

**CALAVERAS COUNTY**  
**2017-2018**  
**GRAND JURY FINAL REPORT**



On the front cover  
Vineyard in Murphys  
provided by Grand Jury members.

In front of reports  
various photos of Calaveras County  
provided by  
Grand Jury members.

**FILED**

**JUN -1 2018**

**Calaveras County Grand Jury**

Clerk of the Court  
Superior Court of California  
County of Calaveras  
By *[Signature]*, Deputy

**2017-2018 FINAL REPORT**

**The 2017-2018 Calaveras County Grand Jury approved the Final Report**

SI: *Vielka Escobar*  
**Vielka Escobar, Foreperson**

Date: 5-29-2018

**I accept this Grand Jury report for the year 2017-2018 for filing and certify that it  
complies with Part II, Title IV of the California Penal Code.**

SI: *Timothy S. Healy*  
**The Honorable Timothy S. Healy  
Presiding Judge of the Superior Court**

May 29, 2018  
The Honorable Timothy S. Healy  
California County Superior Court  
400 Government Center Drive  
San Andreas, California 95249-9794

Dear Judge Healy,

The 2017-2018 Civil Grand Jury respectfully submits its final report in accordance with Penal Code 933(a) to the Calaveras County Superior Court.

This year's Grand Jury was composed of 19 dedicated citizens of Calaveras County who were determined and willing to work extra-long hours making recommendations for improvements to local government. It has been an unforgettable experience to work alongside these individuals who chose to prioritize tasks and duties in order to perform their jurisdictional rights to investigate any local government agencies. They also went far beyond my expectations in taking initiative to attend report writing workshops in Sacramento, the California Grand Juror's Association conference in Monterey, and additional meetings at the Jury House. Their dedication to the Grand Jury is noted and appreciated.

As an independent investigative body, we were faced with several challenges to acquire specific information to get our reports done and reviewed in a timely manner; therefore, we would like to thank the following County's appointed and elected officials for their guidance and mentorship throughout our year as grand jurors, and for helping us get through some of the roadblocks we faced while conducting our investigations: Calaveras County Counsel Megan Stedtfeld; Calaveras Deputy County Counsel Julie L. Moss-Lewis, Calaveras Deputy County Counsel Gregory P. Wayland; District Attorney Barbara Yook; Tuolumne County Counsel Sarah Carrillo; Tuolumne Deputy County Counsel Carlyn M. Drivdahl; Calaveras Superior Court, Administrative Services Manager Pamela James and County Administration Karen Osborn and staff.

I want to thank all the grand jurors for putting endless efforts to make my job as Foreperson possible and enjoyable. I am honored to serve as the spokesperson for this jury. We received and reviewed complaints together and followed up on crucial information for the benefit of our community. Each juror took the time to serve and remained exceptional in all duties and abilities to embrace each task and job. I commend them for their hard work and support as team players for this Grand Jury. I am forever grateful!

I would like to thank you, Honorable Judge Healy, for your efforts, support, guidance, mentorship, and unconditional service in making us a stronger Grand Jury. I want to acknowledge the California Grand Juror's Association for providing the tools and training to do the job.

Respectfully,

Vielka Escobar, Foreperson

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## **GRAND JURY INFORMATION**

### **WHAT IS A GRAND JURY?**

A Grand Jury is a judicial body composed of a set number of citizens. Ancient Greece exhibited the earliest concepts of the Grand Jury System. Another reference can be found during the Norman conquest of England in 1066. There is evidence that the courts of that time summoned a body of sworn neighbors to present crimes which had come to their knowledge. In 1066 the Assize of Clarendon appears to be the beginning of the true Grand Jury system. At that time juries were established in two types: Civil and Criminal. Toward the end of the United States Colonial Period, the Grand Jury became an important adjunct of government: Proposing new laws, protesting abuses in government, and influencing authority in their power to determine who should and should not face trial. Originally, the Constitution of the United States made no provisions for a Grand Jury. The Fifth Amendment, ratified in 1791, added this protection.

### **THE GRAND JURY IN CALIFORNIA**

The California Constitution, Article 1, Section 23, states, "One or more Grand Juries shall be drawn and summoned once a year in each County." In California every county has a civil Grand Jury. Criminal Grand Juries are seated as necessary.

A civil Grand Jury's function is to inquire into and review the conduct of county government and special districts. The Grand Jury system in California is unusual in that Federal and County Grand Juries in most states are concerned solely with criminal indictments and have no civil responsibilities.

Grand Jurors are citizens of all ages and different walks of life bringing their unique personalities and abilities. Grand Jurors are selected from the Department of Motor Vehicles and Voter Registration files. In some counties citizens may request to be on the Grand Jury. Jurors spend many hours researching; reading, and attending meetings to monitor county government, special districts, and overseeing appointed and elected officials.

A final report is created after many hours of fact-finding investigations conducted by the Grand Jury. This report can disclose inefficiency, unfairness, wrongdoings, and violations of public law and regulations in local governments. The report can also recognize positive aspects of local government and provide information to the public. The Grand Jury makes recommendations for change, requests responses, and follows up on responses to ensure more efficient and lawful operation of government.

## **CALAVERAS COUNTY GRAND JURY**

The Calaveras County Grand Jury is a judicial body sanctioned by the Superior Court to act as an extension of the Court and the conscience of the community. The Grand Jury is a civil investigative body created for the protection of society and enforcement of its laws. The conduct of the Grand Jury is delineated in California Penal Code, Section 888 through Section 945.

Grand Jurors are officers of the Superior Court but function as an independent body. One provision of the Grand Jury is its power, through the Superior Court, to aid in the prosecution of an agency or individual they have determined to be guilty of an offense against the people.

## **RESPONSIBILITIES OF THE GRAND JURY**

The major function of the Calaveras County Grand Jury is to examine County and City Government and special districts to ensure their duties are being lawfully carried out. The Grand Jury reviews and evaluates procedures, methods, and systems utilized by these agencies to determine if more efficient and economical programs may be used for the betterment of the County's citizens. It is authorized to inquire into charges of willful misconduct or negligence by public officials or the employees of public agencies. The Grand Jury is mandated to investigate the conditions of jails and detention centers.

The Grand Jury is authorized to inspect and audit the books, records, and financial expenditures of all agencies and departments under its jurisdiction, including special districts and non-profit agencies, to ensure funds are properly accounted for and legally spent. In Calaveras County the Grand Jury must recommend an independent Certified Public Accountant to audit the financial condition of the County.

## **RESPONSE TO CITIZEN COMPLAINTS**

The Grand Jury receives formal complaints from citizens who allege government inefficiencies, mistreatment by officials, and who voice suspicions of misconduct. Anyone may ask that the Jury conduct an investigation on agencies or departments within the Grand Jury's jurisdiction. All such requests and investigations are kept confidential.

The Grand Jury investigates the operations of governmental agencies, charges of wrongdoing within public agencies, and the performance of unlawful acts by public officials. The Grand Jury cannot investigate disputes between private parties nor any matters in litigation.

Neither official request nor public outcry can force the Grand Jury to undertake an inquiry it deems unnecessary or frivolous.

## **FINAL REPORT**

The Final Report includes the findings and recommendations of the Grand Jury and is released to the Superior Court Judge by July 1 of each year. It is made available to the new Grand Jury, the media, the public, and government officials. It will also be available on the Calaveras County Grand Jury website: <http://calaverasgov.us/Departments/AG/GrandJury.aspx>

## **CONFIDENTIALITY AND INTERVIEWS**

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

A Grand Jury report will never reveal how the Grand Jury or juror voted.

## **CONFLICT OF INTEREST DISCLAIMER**

A Grand Juror will recuse themselves if there is a conflict of interest (real or perceived) related to an investigation and that recusal will be stated in the written report.

## **HOW TO CONTACT THE GRAND JURY**

Those who wish to contact the Grand Jury may do so by writing to:

Calaveras County Grand Jury

P.O. Box 1414

San Andreas, CA 95249

A Citizen's Complaint Form may be requested by calling 209-754-5860. The form is also available at all county libraries and for download on the Grand Jury website at <http://calaverasgov.us/Departments/AG/GrandJury.aspx>

Completed forms may be mailed to the above address or faxed to the Grand Jury at 209-754-9047.



**MEMBERS OF THE 2017-2018 CALAVERAS COUNTY GRAND JURY**

**Vielka Escobar, Foreperson**

**Foreperson Pro Tem**

**Russell Murawski, Recording Secretary**

**Gayle Baker, Correspondence Secretary**

**Noel Oliver, Sergeant-at-Arms**

**Ronald Pieretti**

**Gerald Bonomi**

**Louise Carniglia**

**Becky Castiglione**

**Linda Toren**

**Firman Brown**

**Michael McDaniel**

**Daniel Gold**

**Christine Gill**

**Arleen Bailey**

**Judith Young**

**Robert Bordner**

**Faramarz Feizollahi**

**Hani Al-Tailji**

**Carolyn Stinemates**

**GRAND JURY  
CITIZEN COMPLAINT FORM**

Calaveras County Grand Jury  
P.O. Box 1414  
San Andreas, CA 95249

Date \_\_\_\_\_

1. THIS COMPLAINT IS AGAINST:

2. MY COMPLAINT AGAINST THE ABOVE IS:

3. BEFORE FILLING OUT THIS FORM I HAVE CONTACTED:

4. COMPLAINANT:

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

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

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

5. I REQUEST THE FOLLOWING:

The information in this form is true, correct and complete to the best of my knowledge

\_\_\_\_\_  
Signature

**Instructions for preparing the Citizen Complaint Form  
Calaveras County Grand Jury**

- I. The Grand Jury Citizen Complaint Form should be prepared after all attempts to correct a situation have been explored and were unsuccessful.
- II. Instructions for preparing the Citizen Complaint Form:

**1. This Complaint is Against:**

- a. Include the name of the individual or organization the complaint is against. Ensure correct spelling of the name(s).
- b. If the complaint is against an individual in an organization, include the individual's title or position in the organization.
- c. Provide the street address (not a P.O. Box), city, state and zip code.
- d. The telephone number of the organization or individual cited should be included on the last line of this block.

**2. My Complaint Against the Above is:**

- a. Describe the problem in your own words.
- b. Be as concise as possible, providing dates, times and names of individuals involved.
- c. Cite specific instances as opposed to broad statements.
- d. Attach any available photographs, correspondence or documentation which supports the complaint.
- e. If more room is required, attach extra sheets, and include their number on the last line of the first sheet (i.e. 3 additional sheets attached).
- f. Include your name, street address, city, state, zip code and telephone number (area code also).
- g. Mail this complaint form to the address shown on the front.
- h. Please sign this complaint. (You may file an anonymous complaint if you desire; however, this may make it much more difficult for the Grand Jury to investigate the allegations.)

The Grand Jury will respond to your complaint to advise you it has been received.

The Grand Jury may contact you in the event of an investigation.



# **Animal Control Services**

## **Summary:**

The Grand Jury decision to investigate the department of animal services was not complaint driven but in accordance with the California Penal Code Section 888. The conduct of the Grand Jury is delineated by the California Penal Code, sections 888-945. As a follow-up to prior Grand Jury reports, this Grand Jury was interested in inquiring and assessing the conditions of animal health and welfare, the facility and over-all operations and management of the Animal Control Services (ACS) within Calaveras County.

The Grand Jury findings are as follows:

- Budgetary constraints contribute to the lack of operational efficiency of the Calaveras County Animal Control Services.
- ACS does not have a backup supervisor to perform duties as needed.
- Although an increase in wages is forth coming and was approved by the Board of Supervisors in January 2018, there remains a 5% deficiency in comparison to adjoining counties.
- The existing aging and obsolete animal shelter is small and outdated (built in the 1950's) to adequately meet the daily services and operational needs for animal housing.
- A partnership with the Humane Society based on a 2016 preliminary memorandum of understanding to build a 6.93 acre, jointly operated Animal Shelter fell through. The Humane Society Board lost faith in the County's ability to provide a yearly funding amount for the existing ACS. There was a slower than expected progress on the ACS discussions which is the reason for the ACS deal falling through.
- Instead of enforcing the animal laws, the priority of ACS has been more on the day-to-day care of animals due to the insufficient staffing that contributes to the inability to bring in revenue and to efficiently meet the daily services and operational needs.
- There is consideration for an outside agency to conduct a feasibility study to create a ballot measure for increasing the ACS budget.
- The layout of the facility including the lack of a secondary fence creates an unsafe, inefficient, and unproductive environment.
- A new facility has been recommended to the Board of Supervisor's for nearly 20 years by previous Grand Juries.
- Although \$40,000 has been budgeted for a new specialized vehicle, more monies need to be budgeted to purchase additional specialized vehicles that are conducive for the ACS work to replace those with high mileage and usage.
- There are industry standards established such as found in "Guidelines for Standards of Care in Animal Shelters," 2010, or similar guidelines the Grand Jury recommends the Board of Supervisors use as a reference.
- The Grand Jury suggests that the ACS Web site be updated to be more user friendly.

- Clear policy and procedures are in place and strictly followed by staff and volunteers  
Day-to-day operations are performed at a high standard under sub-standard conditions and without adequate facilities and equipment.
- The nonprofit Friends of the Calaveras Animal Shelter (FOCAS) has provided funds to the ACS and has donated equipment and volunteer hours to help keep the ACS effective.
- The ACS has a ninety percent (90%) no-kill rate.
- In January 2018 action was taken by the Board of Supervisors to have Animal Control Officers receive an “Equity Adjustment” of 5% on March 3, 2018 and an additional 5% on September 29, 2018 in addition to the negotiated COLA.

### **Background:**

The County Board of Supervisors approves the ACS budget each fiscal year. The ACS has been under the general direction of the Calaveras County Environmental Management Agency to manage the maintenance and operation since October 2012 and is funded primarily by the Calaveras County general fund. ACS is responsible for:

- Responding to domestic animal related calls and community concerns
- ACS services and operations including basic care services for all animals
- Community education and outreach
- Dead animal removal and disposal (Cal Trans and/or Public Works)
- Euthanasia and disposal of unwanted and/or diseased animals
- Dog licensure
- Dog bite investigations
- Investigation and prosecution of animal cruelty cases
- Leash law enforcement
- Rabies vaccination clinics
- Spay and neuter programs

The current staff consists of one (1) Office Technician, three (3) Animal Control Officers, one (1) ACS Assistant and one (1) Animal Services Manager. There are approximately sixty (60) to one hundred (100) volunteers who donate more than twelve thousand (12,000) hours a year to the shelter. An ACS representative expressed the need for another administrative position for the department.

The ACS has five (5) separate buildings and currently has three exercise pens with one of those dedicated solely for puppies. The ACS is able to house about one hundred (100) cats/kittens. The ACS property has a total of three corrals for any livestock holdings, if needed.

There are a total of four (4) ACS vehicles. One (1) is old (previously used by another county department) , one (1) is currently out of service, and two (2) are running but have high mileage (over 100,000 miles), are in poor condition, and are not animal control designed vehicles.

## **Methodology and Approach:**

On September 6, 2017 the Calaveras Grand Jury met with Calaveras Animal Services representatives. A question and answer interview session took place. In addition, a facility guided tour was given. Various documents were requested and forwarded to the Grand Jury Committee. The following documents were received by the Grand Jury for review:

- Calaveras Animal Services Budget(s)
- Animal Services Organization Chart
- Animal Adoption Policy
- Animal Shelter Cleaning Policy
- Animal Services Accounting
- Potentially Dangerous and/or Vicious Dog(s)
- Impoundment of Neglected/Abused Animals
- Employee Safety
- Training and Universal Precautions
- Dress Code
- Grooming and Equipment
- Animal Shelter and Cleaning Policy
- Pet of the Week Policy/Procedures
- Approved Euthanasia Policy
- Dog and Cat Vaccination and Care Policies
- Capture and Impoundment of Dog(s) from Field
- Canine Adoptability Assessment
- Intake Procedures
- Kitty Wellness Checklist
- Pet Food Rules
- Rabies Protection for Staff and Volunteers
- Animal Exposure Report
- Daily Shelter Procedures
- Euthanasia Procedure
- Dog and Cat Personality Profile
- Canine Behavior Evaluation Form
- Dog Evaluation
- Dog to Dog Testing (compatibility and temperament)
- Post Evaluation Form
- Policy for the Safety of Our Volunteers and Dogs
- Ringworm Protocol
- Job Classifications for duties that include Animal Services Officer I, II, III, Animal Shelter Assistant, Office Technician and Animal Services Manager



On January 23, 2018 committee members visited the Amador County Animal Services, in Jackson. Representatives of the ACS conducted a guided tour and question and answer interview session. The main purpose for this tour was to have a comparison basis to a similar animal services program.

At a second meeting on February 1, 2018, the Animal Control Committee met with the Calaveras ACS representatives. Again, a question and answer interview session took place and an ACS guided tour was provided.

#### **Reference Source and Newspaper Articles:**

- “Guidelines for Standards of Care in Animal Shelters” dated 2010 was used by the Grand Jury as a reference source.
- Union Democrat ([www.uniondemocrat.com](http://www.uniondemocrat.com)) article, “Animal Shelter Needs Upgrade” by Chris Nichols, first published January 28, 2005 and updated August 23, 2015.
- Calaveras Enterprise ([www.calaverasenterprise.com](http://www.calaverasenterprise.com)) article, “Parvo Outbreak Shuttters Animal Shelter” by Jason Cowan, published November 2, 2017.
- Calaveras Enterprise ([www.calaverasenterprise.com](http://www.calaverasenterprise.com)) article, “Shelter Deal Falls Through” by Sean Thomas, published November 9, 2017.

#### **Discussion and Narrative:**

After reviewing reference documents, newspaper articles, and conducting interviews and tours, the Grand Jury findings are as follows:

#### **Findings:**

- F1. The ACS is constrained due to ever present budgetary limitations and could generate funds within the department (e.g. license compliance) if provided an approved budget to properly staff the ACS operation.
- F2. The Animal Service Manager does not have a backup Supervisor to perform the duties as needed. There is an open position for someone who left to accept higher pay in an adjoining county.
- F3. A study conducted by the Calaveras County Human Resources Department showed Calaveras Animal Shelter employees received 15% less pay than adjoining counties. Based on the above-mentioned study, the Board of Supervisors in January 2018 moved to approved Animal Control Officers to receive an “Equity Adjustment” of 5% on 3/3/18 and an additional 5% on 9/29/18 in addition to the negotiated COLA. Once the increase in higher pay is received there will remain a 5% deficiency compared to adjoining counties.
- F4. The existing aging and obsolete animal shelter was never designed to be an animal shelter, is small and outdated (built in the 1950’s) to adequately meet the daily services and operational needs for animal housing. The layout of the facility includes five separate buildings and a corral area and is inadequate to promote efficient and productive

operation of ACS. Due to the lack of fencing there is no secondary containment on any of the 6.93 acres. This creates an unsafe condition for staff, animals and the public.

- F5. A partnership with the Humane Society, based on a 2016 preliminary memorandum of understanding (MOU) to build a 6.93 acre, jointly operated Animal Shelter, fell through. The Humane Society Board lost faith in the County's ability to provide a yearly funding amount for the existing ACS. There was a slower than expected progress on the ACS discussions which is the reason for the ACS deal falling through. This should have never happened. The partnership MOU should have moved forward in a timely manner. A partnership with the Humane Society would have streamlined services and expenses for a new facility.
- F6. In researching past Grand Jury reports this year's Grand Jury found that a new facility has been recommended to the Board of Supervisors for nearly 20 years.
- F7. Instead of enforcing the animal laws, the priority of ACS has been more on the day-to-day care of animals due to the lack of staffing. For example, the level of compliance in obtaining domestic pet licensing is at approximately 22%. The Grand Jury finds this is an area where revenue could be generated with proper staffing.  
  
In addition, there is inadequate staffing overall to meet the daily services and operational needs. The shortage of qualified staff lowers the efficiency, effectiveness and productivity of the department including reduced morale.
- F8. During our tour at Calaveras ACS on February 1, 2018 there was mention of considering an outside agency to conduct a feasibility study to create a ballot measure for increasing the ACS budget.
- F9. The current vehicles are in poor condition, inadequate and not functional for the ACS needs. One has very high mileage (over 100,000 miles), and one is currently out of service. All vehicles, when received, have been used vehicles and not designed for animal control according to interviewed representatives. At the February 1, 2018 ACS meeting, the Grand Jury was informed the County Board of Supervisors allotted \$40,000 to purchase a new specialized vehicle.
- F10. There are industry standards established such as found in "Guidelines for Standards of Care in Animal Shelters," 2010, or similar guidelines.
- F11. The ACS does have a web site and in addition uses Facebook as a social media source.
- F12. Clear policy and procedures are in place and strictly followed by staff and volunteers. Day-to-day operations are performed at a high standard under sub-standard conditions without adequate facilities and equipment.
- F13. The nonprofit Friends of the Calaveras Animal Shelter (FOCAS) has provided funds to the ACS and has donated equipment and volunteer hours to help keep the ACS effective.

F14. The ACS has a ninety percent (90%) no-kill rate.

## **Recommendations:**

The Grand Jury recommendations are as follows:

- F1.R1. Calaveras County Human Resource Department needs to increase the ACS budget and the Calaveras County Board of Supervisors needs to approve the increase proposed for the ACS budget to efficiently and effectively operate at a higher level of productivity.
- F2.R1. Calaveras County Human Resource Department needs to add, and the Calaveras County Board of Supervisors needs to approve, an additional position to assist the Animal Service Manager and the vacant position needs to be filled.
- F3.R1. The Grand Jury recommends the Board of Supervisors continue to approve “equity” adjustments until wages are comparable to adjoining counties.
- F4.R1. Director of Environmental Health needs to budget for, and the Calaveras County Board of Supervisors needs to approve, a budget for the construction of a modern facility that reduces the number of buildings and includes a secondary fence to effectively and safely contain animals to bring the ACS up to current recommended industry standards.
- F5.R1. Any future MOUs with the Humane Society, the Calaveras County ACS management and the Board of Supervisors need to demonstrate “Good Faith” and timely progress in the partnership.
- F6.R1. The Grand Jury recommends again that the Board of Supervisors approve an ACS budget for a new facility.
- F7.R1. Animal Control Services needs to implement a dog licensing enforcement program for obtaining dog licenses to increase compliance, as well as provide needed revenue.
- F8.R1. Director of Environmental Health (which ACS reports to), Calaveras Human Resource Department and ACS should continue to pursue the feasibility study to create a ballot measure that could fund a new facility.
- F9.R1. Director of Environmental Health and the Board of Supervisors needs to budget for the purchase of two additional new specialized vehicles.
- F10.R1. The Director of Environmental Health needs to monitor and ensure ACS follows “Guidelines for Standards of Care in Animal Shelters,” 2010, or a similar

guideline to improve efficiency, effectiveness and productivity of the ACS specifically for facility improvement and operational services improvement.

- F11.R1. The ACS web site needs to be updated to be more user friendly. Facebook, Twitter, and other social media should be used to promote the ACS programs. These tasks can be accomplished by a volunteer, perhaps a high school student who is looking for community involvement class credit.
- F12.R1. None.
- F13.R1. None.
- F14.R1. None.

**Commendations:**

- C1. The Board of Supervisors approved “Equity Adjustments” in addition to the negotiated COLA for Animal Control Officers. This is a positive decision in the right direction to retain dedicated employees (F-3).
- C2. The ACS staff and volunteers are commended for the day-to-day operations that are performed at a high standard under sub-standard conditions without adequate facilities and equipment. Clear policy and procedures are in place and strictly followed by staff and volunteers. Their dedication to the care of animals is apparent and highly admirable (F-12).
- C3. The nonprofit Friends of the Calaveras Animal Shelter (FOCAS) has provided funds to the ACS and has donated equipment and volunteer hours to help keep the ACS effective. Most notably, FOCAS provided the “Cat House” to the ACS to help feral cats. Since FOCAS has stepped in, conditions at the ACS have improved (F-13).
- C4. Currently, the ACS has a ninety percent (90%) no-kill rate (F-14).

**Request for Responses:**

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

- **Calaveras County Animal Control Services**
  - F2.R1                      F7.R1
  - F3.R1                      F8.R1
  - F4.R1                      F10.R1
  - F5.R1                      F11.R1
  - F6.R1

- **Director of Environmental Health**

F1.R1	F6.R1
F2.R1	F7.R1
F3.R1	F8.R1
F4.R1	F9.R1
F5.R1	F10.R1

- **Calaveras County Human Resource Department**

F1.R1	F4.R1
F2.R1	F5.R1

- **Calaveras Board of Supervisors**

F1.R1	F6.R1
F2.R1	F8.R1
F3.R1	F9.R1
F4.R1	F10.R1
F5.R1	

The government bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.



**BOARD of SUPERVISORS RESIDENCY  
REQUIREMENT**

## **Summary:**

The Grand Jury decision to investigate Board of Supervisors compliance with residency requirements was based on a citizen complaint. The Grand Jury's finding is as follows:

- After review of documents and interviews, the Grand Jury finds all members of the Board of Supervisors have/had valid residency.

## **Background:**

Research was focused on residency requirements and qualifications for office. Calaveras County Counsel, Calaveras County Clerk-Recorder-Registrar of Voters, Calaveras County Assessor's Office, California Department of Motor Vehicles (DMV), and the Calaveras County Sheriff's office provided information.

## **Methodology and Approach:**

During the initial inquiry process, the Grand Jury interviewed Calaveras County Counsel to determine what establishes residency. The Calaveras County Clerk-Recorder-Registrar of Voters provided the Grand Jury with the county's procedures and requirements for election candidates running for the office of Board of Supervisors. After gathering other relevant information pertaining to this complaint, the Grand Jury proceeded with investigations encompassing the evaluation of Board of Supervisors' residency.

In order to remove potential conflicts of interest, Calaveras County Counsel recommended that Tuolumne County Counsel review this investigation.

## **Interviews:**

- Calaveras County Counsel
- Calaveras County Assessor's Office
- Calaveras County Sheriff's Office-phone interview with Concealed Carry Weapon (CCW) permits clerk.

**Documents:** Documents requested were for all members of the Board of Supervisors.

- Calaveras County Assessor's Office: Addresses of homeowner's exemptions.
- Calaveras County Clerk-Recorder-Registrar of Voters: All applications for 2016 election, California Fair Political Practices Commission (FPPC) Forms 700, declarations of candidacy, voter registration forms.
- Calaveras County Counsel: Legal residency requirements for holding the office of county supervisor.
- DMV: Certified document



**Discussion/Narrative:**

The county requires all candidates must be registered to vote in the district they seek to represent for at least 30 days prior to filing nomination documents for the office of supervisor. They must reside at that domicile address during their incumbency. A signature on their declaration of candidacy attests to meeting the legal requirements, under penalty of perjury.

The Grand Jury found tests for residency include only one domicile. A legal definition of residency may include that the domicile address be the same as the driver's license, voter registration, tax return, telephone, mailing, automobile registration, homeowner's exception, and/or CCW permit addresses. Candidates must be registered to vote in the district which they seek to represent for at least 30 days immediately preceding the deadline for filing nomination documents for the office of supervisor. They must reside at the domicile address in the district during their incumbency.

**Findings:**

F1. After reviewing documents and conducting interviews, the Grand Jury, finds sufficient evidence that all members of the Board of Supervisors have met valid residency requirements for the districts they serve.

**Recommendations:**

F1.R1. To inform the public, the Grand Jury recommends the county publish certifications of qualified candidates for public office promptly following the application deadline, post in local papers under Public Notices and continue to publish on the Calaveras County website.

**Request for Responses:**

Pursuant to Penal Code Section 933.05, the Grand Jury requests, within ninety (90) days, responses as follows:

F1.R1. Calaveras County Clerk-Recorder-Registrar of Voters.

The government bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.



Calaveras County High School Districts  
Policies and Procedures Regarding  
The California Public Records Act

## **Summary:**

The Calaveras County Grand Jury decision to inquire into the Calaveras County high school districts (Bret Harte Union High School District and Calaveras Unified School District) was in accordance with California Penal Code. California Penal Code delineates the conduct of the Grand Jury, Sections 888-945. Calaveras County Grand Jury chose to inquire into whether each school district has policies and procedures relative to the California Public Records Act (CPRA) as part of our oversight of public agencies within Calaveras County.

The Grand Jury findings are as follows:

- Bret Harte Union High School District has policies and procedures in place to address the California Public Records Act.
- Calaveras Unified School District has policies and procedures in place to address the California Public Records Act.

## **Background:**

Legislation enacting the California Public Records Act (CPRA) was signed in 1968, culminating a fifteen (15) year-long effort to create a general records law for California. The fundamental principle of the CPRA is that governmental records shall be disclosed to the public, upon request. Most of the reasons for withholding release of a record are stated as specific exemptions contained in the CPRA. Some confidentiality provisions are incorporated by reference to other laws. The CPRA provides for a general balancing test by which an agency may withhold records if it can establish that the public interest in nondisclosure clearly outweighs the public interest in disclosure.

There are two recurring interests that justify most of the exemptions. First, several CPRA exemptions are based on recognition of the individual's right to privacy (e.g., privacy in certain personnel, medical or similar records). Second, several exemptions are based on the government's need to perform its assigned functions in a reasonably efficient manner (e.g., maintaining confidentiality of investigative records, official information, records related to pending litigation and preliminary notes or memoranda).

If a record contains exempt information, the agency generally must segregate or redact the exempt information and disclose the remainder of the record. If an agency improperly withholds records, a member of the public may enforce, in court, his or her right to inspect or copy the records and receive payment for court costs and attorney's fees.

## **Methodology and Approach:**

On January 7, 2018 letters were sent from the Calaveras County Grand Jury to the superintendents of Bret Harte Union High School District and Calaveras Unified School District requesting their policies and procedures pertinent to the CPRA. Responses were forwarded from the district superintendent on February 20, 2018 from Bret Harte Union High School District, and on March 7, 2018 from Calaveras Unified School District. Both responses included copies of the district policies.

**Documents:**

Documents received from Bret Harte Union High School District:

- Board Policy Access to District Records BP 1340 Community Relations, adopted June 19, 2017.
- Board Bylaw Board Member Electronic Communication BB 9012 Board Bylaws, adopted February 6, 2017.
- Administrative Regulation Access to District Records AR 1340 Community Relations, revised February 6, 2017.

Documents received from Calaveras Unified School District:

- Board Policy Access to District Records BP 1340 Community Relations, adopted September 26, 2017.
- Board Bylaw Board Member Electronic Communication BB 9012 Board Bylaws, adopted January 16, 2018.
- Administrative Regulation District Records AR 3580 Business and Non-Instructional Operations, adopted September 26, 2017.
- Board Policy Employee Use of Technology BP 4040 Personnel, adopted January 12, 2016.

**Reference:**

Summary California Public Records Act Government Code Sections 6250 - 6276. August, 2004. California Attorney General’s Office, [http://ag.ca.gov/publications/summary\\_public\\_records\\_act.pdf](http://ag.ca.gov/publications/summary_public_records_act.pdf)

**Discussion and Narrative:**

After reviewing the documents provided by the Calaveras County high school districts, Bret Harte Union High School District and Calaveras Unified School District, the Grand Jury findings are as follows:

**Findings:**

- F1. Bret Harte Union High School District has policies and procedures in place to address the California Public Records Act.
- F2. Calaveras Unified School District has policies and procedures in place to address the California Public Records Act.

**Recommendations:**

- F1. R1. None.
- F2. R1. None.

This report was issued by the Grand Jury with the exception of jurors who recused themselves for personal reasons. These grand jurors were excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.



**Jails**  
**Public Correctional Facilities**  
**Calaveras County Facility**

## **Summary:**

The Grand Jury decision to inquire was not complaint driven but in accordance with the California Penal Code Section 919 (b). The conduct of the Grand Jury is delineated by the California Penal Code, Section 888-945. The Grand Jury is obligated to inquire and assess the facility condition, and the over-all operations and management of the public correctional facilities within Calaveras County.

The Grand Jury findings are as follows:

- The Calaveras County Correctional Facility is maintained immaculately and has modern environmental equipment such as solar panels, reducing electrical cost, an inside controlled temperature of seventy-three degrees (73°) and natural light allowing the facility to be well-lit.
- The kitchen equipment is state-of-the art and is well maintained.
- High quality, nutritious and balanced food is served to the inmates.
- Staff professionalism is a priority and apparent by the mutual respect exhibited between personnel and inmates.
- For Fiscal Year 2017/2018 budget, overtime expense was budgeted for two hundred sixty-five thousand dollars (\$265,000.00).
- Staff wages are not industry competitive contributing to high turnover.
- Correctional staff to inmate ratio is at one to forty-five (1:45).
- Considering correctional personnel job stress and lack of appropriate staffing, jail staff are doing an outstanding job. This includes the creativity of administrative personnel in work assignments and responsibilities.
- Additional nurse staff is needed to meet medical requirements and requests. Examples include safely administering medications and performing inmate medical assessments.
- The goals of the Calaveras County Correctional Facility are to provide a safe and secure environment that promotes positive inmate behavior through fair, impartial and humane treatment of all individuals in the facility.
- Deputies, corporals, and sergeants received a seven-point five percent (7.5%) pay increase in March 2018 and will receive another seven-point five percent (7.5 %) increase in September 2018. In addition, other workers from the Deputy Sheriff's Association will receive a two-point five percent (2.5%) increase.

## **Background:**

The Calaveras County eighty-thousand (80,000) square foot correctional facility began operations in June of 2016 and has a one hundred-sixty (160) inmate maximum occupancy. As of September 2017, inmate occupancy was eighty-five (85), six (6) of whom were from Amador County. The lack of full occupancy is due to insufficient number of correctional staff. There are six (6) pods which segregate male and female inmates, (five (5) for males and one (1) for females) based on inmate medical needs, sentencing status, the type of crime and safety. In addition, there are eight (8) holding cells, three (3) of which are for mental health inmates or safety issues. The medical center has two (2) rooms and dental has one (1) room. There is a booking area, an outside inmate exercise area, visiting rooms and attorney rooms. All areas are well-monitored by cameras and with a control-locking system throughout the jail.



The current staff consisted as of September 2017 of one (1) Captain, two (2) Lieutenants, one (1) Correctional Sergeant, four (4) Correctional Corporals, (3) Correctional Technicians, nineteen (19) Correctional Officers, one (1) Sheriff Service Technician III, one (1) Correctional Cook I, and one (1) Correctional Cook II. At that time vacant positions consisted of one (1) Correctional Sergeant, one (1) Correctional Officer, and three (3) Correctional Technicians.

### **Methodology and Approach:**

On September 11, 2017, the Calaveras Grand Jury met with the Calaveras County Sheriff, Correctional Captain, Sergeant, and Corporal. At that time, a question and answer interview session took place. In addition, a facility guided tour was provided.

### **Reference Sources and Newspaper Articles:**

- “Inmate Rules,” Pamphlet by the Calaveras County Sheriff’s Department Custody Bureau-Jail Division.
- “Roles of The Mental Health Therapist,” Calaveras County Jail form
- “Request for Medical Care,” Calaveras County Jail form.
- County of Calaveras Position Control List dated September 2, 2017 (3 pages).
- Calaveras County Administrative Officer (CAO) Final Budget Worksheet, General Ledger Fiscal Year: 2017 (2 pages).
- [www.kvgcradio.com](http://www.kvgcradio.com) “Calaveras County Workers May Soon Be in For A Raise,” by KVGC Staff dated 22, January 2018.
- [www.calaverasenterprise.com/news/article](http://www.calaverasenterprise.com/news/article) “County Agrees to Worker Wage Increases,” by Jason Cowan date January 25, 2018 (2 pages).
- [www.calaverasenterprise.com/news/article](http://www.calaverasenterprise.com/news/article) “County Approves More Pay Increases,” by Jason Cowan dated February 22, 2018 (3 Pages).
- [www.calaverasenterprise.com/news/article](http://www.calaverasenterprise.com/news/article) “County Approves Additional Wage Increases,” by Jason Cowan dated March 1, 2018 (3 Pages).
- [www.calaverasenterprise.com/news/article](http://www.calaverasenterprise.com/news/article) “County Finds ‘Breathing Room’ In Midyear Budget,” by Jason Cowan dated March 2, 2018. (3 Pages).
- The Valley Springs/Calaveras County News “Board Approves Labor Agreements With Union, deputies” by Nick Baptista dated January 26, 2018.

### **Discussion and Narrative:**

After reviewing reference documents, newspaper articles, and conducting interviews and tours, the Grand Jury findings are as follows:

### **Findings:**

- F1. The Calaveras County Correctional facility is maintained immaculately and has modern environmental equipment such as solar panels reducing electrical cost, an inside controlled constant temperature of seventy-three degrees (73°) and natural light allowing the facility to be well-lit.

- F2. The kitchen equipment is state-of-the art and is well maintained.
- F3. High quality, nutritious and balanced food is served to the inmates. One (1) Head Cook, one (1) Assistant Cook and selected inmates prepare meals. Local Food Banks contribute and supplement with their overstock food. Bulk purchasing has a sufficient storage area. A large capacity cold storage refrigerator stores bulk amounts of food and is routinely inventoried and monitored for freshness. All food and chemicals were noted as stored safely.
- F4. Staff professionalism is a priority and apparent by the mutual respect exhibited between personnel and inmates.
- F5. Insufficient and inexperienced correctional staff (on average only have eighteen (18) months experience) contributes to safety issues, the ability to efficiently meet daily services and operational needs. Overtime adds to job stress. Although the control booths for the pods are designed for two (2) correctional officers, they are frequently only staffed by one (1) correctional officer due to lack of staffing.
- F6. For Fiscal Year 2017/2018 budget, overtime expense was budgeted for two hundred sixty-five thousand dollars (\$265,000.00).
- F7. Staff wages are not industry competitive contributing to high turnover. Correctional staff to inmate ratio is at one to forty-five (1:45). Calaveras County serves as a training ground for better paying agencies. If this cycle continues it will cost the Calaveras County Jail Department more in unnecessary expenses over the years.
- F8. Additional nursing staff is needed to meet medical requirements and requests. Examples include safely administering medications and performing inmate medical assessments.
- F9. The Calaveras County Correctional Facility provides a safe and secure environment that promotes positive inmate behavior through fair, impartial and humane treatment of all individuals in the facility.
- F10. Deputies, corporals, and sergeants received a seven-point five percent (7.5%) pay increase in March 2018 and will receive another seven-point five percent (7.5 %) increase in September 2018. In addition, other workers from the Deputy Sheriff's Association will receive a two-point five percent (2.5%) increase.

**Recommendations:**

The Grand Jury recommendations are as follows:

- F1. R1. None.
- F2. R1. None.

- F3. R1. None.
- F4. R1. None.
- F5. R1. Calaveras County Human Resource Department needs to continue to request increases to the County Jail budget specifically to fill positions. In order to retain correctional personnel, reduce overtime expenses, reduce continual new employee expenses, stress that can contribute to health issues, loss of job availability, correctional staff and inmate safety, the Board of Supervisors needs to approve the increase in the County Jail budget.
- F6. R1. A portion of this budgeted overtime line item, two hundred sixty-five thousand dollars (\$265,000.00), should be allocated to be used in the hiring of new correctional personnel for the next fiscal budget 2018/2019.
- F7. R1. We highly recommend that the Human Resource Department should complete, and the Board of Supervisors needs to approve a competitive wage study.
- F7. R2. Calaveras County Human Resource Department needs to request an increase in correctional staff salaries. In order to retain correctional staff, the Calaveras County Board of Supervisors needs to continue to approve the increase in wages to a competitive level.
- F8. R1. Calaveras County Human Resource Department and the Board of Supervisors needs to increase the County Jail budget specifically to fill an additional Nurse Practitioner position to meet medical inmate needs, requirements and requests.
- F9. R1. None.
- F10. R1. Calaveras County needs to continue to follow the Grand Jury's recommendations for more equitable wage increases.

### **Commendations:**

- C1. The administrative and correctional staff are commended for the day-to-day operations that are performed at a highly professional standard without adequate administrative and correctional staffing. Their dedication to their profession is apparent and highly admirable.
- C2. The Calaveras County Board of Supervisors and the Calaveras County Human Resource Department are to be commended for the announced wage increases for the Sheriff's office employees.

## **Request for Responses:**

Pursuant to Penal Code, section 933.05, the Grand Jury requests responses as follows:

- Calaveras County Correctional Department
  - F5. R1
  - F6. R1
  - F7. R1
  
- Calaveras County Human Resource Department
  - F5. R1            F7. R2
  - F6. R1            F8. R.1
  - F7. R1
  
- Calaveras Board of Supervisors
  - F5. R1            F7. R2
  - F6. R1            F8. R1
  - F7. R1            F10. R1

The government bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

# **Vallecito Camp Facility**



## **Summary:**

The Grand Jury decision to inquire was not complaint driven but in accordance with the California Penal Code, section 919 (b). The conduct of the Grand Jury is delineated by the California Penal Code, section 888-945. The Grand Jury is obligated to inquire and assess the facility condition, and the over-all operations and management of the public correctional facilities within Calaveras County. Although Vallecito Conservation Camp is a state facility, it is within Calaveras County.

The Grand Jury findings are as follows:

- The overall condition of the Vallecito Conservation Camp Facility was found to be clean and maintained well.
- The Vallecito Conservation Camp staff and inmates have a mutual respect and inmates are motivated.
- There are spiritual programs and self-improvement programs provided by community volunteers. A General Equivalency Diploma (GED) Program additionally is available.
- Contraband is often hidden in the couches in the TV room.
- The 2016/2017 Grand Jury recommended new couches for the TV room. The couches have not been replaced.
- The main inmate violations are methamphetamine, other drugs, and cell phones. The only consequence for inmate violations is a loss of pay for thirty (30) days.
- Communication systems are inadequate and out-of-date for use between Officers and from Officers to the main office especially in case of an emergency. The current cordless phones do not extend beyond fifteen (15) feet from the phone's base. The radios were non-operative during our visit. Officers may risk a violation if they must use their personal cell phone during emergencies. The facility is spread over a large area with no perimeter fencing. This contributes to safety issues for personnel and inmates.

## **Background:**

Vallecito Conservation Camp, CC#1, was constructed and opened in 1958. Vallecito Conservation Camp is under the administrative supervision of Sierra Conservation Center (SCC). The camp's primary mission is to provide inmate firefighting crews for fire suppression and flood control activities in Calaveras and Tuolumne County areas as well as throughout the state of California. In addition to fire suppression and flood control, inmate fire crews provide a workforce for community service projects in the local area. The CAL FIRE in-camp project is pressure-testing and repair of fire hoses. The California Department of Corrections and Rehabilitation (CDCR) in-camp project is a large vegetable garden.

CDCR is responsible for the supervision, care and discipline of inmates. CDCR and CAL FIRE cooperatively maintain Vallecito Conservation Camp. CAL FIRE/CDCR supervise the inmate work crews and are responsible for the safe custody of inmates while on their daily community service projects. Vallecito Conservation Camp maintains and operates a Food Dispensing Unit (FDU), which is dispatched to various emergencies throughout the state and is capable of serving

up to 350 meals in remote areas. CDCR/CAL FIRE share the responsibility of training and supervising the inmate crew necessary to support this operation.

**Inmate Programs:**

Spiritual services are provided by community volunteers. The camp offers Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) programs weekly to the inmates of the camp. There is currently a (GED) program and college courses are available for the inmates during their non-work hours. CDCR also operates a hobby craft program for a limited amount of qualified inmates. Inmates learn that life at a conservation camp is more desirable than behind the walls of a prison and, therefore conduct themselves accordingly.

**CDCR Camp Staff:**

- One Camp Commander
- One Assistant Camp Commander
- Seven Correctional Officers

**CAL Fire Camp Staff:**

- One Division Chief
- Ten Fire Crew Captains
- One Heavy Equipment Mechanic
- One Water and Sewage Plant operator
- One Office Technician.

**Facts and figures:**

- Total Staff (CDCR)2018: Nine
- Total Staffing (CAL-FIRE)2018: Fourteen
- Total Inmates (as of January 16, 2018): Eighty-eight

**Camp Project:** Cal Fire operates a fire hose testing and repair station for the Tuolumne-Calaveras Ranger Unit as well as for fire departments within the two counties.

**Community Service Projects:** The crews also complete conservation and community service projects throughout the Sierras, for example, hazardous tree removal, campground clean-up and maintenance, hiking trail construction and maintenance, and brush removal on county roads.



### **Methodology and Approach:**

On December 13, 2017, the Calaveras Grand Jury met at the Vallecito Conservation Camp #1 with a correctional officer. At that time, a question and answer interview session took place. In addition, a facility guided tour was given and an inspection was conducted by the Grand Jury. At the time of the tour, four of the five crews were on the Southern California fires.

A second meeting for an interview and tour was agreed to for January 2018 without a date set. The purpose of this meeting was to speak with the camp commander who was not present on December 13, 2017. This second meeting and tour was cancelled due to fire crews working the serious Southern California wild fires. Phone calls were made to Vallecito Conservation Camp Facility on January 17, February 2, and February 12, 2018 to set a second meeting and tour. No one answered the phone with each phone call attempt and messages were left with each phone call made.

### **Reference Source:**

- [https://www.cdcr.ca.gov/Conservation\\_Camps/Vallecito/index.html](https://www.cdcr.ca.gov/Conservation_Camps/Vallecito/index.html)

### **Discussion and Narrative:**

After the interview, tour, and a review of the Vallecito Conservation Camp web site information, the Grand Jury findings are as follows:

### **Findings:**

- F1. The overall condition of the Vallecito Conservation Camp was found to be clean and maintained well.
- F2. The Vallecito Conservation Camp staff and inmates have a mutual respect and inmates are motivated.
- F3. There are spiritual and self-improvement programs provided by community volunteers. A General Equivalency Diploma (GED) Program additionally is available.
- F4. The 2016/2017 Grand Jury recommended new couches for the TV room. The couches have not been replaced.
- F5. Contraband is being hidden in the couches in the TV room.
- F6. The main inmate violations are methamphetamine, other drugs and cell phones. The only consequence for inmate violations is a loss of pay for thirty days.
- F7. Communication systems are inadequate and out-of-date for use between officers, and from officers to the main office, especially in case of an emergency. The current cordless phones do not extend beyond fifteen feet from the phone's base. The radios were non-operative during our visit. Officers may risk a violation if they must use their

personal cell phone during emergencies. The facility is spread over a large area with no perimeter fencing. This contributes to safety issues for personnel and inmates.

### **Recommendations:**

The Grand Jury recommendations are as follows:

- F1. R1. None.
- F2. R1. None.
- F3. R1. None.
- F4. R1. Vallecito Conservation management needs to budget and have approved replacement seating for the TV room. The 2016/2017 Grand Jury recommended new couches for the TV room. The couches have not been replaced.
- F5. R1. Vallecito Conservation management needs to replace couches for the TV room with seating to prevent the hiding of contraband.
- F6. R1. The Grand Jury recommends that the Vallecito Conservation Camp management and California Department of Corrections and Rehabilitation (CDCR) review policies and procedures and institute increasing disciplinary action for contraband violations.
- F7. R1. An industry approved functioning radio and phone system for officers should be budgeted for, approved and installed by Vallecito Conservation management within the next fiscal budget year.

### **Commendations:**

- C1. The overall condition of the Vallecito Conservation Camp facility was found to be clean and maintained well. Management and supervision are to be commended (F1).
- C2. The Grand Jury commends the Vallecito Conservation Camp staff and inmates for their mutual respect and cooperation. These favorable conditions motivate inmates to remain in the program (F2).
- C3. There are spiritual and self-improvement programs provided by community volunteers. A General Equivalency Diploma (GED) is also available (F3).

## **Request for Responses:**

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

- **Vallecito Conservation Camp Management**  
F4. R1            F6. R1  
F5. R1            F7. R1
  
- **Sierra Conservation Center (SCC)**  
F7. R1
  
- **California Department of Corrections and Rehabilitation (CDCR)**  
F4. R1            F6. R1  
F5. R1            F7. R1
  
- **CAL Fire**  
F7. R1

The government bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933 (c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

# **Measure E Election 2016**



## **Summary:**

In response to a citizen complaint, the Grand Jury investigated the Calaveras County Election Department's process related to the distribution of ballots. Even though provisions had been in place to ensure correct issuance of ballots, seven ballots were erroneously issued during the 2016 elections concerning Measure E. Investigations by the Grand Jury resulted in four findings. A key finding is that the individual who heads the Elections Division, the Calaveras County Clerk-Recorder-Registrar of Voters, is charged with multiple duties and finite resources. Furthermore, the recruiting and training of poll workers are continuous challenges. The Grand Jury provides several recommendations to address these findings. A key recommendation is the implementation of SB 450, California Voter's Choice Act vote center model.

The Grand Jury findings are as follows:

- The Calaveras County Clerk-Recorder-Registrar of Voters, as head of the Elections Division, is charged with multiple, complex duties and finite resources.
- Recruiting and training of poll workers are on-going challenges.
- Although provisions were in place to ensure correct ballots to voters, there were seven ballots erroneously issued during the 2016 election concerning Measure E.
- Determining the jurisdiction of ballots for special districts is complex. Seven voters were disenfranchised in a special district election in 2016. However, according to the Elections Division's numerical determination, those disenfranchised voters would not have changed the election outcome.

## **Background:**

The purpose of the investigation was to identify any problems in ballot distribution in the 2016 election concerning Measure E issued by the Middle River Community Service District (CSD).

The Grand Jury found the Calaveras County Clerk-Recorder-Registrar of Voters office is composed of five departments: Vitals, Fictitious Business Names, Elections, Fees and Land Records.

The Elections Division tasks include the organization of rosters of registered voters, securing poll locations and ensuring accessibility, staffing and training poll/election workers, determining correct ballot distribution based on jurisdictions, monitoring precincts/poll locations, certifying election results and monitoring and implementing changes to election codes.

Senate Bill (SB) 450 which took effect beginning January 1, 2018, established a new option for California counties to administer elections. This bill allows counties to send every registered voter a mail-in ballot. Furthermore, SB 450, establishes voting centers as ballot drop-off locations that must be open a minimum of ten days before Election Day.

## **Methodology and Approach:**

The Grand Jury interviewed the Calaveras County Clerk-Recorder-Registrar of Voters representative, reviewed the Election website (Election.Calaveras.gov), the California Secretary of State complaint website (<http://www.sos.ca.gov/notary/file-complaint/>) and various election documents.

## **Interviews:**

- Calaveras County Clerk-Recorder-Registrar of Voters representative
- Former roving inspector for Contra Costa County elections

## **Documents:**

- Election.Calaveras.gov website
- California Secretary of State complaint website: <http://www.sos.ca.gov/notary/file-complaint/>
- California Secretary of State website: <http://bpd.cdn.sos.ca.gov/pdf/sb450-fact-sheet/>
- Alphabetical list of voters by Regular Precinct
- Election results
- Correspondence from Elections Division. Calaveras County
- Correspondence from Secretary of State's Office of Investigative Services
- Precinct Officers Training Manual (Primary & General Election 2016)
- Parcel Tax Increase Resolution
- Poll Workers Training Standards. California Secretary of State's Office, Sacramento CA 2016
- Poll Workers Reference Guide. Contra Costa County Clerk-Recorder Elections Department, Martinez CA 2013
- Election Officers Digest State of California. California Secretary of State's Office, Sacramento CA 2016
- Citizens Guide to Qualifying a Measure for Ballot (Calaveras Co.). County Clerk-Recorder/Registrar of Voters, Calaveras County Election's Office, San Andreas CA August 2017

Citation for the following documents— County Clerk-Recorder/Registrar of Voters, Calaveras County Election's Office, San Andreas CA August 2016

- Voting by Precinct Registration Report Measure E, November 8, 2016 general election
- Alphabetical list of voters by regular precinct November 8, 2016
- Provisional voters for District 35.009 Calaveras County Community (Middle River) Service District (CSD) November 8, 2016
- Inactive voter register list November 8, 2016
- Active voter Precinct 240
- Reviewed all correspondence, relative to the Measure E complaint, with County Clerk Recorder Registrar of Voters
- Student Poll Officers program description
- Calaveras County employee application to serve as election officer
- Applications for precinct officers for November 8, 2016

## **Discussion and Narrative:**

Ballot distribution was the main concern after reading documents and conducting interviews. Policies and procedures for poll worker training and supervision on Election Day were also part of the investigation. After review of documents and interviews, the Grand Jury's findings are as follows:

## **Findings:**

- F1. The Calaveras County Clerk-Recorder-Registrar of Voters, as head of the Elections Division, is charged with multiple, complex duties and finite resources.
- F2. Recruiting and training of poll workers are on-going challenges.
- F3. Although provisions were in place to ensure correct ballots to voters, there were seven ballots erroneously issued during the 2016 election concerning Measure E.
- F4. Determining the jurisdiction of ballots for special districts is complex. Seven voters were disenfranchised in a special district election in 2016. However, according to the Elections Division's numerical determination, those disenfranchised voters would not have changed the election outcome.

## **Recommendations:**

After review of documents and interviews, the Grand Jury's recommendations are as follows:

- F1.R1. The Calaveras County Clerk-Recorder-Registrar of Voters implement SB 450: California Voter's Choice Act vote center model.
- F1.R2. The Calaveras County Clerk-Recorder-Registrar of Voters implement SB 450 with the support of the Board of Supervisors' approval of adequate funding in the budget to support the Elections Division and implementation of SB 450.
- F2.R1. The Calaveras County Clerk-Recorder-Registrar of Voters implement SB 450 to reduce training demands and staffing.
- F3.R1. The Calaveras County Clerk-Recorder-Registrar of Voters implement SB 450 to reduce problems with ballot distribution.
- F3.R2. The Calaveras County Clerk-Recorder-Registrar of Voters continue to review and revise the Elections Division quality assurance/control procedures in order to eliminate mistakes in the distribution of ballots.
- F4.R1. Middle River (CSD) revisit Measure E and determine if it should be on the next ballot.



- F4.R2. The Calaveras County Clerk-Recorder-Registrar of Voters implement SB 450 to reduce problems with ballot distribution.
- F4.R3. The Calaveras County Clerk-Recorder-Registrar of Voters (Elections Division) establish a policy to waive the filing fee in cases that involve the disenfranchisement of voters.

### **Commendations:**

- C1. The Calaveras County Clerk-Recorder-Registrar of Voters does a great job managing the complexity of identifying jurisdictions for special districts. The Calaveras County Clerk-Recorder-Registrar of Voters responded to the complaint from Middle River (CSD) about the distribution of ballots on the day of the election and the subsequent complaint that followed from Middle River (CSD) in a timely and professional manner (See F4).

### **Request for Responses:**

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

- Calaveras County Board of Supervisors:  
F1.R2
- Calaveras County Clerk-Recorder-Registrar of Voters:  
F1.R1  
F2.R1  
F3.R1, R2  
F4.R2, R3
- Calaveras County Community Service District (Middle River):  
F4.R1

The government bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

# **Responses to the 2016-2017 Grand Jury Report**

## **RESPONSES TO THE 2016-2017 GRAND JURY REPORT**

The Grand Jury releases its final report at the end of its term. Most, if not all, of the responses are received after the new Grand Jury has been seated and these responses become its responsibility. Unlike many counties, the Calaveras County Grand Jury have holdovers who return to assist the new Jury in the way the Grand Jury conducts business and aid in the analysis of the responses. To assure continuity, it is important to carefully track and evaluate responses.

Responses are tracked to inform the public, ensure follow up, promote solutions, and reduce the number of unresponsive answers. Public scrutiny of the responses can improve the impact of the Grand Jury's reports and recommendations as well as increase the credibility of the elected officials and department heads whose areas were investigated.

The new Grand Jury reviews the findings and recommendations of the prior year's Jury and the ensuing responses. When necessary, these responses are discussed with the appropriate standing committees for follow-up comments. If it is determined that more information is needed, Jury members may meet with the respondents to discuss specific responses.

The Grand Jury refers to the California Penal Code (CPC) for follow up, summarization, and analysis of the responses from the responding officials and departments. Pursuant to CPC §933 and §933.05 there are time limits for responses and each Finding and Recommendation may either require or request a response from the party addressed. Specifically worded responses are limited by the CPC. Responses may include additional information to clarify a specific response.

### **RESPONSE TIME LIMITS CPC §933 (c)**

*"...No later than 90 days after the Grand Jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and every elected county officer or agency head for which the grand jury has responsibility pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court, with an Information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.*



**Superior Court of California  
County of Calaveras**

400 Government Center Drive  
San Andreas, CA 95249  
(209) 754-9800 Voice (209) 754-6296 Fax  
www.calaveras.courts.ca.gov

*Timothy S. Healy  
Presiding Judge*

*Karen Camper  
Court Executive Officer*

*David M. Sanders  
Commissioner*

September 06, 2017

California State Archive  
1020 "O" Street  
Sacramento, CA 95814

Calaveras County Clerk  
(via inter-office mail)


Calaveras County Grand Jury ✓  
(via inter-office mail)

Pursuant to Penal Code 933(b) we are forwarding a copy of the 2016-2017 Grand Jury Report along with a copy of the responses received.

Responses were received from the following departments:

- Division of Adult Institutions Sierra Conservation Center
- Calaveras County Office of the District Attorney
- Calaveras County County Administrative Office – Calaveras County Jail
- Calaveras Health and Human Services Agency
- Calaveras County Assessor's Office
- Calaveras County Information Technology
- City of Angels City Council
- Calaveras County County Administrative Office – Assessors Office
- Calaveras County Board of Supervisors

Respectfully submitted,

  
Pamela James  
Deputy Clerk  
Judicial Administration



## County of Calaveras

### County Administrative Office

Shirley Ryan • County Administrative Officer  
Judy Hawkins • Deputy CAO-Human Resources/Risk Mgmt. Division  
891 Mountain Ranch Road • San Andreas, CA 95249  
209.754.6303 • FAX 209.754.6333 • HR@co.calaveras.ca.us

# FILED

AUG -4 2017

Shirley Ryan  
County Administrative Officer  
County of Calaveras

July 31, 2017

The Honorable Timothy S. Healy, Presiding Judge  
Calaveras County Superior Court  
400 Government Center Drive  
San Andreas, CA 95249

**RE: Response to 2016-2017 Grand Jury Report - Calaveras County Jail**

Dear Judge Healy,

Please find below the Human Resources Department response to the 2016-2017 Grand Jury Report in regard to the Calaveras County Jail.

**Grand Jury Finding 5:**

Correctional Officers have a very low salary in comparison to nearby counties.

**Grand Jury Recommendation to Finding 5:**

Perform a Classification and Compensation Survey for all correctional classifications.

**Response to Finding 5:**

Human Resources agrees with the Grand Jury's finding that a Classification and Compensation Survey for all correctional classifications needs to be performed.

**Response to Recommendation to Finding 5:**

The Grand Jury recommendation has not yet been implemented, but will be implemented in the future.

---

Administration • Human Resources • Risk Management • Information Technology • Capital  
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• Airport • Archives/Museum • Public Access Television

The Human Resources Department has started conducting a Classification and Compensation Survey for the positions of Correctional Officer as well as other positions within the jail to identify the extent of the disparity in pay compared to surrounding counties and counties of like size. When this survey is completed the information will be provided to the CAO and Board of Supervisors with a recommendation on how the County should move forward in addressing the inequities.

The Human Resources & Risk Director has made the County Administrative Officer and the Board of Supervisors aware of the turnover in the area of Correctional Officer and associated it with the pay scale not being comparable to surrounding areas. The County started negotiations in March of 2017 with Calaveras County Public Safety Employees Association which represent the employees of the Jail and the pay inequities are being discussed during the negotiation process.



Judy Hawkins  
Deputy CAO/Human Resources & Risk Director

cc: Human Resources  
County Counsel



# Calaveras Health and Human Services Agency

Kristin Brinks, Director

509 East St. Charles Street  
San Andreas, CA 95249

# FILED

AUG 18 2017

Clerk of the Court  
Superior Court of California  
County of Calaveras  
By *[Signature]*, Deputy

August 18, 2017

Calaveras County Superior Court  
Attn: Honorable Timothy S. Healy, Presiding Judge  
400 Government Center Drive  
San Andreas, CA 95249

Subject: Calaveras County 2016-2017 Grand Jury Final Report

Please find the Health and Human Services Agency (HSA), Child Welfare Services (CWS) Division, responses to the Calaveras County 2016-2017 Grand Jury Final Report.

**FINDING 1:**

Calaveras County CPS is following the state mandated guidelines in the Juvenile Dependency Process.

**RECOMMENDATION 1:**

None

**RESPONSE REQUESTED:**

None

**FINDING 2:**

Parents and relatives of court-dependent children have multiple avenues of action and appeal to reunify the family.

**RECOMMENDATION 2:**

Parents or relatives should be given a copy of the Juvenile Dependency Process Flowchart outlining timelines and requirements of the overall process.

**RESPONSE REQUESTED:**

This recommendation has been implemented. HHSA CWS currently provides three informational brochures that provide an overview of Dependency Court activities for families. HHSA CWS has implemented a policy requiring all HHSA CWS staff to distribute these brochures at the start of the dependency process and every six months thereafter.

**FINDING 3:**

There is no clear complaint process for grievances the family or members of the public may have with the agency.

**RECOMMENDATION:**

A complaint process should be created to allow submission of grievances.

Human Services  
509 East St. Charles Street  
San Andreas, CA 95249  
Phone (209) 754-6452  
Fax (209) 754-3293

Public Health Services  
700 Mountain Ranch Road, Suite C2  
891 Mountain Ranch Road (Mail)  
San Andreas, CA 95249  
Phone (209) 754-6460  
Fax (209) 754-1709

Behavioral Health Services  
891 Mountain Ranch Road  
San Andreas, CA 95249  
Phone (209) 754-6525  
Fax (209) 754-6597



RESPONSE REQUESTED:

This recommendation has been implemented. HHSA maintains an agency wide complaint process; however, it is not clear to the public on how to access that compliant process. The current process allows for members of the public to request a HHSA Problem Resolution Form from the HHSA receptionist. That form is provided to the Director of HHSA who works with agency staff to resolve the complaint and follow-up with the community member. Within one month, HHSA will load the HHSA Problem Resolution Form to HHSA website and send out a reminder email to all HHSA staff reminding them of the aforementioned form and how they may access it should a community member request one.

Respectfully,



Kristin Brinks, Director  
Calaveras County Health and Human Services Agency

cc: Calaveras County Board of Supervisors, care of Diane Severud, Board Clerk  
The Office of the County Counsel





**County of Calaveras**  
 County Administrative Office  
 Timothy Lutz • County Administrative Officer  
 891 Mountain Ranch Road • San Andreas, CA 95249  
 209.754.6025 • FAX 209.754.6316

**FILED**

AUG 25 2017

Clerk of the Court  
 Superior Court of California  
 County of Calaveras  
 By *[Signature]* Deputy

August 12, 2017

The Honorable Timothy S. Healy, Presiding Judge  
 Superior Court State of California  
 P.O. Box 850  
 San Andreas, CA 95249

**RE: Response of 2016-17 Grand Jury Response**

Dear Judge Healy,

Please find below the County of Calaveras, County Administrative Office responses to the 2016-17 Grand Jury Report.

**GRAND JURY FINDINGS ON THE CALAVEARS COUNTY ASSESSORS OFFICE**

**Grand Jury Finding 1**

There is a significant backlog within the Assessor's Office.

***Department Response to Finding 1***

The County Administrative Office agrees with the finding.

***Grand Jury Finding 1, Recommendation 1***

The County needs to develop a plan to address this issue through a comprehensive staffing and work methods analysis.

***Department Response to Finding 1, Recommendation 1***

This recommendation will be implemented and an analysis of the findings will be presented to the Board of Supervisors and County Assessor by the end of the 2017/18 fiscal year.

***Grand Jury Finding 1, Recommendation 2***

The County should consider great use of modernized and integrated computer solutions.

***Department Response to Finding 1, Recommendation 2***

The feasibility of implementing this recommendation will be reviewed with the Assessor's Office, the Information Technology Department and the Board of Supervisors. The CAO's office is firmly committed to reviewing software and database systems and technology across the County and identifying opportunities to update programs and make use of new technology to assist staff in effectively and efficiently completing their jobs and partner County departments in getting needed information. A lot of factors will contribute to which programs will be updated and at what time that will occur. In some instances, there are not a lot of alternative options or

---

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the cost of switching to another vendor is cost prohibitive. A cost/benefit analysis will be included in all potential projects.

**Grand Jury Finding 2**

No formal collaborative effort exists to provide the Information Technology Department with current and future technology needs of the various departments.

***Department Response to Finding 2***

The County Administrative Office partially agrees with the finding. While there is not a formal committee, the Information Technology Department has historically worked with different County departments to identify needs and work to implement new technology.

***Grand Jury Finding 2, Recommendation 1***

Establish a formal taskforce or committee that includes a representative from each organizational unit, meeting on a regular basis, to address technological needs of various departments.

***Department Response to Finding 2, Recommendation 1***

This recommendation will be implemented. Working with the Board of Supervisors, the County Administrative Office will establish an Information Technology Advisory Committee, comprised of representatives from each County department, which will allow greater communication and collaboration between departments on key information technology needs and projects. The goal is to have the committee established by Fall 2017.

***Grand Jury Finding 2, Recommendation 2***

The same taskforce or committee should develop a formal, short-term and multi-year plan that can be updated as required.

***Department Response to Finding 2, Recommendation 2***

This recommendation will be implemented. A key goal of the County Administrative Office is to develop a strong capital infrastructure spending plan with a five year time horizon. Information Technology, including network infrastructure, devices and software databases are all key areas of that plan. The Information Technology Department has been tasked to develop such a plan and will work in consultation with the Information Technology Advisory Committee once that Committee is established.

**Grand Jury Finding 3**

There is a lack of communication and collaboration among the County's administrative leadership both elective and appointed.

***Department Response to Finding 3***

The County Administrative Office agrees with the finding.

***Grand Jury Finding 3, Recommendation 1***

Implement a process for a more collaborative culture

***Department Response to Finding 3, Recommendation 1***

This recommendation will be implemented. Ensuring a strong collaborative focus across all areas of County government is one of the highest priorities of the administrative office. Plans to help facilitate this include bringing training to Department Heads, managers and supervisors within the County. County goals and objectives will also include collaboration as a key focus. Technology projects will also be implemented with consideration to the projects ability to link information between departments.

***Grand Jury Finding 3, Recommendation 2***

The county administrator should shift department perception from working within a "sil mentality" to a team with a unified county focus.

***Department Response to Finding 3, Recommendation 2***

This recommendation is in process of being implemented. Starting at the Department Head level, communication, teamwork and collaboration are being focused on across the County. As the County progresses through the development of clear goals and objectives, collaboration and communication will not only be included, but reinforced through the allocation of resources toward collaborative projects.

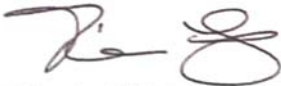
***Grand Jury Finding 3, Recommendation 3***

The County should implement a practice of collaborative planning with departments. Such planning should focus on several measurable objectives that can be met within 2 to 3 years.

***Department Response to Finding 3, Recommendation 3***

This recommendation will be implemented. As noted in the response to recommendation one of this finding, approaching projects, establishing goals and allocating funding will be aligned with an orientation toward cross departmental collaboration. As the County moves toward adopting a strategic plan and establishing goals and objectives to meet the plan, collaboration and strong communication will be layered into that process.

Sincerely,



Timothy W. Lutz  
County Administrative Officer

cc: Board of Supervisors  
Calaveras County Counsel

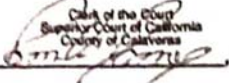


August 1, 2017

Hon. Grant V. Barrett  
Presiding Judge  
Superior Court of California  
County of Calaveras  
400 Government Center Drive  
San Andreas, CA 95249-9794

**FILED**

**AUG 25 2017**

Clerk of the Court  
Superior Court of California  
County of Calaveras  
By  Deputy

Re: Response of the City of Angels City Council to 2016-2017 Calaveras County Grand Jury  
Final Report

Dear Judge Barrett:

In accordance with Penal Code sections 933 and 933.05, the City Council of the City of Angels responds to the portions of the above report that appear at pages 15 through 23.<sup>1</sup>

**Finding #1: There is a lack of public interest in filling the elected positions of the City of Angels Camp.**

The City disagrees with this finding. The 2016 election to replace three seats on the City Council attracted only two people who successfully filed their paperwork. However, this is not indicative of a lack of support in the community for continuing local governance.

There is also a strong volunteer base that includes business owners and other interested citizens. Destination Angels Camp, Angels Camp Business Association and the Museum are just a few examples where citizens and business owners contribute substantial time, effort and money to make the City a better place to live and work.

**Recommendation #1: The City Council should reinforce the need for greater public involvement at every opportunity.**

The City agrees with the intent of this recommendation but disagrees with the recommendation to the extent it suggests the City has not attempted to do what is recommended. While all legal requirements for notifications are in compliance, improvements through the use of technology should be considered. Email notifications for routine and critical City business will be considered for implementation through links in the City website. In addition, the City will explore the potential for improved communications through social media.

<sup>1</sup> Some of the Grand Jury's Findings and Recommendations request responses from the Angels Camp City Administrator and City Attorney. Both of these individuals have reviewed the responses provided in this letter and have adopted the responses described within as their respective responses on the findings and recommendations for which their comment was sought. Both individuals have expressed their adoption of such responses through their signatures below.

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

**Recommendation #2: The City Council should create a public awareness program for the purpose of gaining greater involvement in local government.**

The City Council disagrees with this recommendation for reasons stated above and because much effort is already dedicated to this end. The City has recently updated its website and a City official sits on many committees. The City publicizes all openings in the local government. Putting more resources to this end would require taking time and money from other areas and our resources are better utilized elsewhere.

**Finding #2: The current City Council and staff are looking into reorganizing the structure of government options.**

While a response to this finding was not requested, the City notes it is a sign of prudent management to always seek improvement in operations.

**Finding #3: A former city administrator was acting in violation of the city handbook by independently crafting policies and procedures rather than implementing the policies as set by the Council**

The City agrees with this finding.

**Recommendation: The City Council, City Administrator and City Staff should follow the established policies and procedures in accordance with the city handbook and set by the Council.**

As the Grand Jury Report notes, the City Council approved a written policy in 2015 governing the practice of employees taking salary advances. For approximately the next two years, a formal policy governing the practice was in place. In July 2017, the City Council adopted a resolution rescinding the right of employees to take salary advances. On this and other subjects, the City is strictly enforcing employment policies and procedures stated in its employee handbook and in other sources.

**Finding #4: The at-will performance evaluation form is inadequate.**

The City disagrees that the performance evaluation form it has used in the past is inadequate.

**Recommendation #1: The evaluation form should be modified to ensure number ratings are more aligned with behaviors, roles, responsibilities, and performance of at-will employees.**

Despite the City's disagreement with the finding on this subject, the City agrees that there is always room for improvement of the evaluation forms. The current form has a numbered rating system and it also has room for a narrative evaluation to allow for comment where the numbered rating system falls short. This more generic form allows the flexibility for it to cover the various positions and responsibilities that the at-will employees represent. This recommendation will be taken under consideration.



**Recommendation #2: Performance areas needing improvement should have action plans and timelines.**

This recommendation requires further analysis and consideration. The City Council will consider this subject in advance of the next regularly scheduled cycle of City employee evaluations.

**Finding #5: It was determined that city staff were aware misuse of public funds occurred.**

The City agrees with this finding.

**Recommendation #1: The City should hire a forensic accountant to review the City's financial records**

The recommendation has been implemented. The City has properly identified the scope of inappropriate behavior in which the former management employee engaged. The City has also enacted measures to assure the behavior does not happen again. The affected employee is no longer employed with the City. To the extent further issues need to be examined concerning this employee, the City believes that those issues may only properly be evaluated by law enforcement agencies.

**Finding #6: The City of Angels Camp has a payroll advance policy that has been abused and mismanaged.**

The City disagrees with this finding as written. As noted in response to Finding #3, the abuse of payroll advances occurred before any policy was put in place. The problem thus was not the abuse, but the *absence*, of a policy. The City agrees that the *practice* of payroll advances was abused before this policy was put into place.

**Recommendation: Remove the payroll advance policy.**

The City Council has implemented this recommendation effective July 2017 with the City Council's adoption of a resolution rescinding its former policy.

**Finding #7: Administrative staff was taking more administrative leave than was accrued, resulting in a loss to the city of at least \$29,000.**

The City agrees with this finding, but does not necessarily agree with the amount of excess leave paid as stated.

**Recommendation: The city should hire a forensic accountant to determine the full extent of over-payments.**

This recommendation is not warranted. As noted in response to Finding #5, the City has taken measures necessary to prevent against the misuse of administrative leave and public funds. The affected employee is no longer employed by the City. To the extent any further action may be taken to evaluate the actions of this employee, only law enforcement agencies would have the appropriate capability to conduct such analysis.

**Finding #8: The City of Angels Camp has reasons for proposing dissolution of a city.**

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

The City disagrees with this finding. After one hundred and five years as an incorporated city, it seems quite clear that the citizens of the community have valued local governance over one provided by the County for a substantial period of time. Rural governments almost everywhere struggle with economic viability. The financial constraints faced by the City, while severe, can be solved. Given the issues that exist in the county today, This City Council does not believe that County services would match or exceed those currently provided by the City of Angels to its citizens.

The City notes that it was able to reorganize part of its administration by distributing and reassigning responsibilities among the staff. The end result was the elimination of a high paying position at a significant savings to the City with no change in service. This was an improvement and arguably eliminated years of top heavy waste caused by administrations dating back 10 years or more. This was a good thing, not a reason for dissolution. In fact, this pending budget action before the Council will likely result in an overall improvement in the City's budget reserve position. This City Council feels that this recommendation to consider dissolution was the subjective, politically motivated and biased opinion of the Grand Jury and not a recommendation based on actual merit. The motivations of the Grand Jury should be investigated. Evidence of their bias can be seen not only in this unwarranted recommendation, but also on the cover of the report and in the foreperson's initial letter to Judge Healy. While it was a Calaveras County Grand Jury Report, not only did they have the nerve to put a cartoon on the cover, it clearly emphasized the City of Angels. In the foreperson's letter, instead of an unbiased investigation to find the truth, he clearly states that they took action "...to properly represent the perspective and feelings of those that submitted complaints." Further, he states that "This Grand Jury's greatest strength was its emotional connection to the County...". Emotion rather than rational, informed thought guided this Grand Jury. Finally, he likens this process to playing a game. This is not a game and the Grand Jury's opinion has consequences.

**Recommendation #1: The City Council and staff should review and discuss Government Code § 56668.**

The City Council will not implement this recommendation as it is not warranted for the reasons stated in response to Finding #8.

**Recommendation #2: The City Council should hold an open meeting to discuss with the public if dissolution is the right choice.**


The public is within its right to ask for this agenda item. However, since the Grand Jury did not make an intelligent case to warrant the City initiating this meeting, this recommendation is not warranted or reasonable. The City is a viable entity and it provides vital services to the community. The focus should be its continued improvement in operations so that it can better serve its citizens.

The City Council appreciates the opportunity to provide these responses to the Grand Jury Report.

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CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

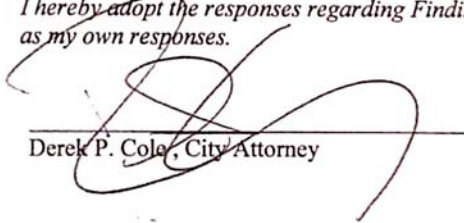
Sincerely,

  
\_\_\_\_\_  
Scott Behiel, Mayor

*I hereby adopt the responses regarding Findings #4,5, 6, and 7 and the associated recommendations as my own responses.*

  
\_\_\_\_\_  
Mary Kelly, City Administrator

*I hereby adopt the responses regarding Findings #4, 6, and 7 and the associated recommendations as my own responses.*

  
\_\_\_\_\_  
Derek P. Cola, City Attorney





# Calaveras County Assessor's Office

Leslie K. Davis  
Assessor

**FILED**

AUG 21 2017

Clara of the Court  
Superior Court of California  
County of Calaveras  
By: *[Signature]* Deputy

August 21, 2017

The Honorable Timothy S. Healy  
Calaveras County Superior Court  
400 Government Drive  
San Andreas, CA 95249

Dear Judge Healy:

In accordance with California Penal Code sections 933 and 933.05, I am forwarding my response to the finding and recommendations related to the Assessor's Office that were made by the Calaveras County Grand Jury and contained in its 2016-17 Grand Jury Final Report.

Finding 1: There is a significant backlog within the Assessor's Office.

Recommendation 1: The County needs to develop a plan to address this issue through a comprehensive staffing and work methods analysis.

Recommendation 2: The County should consider greater use of modernized and integrated computer solutions.

Response to Finding 1: I agree with the finding. There is a significant backlog of work in the Assessor's Office. While some of the backlog is due to staffing issues, much of it is now due to the extraordinary work associated with the Butte Fire recovery efforts. Those efforts were exacerbated by the fact that the Megabyte Property Tax System, used by Calaveras County, is inadequate for the number of Calamity reassessments that were required. I have asked for an enhancement to the system to accommodate this need.

I would like to take this opportunity to express my appreciation for the effort and courtesy of the Grand Jury members who conducted the investigation. It is a valuable tool to have a periodic review of the department by the Grand Jury. Their comments have been considered as part of our ongoing commitment to improve the efficiency of our operations.

Respectfully Submitted,

*Leslie K. Davis*

Leslie K. Davis  
Assessor

891 Mountain Ranch Road ♦ San Andreas, CA 95249 ♦ 209.754.6356  
www.co.calaveras.ca.us



OFFICE OF THE DISTRICT ATTORNEY

CALAVERAS COUNTY

BARBARA M. YOOK  
DISTRICT ATTORNEY

July 31, 2017

**FILED**

JUL 31 2017

Chief of the Office  
Secretary/County of Calaveras  
By: *[Signature]* Deputy

The Honorable Timothy S. Healy  
Superior Court of California  
County of Calaveras  
400 Government Center Drive  
San Andreas, CA 95249

**RE: Calaveras County Grand Jury Report for 2016-2017  
City of Angels Camp - Finding #5, Recommendation #2**

Dear Judge Healy,

During its 2016-2017 term, the Grand Jury investigated the City of Angels Camp. Based on its investigation, the Grand Jury requested a response from my office regarding Finding #5, Recommendation #2. Please find herein my response as required by Penal Code §933.05.

Finding #5:

“It was determined that city staff were aware misuse of public funds had occurred.”

Response: The District Attorney partially agrees with Finding #5.

The District Attorney agrees that the Grand Jury determined to their satisfaction that the unauthorized use of public funds occurred and that member(s) of city staff were made aware. However, to the extent that “misuse of public funds” is a legal conclusion, the District Attorney cannot reach the legal conclusion as stated in the Finding until a criminal investigation has been completed and all available evidence has been reviewed. A criminal investigation is currently underway and has not yet concluded (See Response to Recommendation #2).

Recommendation #2:

“The District Attorney’s Office should look into the City’s financial records to determine whether any criminal activity had occurred.”

Response: Recommendation #2 has already been implemented.

At the request of the District Attorney, the Attorney General’s Office is currently conducting an investigation into this matter. The District

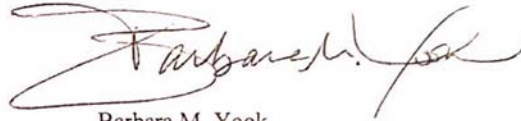
*Response to 16/17 Grand Jury Report - Page 1 of 2*

891 Mountain Ranch Road • San Andreas, CA 95249 • 209-754-6330 • Fax 209-754-6645

Attorney sought outside investigative assistance due to the lack of a forensic accountant on staff and the severe understaffing of the District Attorney's Investigations Unit due to past budget cuts. The District Attorney takes all allegations of public corruption seriously and will be working closely with the Attorney General's Office as this investigation moves forward.

No additional responses were requested from my office in this Grand Jury report.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara M. Yook". The signature is fluid and cursive, with a large initial "B" and "Y".

Barbara M. Yook  
District Attorney

cc: Board of Supervisors  
County Counsel

*Response to 16/17 Grand Jury Report - Page 2 of 2*

DIVISION OF ADULT INSTITUTIONS  
SIERRA CONSERVATION CENTER  
5100 O'Bynes Ferry Road  
Jamestown CA 95327

**FILED**

JUN 29 2017

Clerk of the Court  
Superior Court of California  
County of Calaveras  
By  Deputy



June 23, 2017

Honorable Judge, Timothy S. Healy  
Calaveras County Superior Court  
400 Government Center Drive  
San Andreas, CA 95249

Dear Judge Healy:

I have reviewed the 2016/2017 Calaveras County Grand Jury Report as it pertains to Vallecito Conservation Camp (CC#1). I want to thank all of the jury members for their time and effort while visiting CC# 1.

I have reviewed the report findings and recommendations carefully and provide the following response:

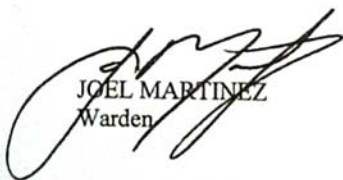
- Finding #1: *The furniture in the TV room is in disrepair and in need of replacement.*
- Recommendation #1: *Replace aging and damaged furniture with durable furniture.*

I partially agree with the Grand Jurys finding and recommendation. We are researching options with state approved vendors to either repair or replace the existing furniture. If the items can be repaired instead of replaced, it is my duty as a public servant to choose the most cost effective solution on behalf of the tax payers of the State of California.

I appreciate the opportunity to respond to the 2016/2017 Calaveras County Grand Jury Report satisfying the requirements of Penal Code 933.05.

If you have any questions, please contact Correctional Lieutenant R. L. Kelsey, Administrative Assistant, at (209) 984-5291 extension 5499.

Sincerely,

  
JOEL MARTINEZ  
Warden





# CALAVERAS COUNTY

## INFORMATION TECHNOLOGY

Stanley Moore • Chief Information Officer  
891 Mountain Ranch Road • San Andreas, CA 95249  
209-754-6651

**FILED**

AUG 25 2017

Clerk of the Court  
Superior Court of California  
County of Calaveras  
By *[Signature]* Deputy

August 10, 2017

The Honorable Timothy S. Healy, Presiding Judge  
Superior Court State of California  
P.O. Box 850  
San Andreas, CA 95249

**RE: Response of 2016-17 Grand Jury Response – Assessor's Office**

Dear Judge Healy,

Please find below the Information Technology Division response to the 2016-17 Grand Jury Report concerning the Assessor's Office.

***Grand Jury Finding 2***

No formal collaborative effort exists to provide the Information Technology Department with current and future technology needs of the various departments.

***Response to Finding 2***

Information Technology partially agrees with the finding. Collaborative efforts take place between Information Technology and County Departments regarding current and future technology needs at a departmental level. There is not a formal process to conduct collaborative reviews of current and future technology needs across all departments.

***Grand Jury Recommendation #1***

Establish a formal taskforce or committee that includes a representative from each organizational unit, meeting on a regular basis, to address technological needs of various departments.

***Response to Recommendation #1***

Information Technology agrees that a taskforce or committee should be established to address technological needs of various departments. Additionally, enterprise-wide technological needs must be addressed.

Working with the County Administrative Officer, Information Technology will establish a formal process and committee to address technological needs of the County. The process definition will include the charter, departmental participation, roles and responsibilities, anticipated deliverables from the committee and updates/report outs to the Board of Supervisors.

**Grand Jury Recommendation #2**

The same taskforce or committee should develop a formal, short-term and multi-year plan that can be updated as required.

**Response to Recommendation #2**

The Information Technology Division agrees with the recommendation to develop formal short-term and multi-year plans. Information Technology will work with the County Administrative Officer in developing the mechanism to develop and maintain these plans as an extension of the work done out of recommendation #1.

The definition of technology needs for the enterprise and for various departments as well as development of short and long term plans will benefit from established County long term and short term plans.

Development of long term and short term technology plans requires that prioritization and scheduling be done on a county-wide basis to properly balance county defined prioritized needs to resources available.

Sincerely,



Stanley Moore  
Chief Information Officer

cc: CAO, Clerk, Board of Supervisors



CALAVERAS COUNTY

BOARD OF SUPERVISORS

891 Mountain Ranch Road San Andreas, California 95249 (209) 754-6370 FAX (209) 754-6377

FILED

SEP 4 5 2017
County of Calaveras
Superior Court of California
County of Calaveras

August 29, 2017

The Honorable Timothy S. Healy, Presiding Judge
Superior Court State of California
P.O. Box 850
San Andreas, CA 95249

RE: Board of Supervisors Response of 2016-17 Grand Jury Response

Dear Judge Healy,

The County of Calaveras, Board of Supervisors submits the following responses to the 2016-17 Grand Jury Report findings, regarding the Calaveras County Assessor's Office and the Calaveras County Jail. The Board wishes to thank the members of the Grand Jury for their professionalism and dedication to public service, which made this report possible.

GRAND JURY FINDINGS ON THE CALAVERAS COUNTY ASSESSOR'S OFFICE

Grand Jury Finding 3

There is a lack of communication and collaboration among the County's administrative leadership both elective and appointed.

County Response to Finding 3

The Board of Supervisors agrees with the finding.

Grand Jury Finding 3, Recommendation 1

Implement a process for a more collaborative culture

County Response to Finding 3, Recommendation 1

This recommendation will be implemented. Ensuring a strong collaborative culture across all areas of County government is of the highest priority of the Board. On multiple occasions the Board has taken action and directed departments to identify ways to work together more collaboratively. The Board discussed collaboration and communication at its two-day strategic planning workshop and established cross-departmental collaboration as a goal for the County's immediate operating plan, which will be ratified by the Board in a future Board meeting.

Grand Jury Finding 3, Recommendation 2

The county administrator should shift department perception from working within a "silo mentality" to a team with a unified county focus.

County Response to Finding 3, Recommendation 2

This recommendation will be implemented. Beginning with the selection process of a permanent County Administrative Officer, the Board has placed heavy emphasis on changing the "status quo" operations of County government and breaking down the silos which have prevented some departments from effectively

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286-9003

Michael C Oliveira
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Clyde Clapp
District 5
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### ***Grand Jury Finding 5 Recommendation***

Perform a Classification and Compensation Survey for all correctional classifications.

### ***County Response to Finding 5 Recommendation***

This recommendation is being implemented. The Human Resources Department has been tasked with conducting a classification and compensation (class and comp) survey for a number of departments and positions within the County. Following the completion of that survey, the Human Resources Director will provide an update to the Board of Supervisors for policy direction.

### ***Grand Jury Finding 6***

There has been a high rate of turnover within the correctional officer classifications which can be directly attributed to low wages and excessive overtime requirements.

### ***County Response to Finding 6***

The Board of Supervisors agrees with the finding. It is important to note that the Board of Supervisors feels that a number of factors have contributed to the high turnover within the jail. Salaries and high overtime have definitely been a large factor. The Board of Supervisors would like to identify all potential factors and work with the Sheriff's Department to address them.

### ***Grand Jury Finding 6 Recommendation***

Increase correctional salaries to a competitive level making the positions more attractive to qualified candidates, potentially increase staff retention.

### ***County Response to Finding 6 Recommendation***

This recommendation will be implemented. As noted in *Finding 3, Recommendation 2*, above, the Board of Supervisors is concerned with the compensation of a number of job classifications within the County. In order to address this issue, the Board is looking to prioritize adjusting salary levels by examining the extent to which the salaries for those positions differ from comparison counties as well as the risk to the County and employees of not correcting the salary disparity immediately. Given those criteria, the correction staff are in the first tier of needing an equity adjustment.

### ***Grand Jury Finding 7***

Non-medical personnel are currently distributed medications to inmates.

### ***County Response to Finding 7***

The Board of Supervisors agrees with the finding.

### ***Grand Jury Finding 7, Recommendation 2***

Increase nursing staff hours to address current needs.

### ***County Response to Finding 7 Recommendation***

This recommendation requires further analysis. The Board of Supervisors will direct the County Administrative Officer to work with the Sheriff's Department, the Calaveras County Health and Human

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Services Agency and Human Resources to review medical staffing and operations at the jail. Options that will be considered include either increasing hours or increasing staffing levels, or both.

**Grand Jury Finding 8**

Calaveras County has the lowest jail budget in the tri-county area.

**County Response to Finding 8**

The Board of Supervisors agrees with the finding.

**Grand Jury Finding 8 Recommendation**

Increase jail allocations to a level comparable to neighboring counties to provide for additional staffing and wage increases.

**County Response to Finding 8 Recommendation**

This recommendation requires further analysis. The Board of Supervisors agrees that the jail's budget is disproportionately low relative to neighboring counties. It is difficult to make an apples to apples comparison of jail budgets by reviewing one year of budgets and not having more detail on the specific operations under those budgets. Nor is it the County's practice to make sure each budgeted department or unit matches neighboring counties' budgets. Rather, the Board of Supervisors will direct the County Administrative Officer and the Sheriff's Department to conduct a departmental review of staffing levels, operations structure and budget structure and make a comparison between neighboring counties, based on all of those factors.

Sincerely,

Michael C. Oliveira  
Chairman

Gary Tofanelli  
District 1  
286-9002

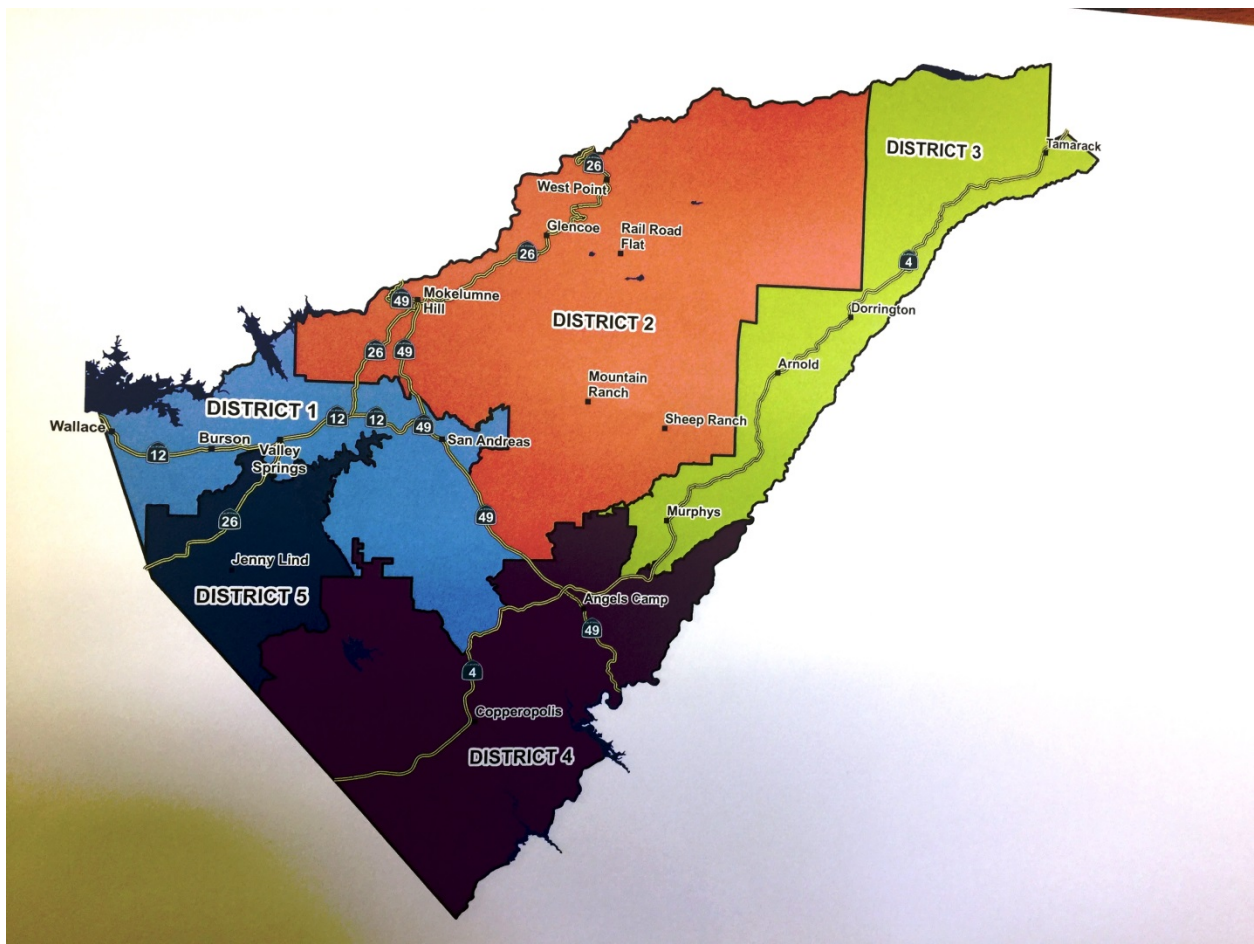
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County District Map for Supervisory Election



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**District 2: Jack Garamendi**

**District 3: Michael C. Oliveira**

**District 4: Dennis Mills**

**District 5: Clyde Clapp**