programs
- Child Nutrition Programs
- Special Education Programs
- Safety Planning Requirements

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

This document also applies to the filing of complaints which allege unlawful discrimination, harassment, intimidation, and bullying against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including those with actual or perceived characteristics such as age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, disability, nationality, national origin, race or ethnicity, religion, sex, sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to County Dept of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to Dept of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination complaints shall be sent to the State Dept of Fair Employment and Housing (DFEH).
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

The responsibilities of the *Amador Public Schools*

Amador Public Schools has the primary responsibility to insure compliance with applicable state and federal laws and regulations. We shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation, bullying and charging pupil fees for participation in an educational activity and seek to resolve those complaints in accordance with our UCP procedures.

In regards to complaints of noncompliance with laws relating to pupil fees, if *Amador Public Schools* finds merit in a complaint a remedy will be provided to all affected pupils, parents and guardians, that, where applicable, will include reasonable efforts by *Amador Public Schools* to ensure full reimbursement to all affected pupils, parents and guardians.

Our UCP policies shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, and bullying remain confidential as appropriate. We submitted our UCP policies and procedures to our local governing board for approval and adoption (see the top of this document for final adoption date).

The person responsible for receiving and investigating complaints and ensuring our compliance with state and federal laws and regulations is:

Compliance Officer: Nancy Gamache
Executive Director of Personnel
209-257-5390

Compliance Officer and Coordinator: Elizabeth Chapin-Pinotti
Assistant Superintendent of Curriculum and Instruction
209-257-5334

ACOE/ACUSD District Offices
217 Rex Avenue
Jackson, CA 95642

We ensure that the person above, who is responsible for compliance and/or investigations, is knowledgeable about the laws/programs that he/she is assigned to investigate. Complaints of noncompliance with laws relating to pupil fees are filed with a principal of a school.

We shall annually notify in writing our pupils, employees, parents or guardians of our pupils, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of our UCP process regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees. The UCP Annual Notice will be disseminated to all of the six required groups each year and will include information on how to appeal to the CDE. An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

Our UCP Annual Notice shall also advise the recipient of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation, and bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3. Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

A copy of this UCP complaint policies and procedures document shall be available free of charge.

Filing a complaint with the Amador Public Schools: Except for Williams Complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation, and bullying, any individual, public agency or organization may file a written complaint with our district superintendent or his or her designee alleging a matter which, if true, would constitute a violation by our LEA of federal or state law or regulation governing a program. A complaint of noncompliance with laws relating to pupil fees may be filed with the principal of a school under the Uniform Complaint Procedures and may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.

An investigation of alleged unlawful discrimination, harassment, intimidation, and bullying shall be initiated by filing a complaint no later than six months from the date the alleged discrimination, harassment, intimidation, or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, and bullying. The time for filing may be extended in writing by our district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing may be extended by our superintendent or his or her designee for good cause for a period not to exceed 90 calendar days following the expiration of the six month time period. Our superintendent shall respond immediately upon a receipt of a request for extension.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying prohibited by this part.

An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Except for Williams Complaints, within 60 calendar days from the date of the receipt of the complaint, we shall conduct and complete an investigation of the complaint in accordance with our UCP policies and procedures and prepare a written Decision; also known as a final report. This time period may be extended by written agreement of the complainant.

The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by *Amador Public Schools* to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

We shall issue a Decision based on the evidence. The Decision shall be in writing and sent to the complainant within 60 calendar days from receipt of the complaint by the local educational agency. The Decision should contain:

- (i) the findings of fact based on the evidence gathered,
- (ii) conclusion of law,
- (iii) disposition of the complaint,
- (iv) the rationale for such disposition,
- (v) corrective actions, if any are warranted,
- (vi) notice of the complainant's right to appeal our LEA Decision to the CDE, and
- (vii) procedures to be followed for initiating an appeal to the CDE.

Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. Nor are we prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

Federal and State Laws cited:

1. 34 Code of Federal Regulations [CFR] §§ 300.510-511
 2. California Code of Regulations [CCR] Title 5 §§ 4600-4687
 3. California Code of Regulations [CCR] Title 5 § 4610(b)
 4. California Code of Regulations [CCR] Title 5 § 4622
 5. California Code of Regulations [CCR] Title 5 §§ 4630-4631
 6. California Education Code [EC] §§ 200, 220, 262.3
 7. California Education Code [EC] §§ 234 - 234.5
 8. California Education Code [EC] § 35186
 9. California Education Code [EC] § 48985
 10. California Education Code [EC] §§ 49010 - 49013
 11. California Government Code [GC] §§ 11135, 11138
 12. California Penal Code (PC) § 422.55
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Uniform Complaint and Complaint Against a District Employee

In accordance with the District's Uniform Complaint Procedures (5 CCR 4620) each school district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation and bullying against any protected group. Protected groups are enumerated by Education Code §§ 200 and 220. Additionally, it is the policy of the State of California, pursuant to Section 200, that all individuals shall enjoy freedom from discrimination and/or harassment of any kind in the educational institutions of the state. This also includes sexual harassment, which is a form of sexual discrimination (EC § 231.5).

I. Contact Information:

Name: _____
Address: _____
City: _____ Zip: _____
Home Phone: _____ Work or Cell Phone: _____

II. Complainant

You are filing this complaint on behalf of: _____
☐ yourself ☐ your child or a (student) ☐ another student ☐ a group

III. School Information

School Name: _____
Principal's Name: _____
Address: _____ City: _____

IV. Basis of Complaint:

Please check the following box(s), based on the type(s) of discrimination, harassment, intimidation and bullying you experienced, (Education Code §§ 200 and 220)

☐ Not a complaint based on discrimination

- ☐ Sexual orientation
- ☐ Gender *
- ☐ Ethnicity
- ☐ Race
- ☐ National origin
- ☐ Religion
- ☐ Color

- ☐ Ancestry
- ☐ Mental or physical disability
- ☐ Age
- ☐ Association with any of these categories
- ☐ Sexual Harassment
- ☐ Sex (Title IX)

V. Details of Complaint

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please **describe** the type of incident(s) you experienced that led to this complaint, including the events or actions, in as much detail as possible:

List the **individuals** involved in the incident(s) complaint of:

List any **witnesses** to the incident(s):

Describe the **location** where the incident(s) occurred:

Please list **all the date(s) and times** when the incident(s) occurred or when the alleged acts first came to your attention:

What steps, if any, have you taken to resolve this issue before filing a complaint?

Signature of person filing complaint

Date

Received by:

Date Filed:

Title:

Please provide a duplicate copy to the complainant.

Board Self-Evaluation: Internal Functions

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

Definitions:

Trustee: An individual elected to serve on the board.

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

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

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

Board Unity

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

Board Role

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

Board Culture

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

OVER

**Governing Board approved on
November 19, 2014**

Board Structure

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

Preparing for Meetings

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

Conducting Meetings

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

Managing Transitions

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



AMADOR COUNTY GRAND JURY

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

Email: grandjury@amadorgov.org

March 4, 2015

Wally Upper
AMADOR COUNTY UNIFIED SCHOOL DISTRICT
Board of Trustees
217 Rex Avenue
Jackson, CA 95642

Dear Mr. Upper,

The Grand Jury has reviewed your response to our Nov. 25, 2014 letter regarding the School Board's implementation of the recommendations from the 2013-2014 Grand Jury report.

The Grand Jury is pleased with the School Board's progress to implement changes consistent with the recommendations of the Grand Jury report. The Grand Jury accepts your implemented solutions to Recommendations R-1 (complaints), R-2 (censure), and R-6 (failure to follow bylaws).

The Board has made progress toward compliance with R-4 (self-evaluation) by producing a self-evaluation form. The Jury requests that you add two sections to that form, one on Board Goals, a second on Board Training. The Board has 3 new trustees, however, the Jury requests that an initial self-evaluation assessment be performed before April 15, 2015 so that the December self-evaluation, that will be released to the public, will be more meaningful to the new trustees in assessing progress.

The Board's amendment to Bylaw 9240 stating that "This training and knowledge may be determined by the individual Board Member's needs and experience" does not meet the standard of mandatory continuing training for all trustees as stated in Recommendation R-3 (training). In their report, the 2013-14 Grand Jury pointed out that with the rapid change in technology and the evolving curriculum needs, the trustees need substantial training. That training involves general school administration topics such as covered by the California School Board Association training sessions. It also involves training the State of California has mandated in Government Code section 53235 for local government officials covering topics of general ethics principles, conflicts of interests, perquisites of office, and government transparency (which includes the Brown Act). We have attached a copy of a California Attorney General Legal Opinion which covers code section 53235 training and the requirement that records be kept of training as proof of participation.

California Government Code section 53235 requires ethics training (Brown Act included) within the first year of taking public office, and every two years thereafter. That law also requires local agency officials to maintain records of the training as proof of participation. The Grand Jury would find it acceptable if Bylaw 9240 was amended to state that the ethics and Brown Act training will comply with the requirements of the Government Code section 53235, and that trustees also be required to receive appropriate training from the California School Board

Association annually. The recent amendment that is too vague should be removed from the bylaws.

The trustees who have recently received Brown Act training and other training from the California School Board Association are commended for their diligence and compliance.

The Grand Jury looks forward to a report by April 15, 2015 on the implementation of the following Recommendations:

R-3: A revised Bylaws amendment is in place consistent with the provisions of R-3.

R-4: A revised Board Self-Evaluation form includes sections on board goals and board training, and that a self-evaluation exercise is conducted by the Board and a copy of the results be sent to the Grand Jury.

We will request that the 2015-16 Grand Jury follow up on your December 2015 implementation of the R-4 self-evaluation, and for implementing R-5 in full, whereby the public has the opportunity to comment on the goals and evaluations of the Board.

Sincerely,


Arthur G. Weatherford
Grand Jury Foreperson

Attached: California Attorney General Legal Opinion "Ethics Training for Local Government Officials"

CC:

ACUSD Board of Trustees

Judge J. S. Hermanson

Jennifer Magee



Ethics Training for Local Government Officials

Government Code section 53235 requires ethics training for specified local government officials. The training can consist of self-study materials, an online course, or in-person training. The Attorney General's Office anticipates that an online training course may be developed to satisfy core curriculum requirements, but additional local training would still be necessary to address purely local issues.

Persons wishing to create a local ethics training course must consult with the Attorney General and the Fair Political Practices Commission concerning the sufficiency and accuracy of course content. (Gov. Code, § 53235, subd. (c).) In response to this requirement for consultation with the Attorney General, the following outline has been prepared to provide uniform guidance from the Office of the Attorney General regarding appropriate course content. The outline also provides links to relevant educational materials regarding ethics. Due to the demand for ethics training, it is anticipated that the Office of the Attorney General will be unable to review and comment on individual course materials. This outline provides uniform guidance, but the course preparer must be familiar with applicable law and the publications issued by the Attorney General and the Fair Political Practices Commission.

Of course, review of this outline and/or the linked materials, or completion of an ethics course, is no substitute for competent legal advice in a given situation. You should seek the advice of counsel if you have a specific legal question.

Curriculum Accuracy

For in-person training, the ethics law portion of any course should be delivered by an attorney licensed to practice law in California and knowledgeable about California's ethics laws. (For online and self-study training materials, the course should be prepared under the supervision of such an attorney.)

All course content should comply with the ethics laws contained in California's Constitution, statutes and common law. In addition, the course content should be consistent with the publications issued by the Office of the Attorney General, including, but not necessarily limited to, publications on conflicts of interest, the Brown Act and the Public Records Act. (See the "Publications" link on the Attorney General's web site.) Course content should also comply with the informational materials issued by the Fair Political Practices Commission, which are available at www.fppc.ca.gov

Course Sufficiency

Local government officials must receive training in two areas. Instruction should be provided on general ethics principles (Gov. Code, § 53235, subd. (d)), and the training must provide a brief summary of specific laws concerning conflicts of interests, perquisites of office and government transparency.

General Ethics Principles

The discussion of general ethical principles should include the manner in which values such as trustworthiness, respect, fairness and responsibility promote public trust in government. It should also include the importance of avoiding even the appearance of impropriety.

Conflicts of Interest, Perquisites of Office, Government Transparency

The training regarding conflicts of interest, perquisites of office and governmental transparency should include the following:

- (1) Laws relating to personal financial gain by public servants, including, but not limited to:
 - (A) Laws prohibiting bribery (Pen. Code, § 68).
 - (B) Conflicts of Interest under the Political Reform Act (Gov. Code, §§ 87100, 87103).
 - (C) Contractual Conflicts of Interest (Gov. Code, § 1090 et seq.).
 - (D) Conflicts of Interest and Campaign Contributions (Gov. Code, § 84308).
 - (E) Conflicts of Interest When Leaving Office (Gov. Code, §§ 87406.3, 87407).
- (2) Laws relating to claiming perquisites of office, including, but not limited to:
 - (A) Limitations on the Receipt of Gifts (Gov. Code, §§ 86203, 89503, 89506).
 - (B) Honoraria Ban (Gov. Code, § 89502).
 - (C) Misuse of Public Funds (Pen. Code, § 424; Gov. Code, § 8314; *Fair Political Practices Commission v. Suitt* (1979) 90 Cal.App.3d 125; *Stanson v. Mott* (1976) 17 Cal.3d 206).
 - (D) Prohibitions against gifts of public funds (Cal. Const., art. XVI, § 6).
 - (E) Mass mailing restrictions (Gov. Code, § 89001).

- (F) Prohibitions against acceptance of free or discounted transportation by transportation companies (Cal. Const., art. XII, § 7).
- (3) Government transparency laws, including, but not limited to:
- (A) Economic interest disclosure under the Political Reform Act (Gov. Code, §§ 87200 et seq.).
 - (B) Brown Act (Gov. Code, §§ 54950 et seq.).
 - (C) Public Records Act (Gov. Code, §§ 6250 et seq.).
- (4) Laws relating to fair processes, including, but not limited to:
- (A) Common law bias prohibitions.
 - (B) Due process requirements.
 - (C) Doctrine of Incompatible Offices (Gov. Code, §§ 1099).
 - (D) Competitive bidding requirements for public contracts.
 - (E) Disqualification from participating in decisions affecting family members (anti-nepotism laws).

A self-study or online course should include testing to assess the official's retention of the information presented. (§ 53235, subd. (d).)

Both in-person and self-study training materials should refer participating local agency officials to additional resources to assure that the participating official has access to the full range of information required by these curriculum guidelines. These resources may be found on the Attorney General's webpage at www.caag.state.ca.us, the Fair Political Practices Commission webpage at www.fppc.ca.gov, and the Institute for Local Government at www.ca-ilg.org/AB1234Compliance.

Once the initial ethics training has been completed, agencies may wish to focus more intensely on specific areas of concern in subsequent training sessions and provide a more cursory review of the enumerated laws. We recognize that the two hours of mandatory training is a basic minimum, and encourage agencies to provide additional training throughout the year in order to promote ethical and transparent government at the local level.

Training Deadlines

Initial Compliance Period: Local agency officials in local agency service as of January 1, 2006 (except for officials whose term of office ends before January 1, 2007), must complete their training by December 31, 2006. For local agency officials who commence service after January 1, 2006, they must complete their training by no later than one year after their first day of service in public office.¹

Subsequent Compliance Periods: After the initial training, each official must complete a training course once in each subsequent two-year period.

Learning Objectives

The Attorney General would encourage every course preparer to assure that his or her course content will satisfy the following desirable objectives:

- (1) Alert officials to the kinds of financial interests, relationships and/or activities that may either be prohibited or trigger disclosure or disqualification obligations under ethics laws described in Government Code section 53234(d).
- (2) Advise officials to 1) avoid prohibited activities, 2) comply with disclosure, disqualification and other affirmative ethics law requirements, and 3) consult with qualified legal counsel and/or regulatory authorities regarding the specifics of any situation that may involve prohibited or required conduct.
- (3) Note that ethics laws create minimum standards for ethical conduct by public officials; the public's expectations and ethics principles are likely to create a higher standard for behavior.
- (4) Advise participants of the legal and other consequences of violating ethics laws.
- (5) Include examples of conduct scenarios that are covered by the ethics laws in question.

¹ Government Code section 53235.1(b) provides as follows:

Each local agency official who commences service with a local agency on or after January 1, 2006, shall receive the training required by subdivision (a) of Section 53235 no later than one year from the first day of service with the local agency.

Proof of Participation

Government Code section 53235.2 requires local agency officials to maintain records that indicate both the dates of training and the entity that provided the training. These records are disclosable public records and must be maintained for five years after the training.

Amador County Public Schools

X District

County

AGENDA ITEM #: 14.11

Motion: _____
Second: _____
Vote: _____

SUBJECT:

The Governing Board's Response to the Amador County Grand Jury Letter Dated March 4, 2015.

BACKGROUND INFORMATION:

The Grand Jury reviewed the Amador County Unified School District's response to their November 25, 2014 letter regarding the School Board's implementation of the recommendations from the 2013-2014 Grand Jury report and responded with the attached letter dated March 4, 2015.

CURRENT CONSIDERATIONS:

The Governing Board review the Initial Board Self-Evaluation: Internal Functions addition of numbers 26 and 27 and revised Board Bylaw 9240 at their April 8, 2015 Governing Board Meeting.

The Governing Board will receive the reviewed Initial Board Self-Evaluation: Internal Functions by email on Thursday, April 9, 2015. Each Board Member will return their Initial Board Self-Evaluation: Internal Functions completed form to the Superintendent's Office by email or hard copy no later than April 15, 2015.

The Governing Board's completed Initial Board Self-Evaluation: Internal Functions will be publically presented and second reading of Board Bylaw 9240 at the April 22, 2015 Governing Board Meeting.

The Governing Board will notify the Amador County Grand Jury by letter on April 9, 2015 the schedule and back up documents on implementation of recommendations from the Grand Jury letter dated March 4, 2015.

The Governing Board will notify the Amador County Grand Jury by letter on April 23, 2015 the completed implementation of recommendations and back up from the Grand Jury letter dated March 4, 2015 (completed Initial Board Self-Evaluation: Internal Functions and updated Board Bylaw 9240).

FISCAL IMPLICATIONS:

RECOMMENDATION:

PRESENTED BY:

Wally Upper, Board President



Amador County Unified School District Amador County Office of Education

Amador County Grand Jury
P.O. Box 249
Jackson, CA 95642
Attention: Mr. Arthur G. Weatherford, Grand Jury Foreperson

April 9, 2015

Dear Mr. Weatherford,

Please see below timeline and attached ACUSD Board of Trustees response implementation documentation regarding the Amador County Grand Jury letter dated March 4, 2015:

- April 8, 2015 ACUSD Governing Board Meeting-Governing Board reviews revised Initial Self-Evaluation and first reading of Board Bylaw 9240.
- April 22, 2015 ACUSD Governing Board Meeting –Governing Board Initial Self-Review presented at public meeting and Second Reading/Approval of Board Bylaw 9240.
- April 23, 2015 – Letter to Amador County Grand Jury confirming completion of Initial Self-Review process and Second Reading/Approval of Board Bylaw 9240.

Please note the ACUSD Governing had cancelled their March 25, 2015 Board Meeting (at their February 25, 2015 Governing Board Meeting) due to Spring Break and District personnel on vacation and not available to complete the March 25, 2015 ACUSD/ACOE Governing Board packet.

Sincerely,

Wally Upper
Wally Upper, President
Amador County Unified School District
Board of Trustees

Cc: Amador County Unified School District Board of Trustees
Richard F. Glock, Superintendent

Amador COE and USD

Board Bylaw

Board Development

BB 9240

Board Bylaws

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

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

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

(cf. 9230 - Orientation)

(cf. 9320 - Meetings and Notices)

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

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

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

Legal Reference:

EDUCATION CODE

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

GOVERNMENT CODE

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

54952.2 Meeting

Bylaw AMADOR COUNTY UNIFIED SCHOOL DISTRICT

adopted: November 14, 2001

Jackson, California

Revised: January 14, 2015

Initial Board Self-Evaluation: Internal Functions Results

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

Definitions:

Trustee: An individual elected to serve on the board.

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

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

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

x = Governance Team on Rating Scale.

Board Unity

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

Board Role

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

Board Culture

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

x-Explain

Board Structure

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

Preparing for Meetings

Rating Scale	1	2	3	4
15. Trustees receive sufficient information on agenda items necessary to make informed decisions.			XXX	XX
16. All trustees receive the <i>same</i> information.		X	XX	X
17. Board members come to meetings thoroughly familiar with the agenda, backup reports and other materials.		X	XX	XX

X-Don't Know

Conducting Meetings

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

Managing Transitions

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

Board Goals

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

Board Training

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

COMMENTS:

Board meetings are run very smoothly and efficiently.

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

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

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

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

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

Confidentiality of closed session discussions is not maintained.

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

#9-Not sure what this means.

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

#16-How do I know?

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

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

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

Important reports should be available before Board meetings to everybody.

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

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

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Follow-Up Report: Responses by Amador County Unified School District/County Office of Education (ACUSD/COE) School Board Members (Trustees) to 2013-2014 Amador County Civil Grand Jury

BACKGROUND

The 2013-2014 Amador County Civil Grand Jury (2013-2014 Grand Jury) investigated several complaints regarding unprofessional behavior by the Amador County Unified School District/County Office of Education (ACUSD/COE) School Board members (Board). Additional complaints were investigated concerning violations of both the Brown Act and the Board bylaws (bylaws). The basis for the 2013-2014 Grand Jury Final Report was:

- Review of bylaws, agendas, and minutes
- Interviews with trustees, ACUSD/COE School District (district) management, and current and former district staff
- Research into the California Education Code and the Brown Act
- Consultation with legal counsel on interpretation of the bylaws and Education Code

DISCUSSION

The 2013-2014 Grand Jury identified 11 Findings that resulted in 8 Recommendations in their Final Report. The Board initially responded in September 2014 agreeing with 9 Findings and partially agreeing with 2 Findings. They agreed with 7 Recommendations with some noted variances and 1 Recommendation needing further analysis. The Board submitted a timeline to implement all the recommendations no later than March 2015.

The 2014-2015 Amador County Civil Grand Jury (current Grand Jury) accepted the responses to all 11 Findings.

The Recommendations were implemented by the Board as follows:

R1. Complaint process against trustees: The Board amended Bylaw 9401 on October 8, 2014 to have complainants use the existing Amador Public Schools Uniform Complaint Procedure (UCP) form and process, and to submit it to the Compliance Officer/Executive Director of Personnel.

R2. Censure policy against Board members (trustees): The Board amended Bylaw 9401 on October 8, 2014 to update the existing censure procedure to use a committee of two trustees from the five-member Board (previously three trustees for a seven-member Board).

R3. Trustee training: The Board reported to the current Grand Jury on February 11, 2015 on which California School Board Association (CSBA) classes each of the trustees has taken between September 2014 and January 2015. Each trustee was given the CSBA booklet on the Brown Act. The current Grand Jury requested that the Board strengthen the Bylaws to be in compliance with California Government Code § 53235 requiring ethics training (including Brown Act) and records be kept of all training taken. The Board amended Bylaw 9240 on April 22, 2015 as requested.

R4. Self-evaluation: The Board approved a new self-evaluation form, including two additional sections recommended by the current Grand Jury to cover Board goals, and Board training. Each trustee completed the self-evaluation and a compiled version of all of the self-evaluations was included in the April 22, 2015 meeting packet and was included on the agenda.

R5. Public comments on self-evaluation: The public had the opportunity to review and comment at the April 22, 2015 meeting on the compiled self-evaluations included in the meeting packet.

R6. Consequences if Bylaws are not followed: Bylaw 9401 was amended to use the UCP process for complaints.

R7. Cure and Correct Brown Act violations: The current Grand Jury will not pursue, as a practical matter, the “cure and correct” Brown Act violation portion of R7, and has observed that the current Board has been active in acquiring Brown Act training.

R8. Legal Counsel: The Board agrees to seek legal counsel (but at the discretion of the Board President and Superintendent) to review and approve the agendas as needed to avoid Brown Act violations.

CONCLUSION

Based on the above actions taken by the Board, the current Grand Jury accepts the responses and implementation of all 8 Recommendations. No further action is required.