

# CALAVERAS COUNTY GRAND JURY REPORT 2018-2019





**FILED**

JUN 07 2019

# Calaveras County Grand Jury

Clerk of the Court  
Superior Court of California  
County of Calaveras

By [Signature], Deputy

## 2018 – 2019 FINAL REPORT

The 2018-2019 Calaveras County Grand Jury approved the Final Report

S/: Carolyn Stinemates  
Carolyn Stinemates, Foreperson

Date: 6/3/19

I accept this Grand Jury report for the year 2018-2019 for filing and certify that it complies with Part II, Title IV of the California Penal Code.

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

Date: 6/7/19

# CALAVERAS COUNTY GRAND JURY

P.O. Box 1414  
San Andreas, California 95249

June 1, 2019

The Honorable Timothy S. Healy  
Calaveras County Superior Court  
400 Government Center Drive  
San Andreas, CA 95249-9794

Dear Judge Healy,

California Penal Code §933(a) states:

"Each Grand Jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year..."

In conformance with the aforementioned Penal Code requirement, the 2018-2019 Calaveras County Grand Jury approves and respectfully submits this report to you, the Honorable Timothy S. Healy, Presiding Judge, Superior Court of California, Calaveras County.

In our final report you will find nine (9) Civil Government and Special District investigations completed by the 2018-2019 Grand Jury. The following reports were completed by mandated inspection, citizen complaint investigation, or through inquiry investigation.

Animal Control Services (1)  
Continuity & Edit (1)  
Jail/Law & Justice (1)  
Government/Planning/Public Works (3)  
Education & Libraries (1)  
Audit & Finance (1)  
Community College Districts (1)

To complete the reports, Grand Jurors took facility tours, observed operational activities, interviewed and heard testimony of present and past Elected Officials, many Department Heads and Staff Employees. The Grand Jurors and I would like to thank each of those individuals for their time and their expert testimony.

In addition, the Grand Jurors requested and studied an enormous amount of documents, enabling them to evaluate best practices, the lawfulness of such practices, and the efficiency of work processes. As a result, reports included findings with Grand Jury recommendations and in some cases, commendations.

The dedicated members of the 2018-2019 Grand Jury consisted of 19 Grand Jurors, 7 men and 12 women, diverse in age, life experiences, and expertise. I want to acknowledge the Grand Jury Officers and Committee Chairs for providing outstanding leadership in conducting business timely and thoroughly. I would like to thank all Grand Jury Members for their diligent dedication and timeless efforts in their service to Calaveras County. Our quality work, as an independent investigative body, consisted of prioritizing our efforts, facing unforeseen challenges, and spending long dedicated hours to fulfill our civic responsibility completely, thoroughly, and with professionalism. This Grand Jury worked exceptionally well as a team, demonstrating the highest respect for one another.

On behalf of the 2018-2019 Grand Jury, I would like to extend our sincere thank you and acknowledge Megan Stedtfeld, Calaveras County Counsel and Greg Wayland, Deputy Calaveras County Counsel, for their expertise, consultation, mentorship and time in support of the Calaveras Grand Jury. Anytime the Grand Jury called, they responded timely and without hesitation with the highest professionalism.

Also, on behalf of the 2018-2019 Grand Jury, I would like to extend our sincere thank you and acknowledge Christa Von Latta, Deputy CAO, for her guidance and assistance with the Grand Jury budget. Anytime I and Grand Juror Arleen Bailey, Grand Jury Treasurer, needed assistance or questions answered, Christa did not hesitate to step up to provide answers or meet with us. The collaboration was certainly appreciated by not only myself and Arleen, but by the entire Grand Jury.

In addition, on behalf of the 2018-2019 Grand Jury, I would like to acknowledge the California Grand Jurors' Association for providing training, on-going guidance, and the working tools to be successful in the completion of our final report.

I am grateful, honored and humbled by your confidence, support and guidance, as well as the assistance provided by Calaveras Superior Court Administrative Support, Doreen Balletti, during this past year. The Grand Jury Foreperson experience has been challenging but rewarding.

Thank you for the privilege to serve this past year as Foreperson!

Respectfully,

Carolyn Stinemates  
2018-2019 Calaveras County Foreperson

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## **GRAND JURY INFORMATION**

### **THE WHAT, WHO, AND WHY OF GRAND JURIES**

“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.” – Margaret Mead

We all know that California is a special place. One of our unique qualities is our County Grand Jury system. Called a “civil” Grand Jury, it operates as an arm of the Superior Court of the county and provides an opportunity for self-governance.

In California, the Grand Jury system consists of 58 separate grand juries – one in each county – that is convened on an annual basis by the Superior Court to carry out a number of functions. One of these functions is investigating and reporting on the operations of local government - the “watchdog” function, a civil, rather than criminal investigation. The issuance of criminal indictments or allegations of a public official’s willful misconduct in office may follow from such investigations.

Every year, in each of California’s 58 counties, a group of ordinary citizens takes an oath to serve as an arbiter of local government. This body of equals is primarily concerned with matters of governmental effectiveness and efficiency. In addition to examining county and city government, the Civil Grand Jury reviews school districts, joint powers agencies, special districts, housing authorities, and other governing agencies to ensure that the best interests of the citizenry are served.

Grand Jurors are citizens of all ages and different walks of life bringing their unique personalities and abilities to the panel. All Grand Jurors are volunteers. They are gleaned from Voter Registration files as well as Department of Motor Vehicles records. Some are citizens who have submitted applications to serve their communities as Grand Jurors.

With regard to its watchdog authority, the Grand Jury is well suited to the effective investigation of local governments because it is an independent agency, operationally separate from the entities and officials it investigates. Civil Grand Jurors are officers of the Superior Court in the county in which they serve. They are members of the Judicial branch of government, as opposed to the Legislative or Executive branches.

The Grand Jury’s fact-finding efforts result in written reports which contain specific recommendations aimed at identifying problems as well as improving government operations and enhancing responsiveness to the citizens of the county.

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

Grand Juries have existed in the State of California since the adoption of California’s original Constitution in 1849-1850. The Constitution, Article 1, Section 23, requires that a Grand Jury “be drawn and summoned at least once a year in each county.” 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.

The number of Grand Jurors impaneled each year is determined by the population of the county in which they reside. Counties with fewer than 20,000 citizens impanel 11 jurors; counties with 4 million or more

citizens impanel juries of 23 individuals. Calaveras County fields 19 jurors for the duration of their one year of volunteer service.

## **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 said entities are carrying out their duties to the citizens of the County. The Grand Jury is mandated to investigate the condition of jails and detention centers. Other than this annual requirement, the Grand Jury may pursue investigations as a truly independent body. Each Grand Jury is free to choose which local governmental entities or public officials to investigate. Ideas for investigations generally come by way of three avenues: citizen complaints, matters raised by members of the Grand Jury, and referrals from the preceding Grand Jury.

During its investigations, the Grand Jury acts as a finder of fact. In addition to determining if the official or entity under investigation is adhering to the laws that govern the operations of that entity, the jury analyzes whether the entity is operating in a businesslike manner and providing public services effectively and economically.

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 governance and provide information to the public. The Grand Jury makes recommendations for change, requests responses, and follows up to ensure more efficient and lawful operation of government.

It is through its report that the Grand Jury wields its power. This report is influential because it may attract the attention of the media, and subsequently, the voting constituencies of the investigated officials and agencies.

## **WHY THE CITIZENS OF CALAVERAS COUNTY SHOULD CARE**

Grand juries work. They can do what no other group or individual can do – thoroughly, systematically, and without bias, delve into the actions and policies of local governmental entities and officials to evaluate their effectiveness in providing services to the people they are supposed to serve.

Calaveras County needs what their Grand Jury provides: an objective, non-partisan analysis of what works, and what does not work, in local government.

## **FINAL REPORT**

The Final Report of the 2018-2019 Calaveras County Grand Jury includes the findings and recommendations of the Grand Jury and is released to the presiding Calaveras County Superior Court Judge by July 1 of each year. It is made available to the 2019-2020 Grand Jury, the media, the public, and government officials. It will also be available on the Calaveras County Grand Jury website: <http://grandjury.calaverasgov.us/> .



## **CONFIDENTIALITY AND INTERVIEWS**

Reports issued by the Calaveras County Grand Jury do not identify individuals interviewed. California Penal Code §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 Grand Jury.

A Grand Jury report will never reveal how the Grand Jury or any Grand 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 shall 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 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://grandjury.calaverasgov.us/>.

Completed forms may be mailed to the above Post Office Box or emailed to: [ccgrandjuryfore@gmail.com](mailto:ccgrandjuryfore@gmail.com).

# PRESS RELEASE

To Calaveras County Citizens,

A new Calaveras County Grand Jury is impaneled each year that consists of 19 citizens. Civil Grand Jurors are officers of the court and function as an independent body under the guidance of the Superior Court Judge.

The Civil Grand Jury is required by California Penal Code §919(b) to investigate public prisons and jails annually. Apart from the investigation mandated by law, only the Grand Jury decides what other County agencies or services it will investigate. Areas of inquiry may include all aspects of County government; the operation, records and accounts of County offices; allegations of corrupt and/or willful misconduct of public officials; and activities of all schools and special assessment districts within Calaveras County. Investigations may also be initiated in response to letters from citizens, newspaper articles and/or personal knowledge.

The Calaveras County Grand Jury works to ensure that the best interests of all citizens of the County are being served by their government bodies.

If you have a complaint or comment, please let the Grand Jury know. Grand Jury contact information is as follows:

MAILING ADDRESS:      Grand Jury  
                                 P.O. Box 1414  
                                 San Andreas, CA 95249

PHONE:                    (209) 754-5860

E-MAIL:                   [ccgrandjuryfore@gmail.com](mailto:ccgrandjuryfore@gmail.com)

WEBSITE:                <http://grandjury.calaverasgov.us/>

Respectfully,  
2018-2019 Calaveras County Civil Grand Jury

**MEMBERS OF THE 2018-2019 CALAVERAS COUNTY GRAND JURY**

**Carolyn Stinemates, Foreperson**

**Larry Abernathy, Foreperson Pro Tem**

**Linda Toren, Recording Secretary**

**Gayle Baker, Corresponding Secretary**

**Trish Ford, Sergeant of Arms**

**Arleen Bailey, Treasurer**

**Christine Gill, Information Technology**

**Richard Baker**

**Becky Hernandez**

**Hershall Roberts, Jr.**

**Ralph Copeland**

**Diane Lloyd**

**Chloe Shufeldt**

**Fred Feizollahi**

**Michael McDaniel**

**Patrick Toepel**

**Jodie Gibson**

**Pamela Rascoe**



What other agencies, officials or persons have you contacted about this matter? What was (has been) their response to you? Provide names, addresses, phone numbers, contacts, dates, etc.

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Is the subject matter of your complaint currently involved in litigation?

NO \_\_\_\_\_ YES \_\_\_\_\_

What action are you expecting from the Calaveras County Grand Jury?

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It is a crime to knowingly make a false report to the Grand Jury that a felony or misdemeanor has been committed (CA Penal Code Section 148.5).

Attach copies of all pertinent documents and correspondence. Use additional sheets if necessary.

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

Mail this completed form to:  
The Calaveras County Grand Jury  
P.O. Box 1414  
San Andreas, California 95249

Or Email to: [ccgrandjuryfore@gmail.com](mailto:ccgrandjuryfore@gmail.com)

# ANIMAL CONTROL SERVICES



## **SUMMARY**

California Penal Code §925 states in part "...investigations may be conducted on some selective basis each year." The Grand Jury continues to assess the condition of the Calaveras County Animal Shelter including the facility, animal health and welfare, safety, and overall operations. The Grand Jury's decision to investigate Animal Control Services was also based on a citizen's complaint.

Through our investigation it was determined that Animal Control Services functioned better and had more authority within and respect from the community while under the jurisdiction of the Sheriff's Office.

The former county jail was toured as a possible location for a new Animal Control Services facility. After conducting interviews and inspections, the Grand Jury finds that the current Animal Control Services facility continues to be inadequate, unsafe, understaffed, and has outlived its utility. Replacement with a new facility or a refurbished existing building needs to occur.

## **GLOSSARY**

ACS – Calaveras County Animal Control Services

BOS – Calaveras County Board of Supervisors

CAO – County Administrative Officer

CCGJ – Calaveras County Grand Jury

EH&APC – Calaveras County Environmental Health & Air Pollution Control

MOU – Memorandum of Understanding

## **METHODOLOGY**

Meetings were held to plan an investigation, set up tours, and formulate questions for interviews. Subsequently, CCGJ reviewed a complaint and incorporated it into the investigation.

The CCGJ toured the ACS facility. This tour was led by the ACS Director. A question and answer interview session continued throughout the tour.

The CCGJ toured the Amador County Animal Shelter located in Jackson. The tour was led by their Animal Control Services Director. The purpose of this tour was to have a basis for comparison to a similar animal services program. Prior to and during the tour, questions from the committee were answered.

The CCGJ toured the Lodi City Animal Shelter. This tour was led by their Animal Services Supervisor. The Supervisor provided the committee with a printed document listing the department job descriptions, major accomplishments, and objectives. The purpose of this tour was to compare and contrast a city facility with our county facility.

Additionally, CCGJ members toured the former jail and Sheriff's Office as a potential site for a future ACS facility.

The CCGJ interviewed the following persons:

- EH&APC Official
- Calaveras Humane Society Representative

- Former Sheriff’s Office Employee
- Former ACS Executive
- ACS Officer
- ACS Executive

The Grand Jury also obtained, from the Calaveras County Website, copies of job descriptions for Animal Services Officer I/II and Animal Shelter Assistant.

## **BACKGROUND**

For more than 18 years, Calaveras County Grand Juries have reported that the animal shelter needs a major upgrade or a complete replacement with a new facility. The following are excerpts from past CCGJ reports:

1999-2000: F2. “The building conditions are in need of improvement.”

2001-2002: “The Calaveras County Animal Control facility (shelter) has been a long-recognized problem with past Grand Juries since 1986. Final reports of past Grand Juries have many times reflected the need for change in this outdated facility.”

2005-2006: CCGJ received a citizen complaint. “The complainant specified many issues pertaining to the condition of the facility...”

2006-2007: “Finding 1: A facility upgrade recommended by a special audit in 2006, remains unresolved. The proposed plan submitted by Nacht & Lewis Architects to the County Administrator includes acquisition of space, construction of a new animal shelter, and repairs to the existing facility.”

2007-2008: “Finding: The current animal shelter is too small and outdated for the housing of animals for Calaveras County.”

2008-2009: “Recommendation: The Grand Jury continues to recommend the Sheriff update, and the Board of Supervisors approve, the plan for a new shelter with a specific timeline. The BOS needs to allocate the necessary funding.”

2009-2010: “Recommendation: The Grand Jury continues to recommend that the Board of Supervisors implement the previously approved plan for a new shelter with a specific time line. The BOS should allocate the necessary funding to proceed with the project.”

2010-2011: “Finding 1: Although a relatively new modular building serves as the office space for the shelter, most of the facility is old and inadequate.”

2011-2012: “Finding 1: A relatively new modular building serves as the office space for the shelter; however, most of the facility is old and inadequate.”

2015-2016: “ACS is working with the humane society and local community outreach programs to construct better housing for animals.”



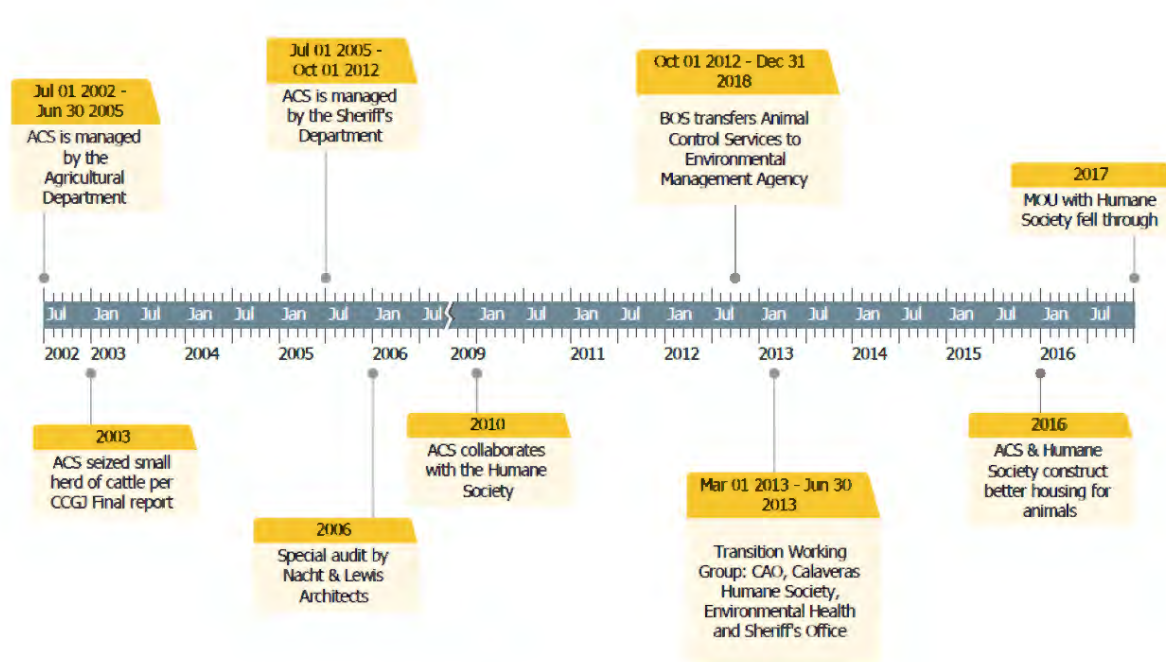
2017-2018: Finding 4 - “The existing aging and obsolete animal shelter is (too) small and outdated (built in the 1950’s) to adequately meet the daily services and operational needs for animal housing.”

2017-2018: Finding 5 - “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.”

Over a fifteen-year period ACS has been managed by a variety of county departments (see following timeline).

Attempts were made by ACS to work with the Humane Society toward building a new joint facility. Collaboration between ACS and the Humane Society began in 2010. Those efforts failed in 2017 and the Humane Society ultimately sought its own independent facility.

### ACS Timeline



### DISCUSSION

The critical need for a new ACS facility is substantiated by 18 years of Grand Jury Reports, the opinions of all six individuals interviewed, the May 21, 2018 Bickmore Calaveras County Animal Services Shelter Hazard Assessment Report (hereafter referred to as Bickmore), and the CCGJ’s visual inspection of the current facility. The CCGJ tour of the current shelter revealed inadequate space for housing animals, insufficient storage space, an insufficient number of medical exam rooms, chipped linoleum, and inadequate laundry facilities to name a few. The facility has not been inspected for asbestos, making the chipped linoleum an even greater concern. Animals available for adoption are being sent to other shelters because ACS does not have the room to house them.

The Grand Jury Final Report 2017-2018 found that industry standards were established in “Guidelines for Standards of Care in Animal Shelters” 2010. It was revealed through interviews that current management was unfamiliar with these guidelines.

Bickmore focused on hazardous situations that could lead to loss exposure for the County and addressed the procedures and practices within the facility rather than the utility of the aging shelter. A lack of permanent wiring and insufficient number of electrical outlets was identified, along with several storage issues.

In late August, ACS spent two and a half weeks cleaning the cat area of the facility because 50 out of 80 cats had ringworm. Crowding and the inability to keep cats separated at intake until they can be thoroughly examined contributed to the spread of this disease.

Three of those interviewed believe that two new ACS vehicles are needed. One of the ACS vehicles has over 200,000 miles, has the check engine light on at all times, and employees believe it is unsafe to drive. The second vehicle currently being used has severe steering issues, making it difficult to keep on the road. Additionally, the vehicles currently in use do not have air-conditioning for the animals. Per “Guidelines for Standards of Care in Animal Shelters” 2010, a thermometer should be located within the animal carry boxes and temperatures should be kept between 60 and 80 degrees.

As of December 18, 2018, the purchase of one new vehicle was funded by the BOS. The county budget for fiscal year 2018-2019 included \$42,900 for a new vehicle. An additional \$26,913 was approved to cover the purchase of required equipment for that vehicle. The new vehicle is expected to be operational by the end of fiscal year 2018-2019. ACS would then need to be funded for one additional new vehicle.

Four of the six people interviewed believed that ACS operates more efficiently under the Sheriff’s Office. One interviewee had no opinion about working under the Sheriff’s Office and one was not asked this question.

There are 58 counties in the State of California. All 58 were contacted by telephone and asked if their Animal Control Services agency is managed by law enforcement in their counties. Of the 58 counties, 22 ACS departments were run by the County Sheriff’s Office and three by city law enforcement. Several counties in which the Sheriff’s Office oversees ACS are rural, similar to Calaveras County.

When ACS was a division of law enforcement, the insignia on their uniforms and patches provided ACS officers with the appearance of more authority and, therefore, greater influence and respect within the community. Under the Sheriff’s Office jurisdiction, ACS Officers could be trained and allowed to carry non-lethal weapons such as pepper spray and batons. As part of law enforcement, ACS would have access to evidence lockers for proper storage of evidence and maintaining the chain of evidence. Serving warrants would be more efficient because ACS Officers would not have to call to schedule the assistance of the Sheriff’s Office. Because ACS is not currently within the Sheriff’s Office, the department lacks the authority to issue citations, make arrests, and enforce codes and licensing laws.

Through interviews, CCGJ learned that any donations or fees collected by ACS goes directly into the County General Fund instead of the ACS budget. If all donations were to remain within the ACS budget, the community and ACS would have more fund raising events specifically to enhance the budget.

At the time of this writing, only 35-40 percent of the recommendations in Bickmore have been complied with due to a lack of funding.

Interviews revealed that ACS does not have a uniform policy. The current annual uniform stipend for ACS Officers is \$300, and \$600 per year for the Director. Several of the officers attempted to put something together in an effort to make their appearance similar and somewhat uniform.

ACS is lacking sufficient office personnel to keep the office open five days a week, eight hours a day. With only one office employee, it becomes necessary to close the office in order to complete administrative work to include paying bills and processing licenses. It was discovered that checks had not been deposited for up to three months.

The absence of a Policy and Procedure Manual results in calls being handled inconsistently, evidence being collected and handled improperly or not collected at all, a lack of guidelines for issuing citations, and varied methods for processing of animals.

Grand Jury members requested information from ACS officials regarding a specific complaint, discovered that evidence was missing, and complaint logs could not be located. Written procedures for handling complaints do not currently exist.

After conducting interviews, touring facilities, and reviewing reference documents, the Grand Jury findings are as follows:

## **FINDINGS**

- F1. The ACS facility is old, outdated, and insufficient to care for and house animals.
- F2. Funding to purchase one additional new vehicle is needed.
- F3. Through interviews, the CCGJ determined that when funded properly, ACS functions more effectively under the jurisdiction of the Sheriff's Office. Under the administration of the Sheriff's Office, an ACS Officer would command more respect and authority within the community, have the authority to issue citations, make arrests, and enforce codes and licensing laws.
- F4. Currently, revenue collected by ACS goes directly into the County General Fund instead of enhancing the ACS budget, limiting funds available for their specific needs.
- F5. Due to a lack of funding, ACS has not complied with all of the recommendations made in the Bickmore Hazard Assessment Report.
- F6. ACS does not have an official uniform policy, does not provide uniforms to its officers, and does not have adequate funding for uniforms. The officers do not have a professional, identifiable appearance.
- F7. There is an insufficient number of office personnel to keep the ACS office open eight hours a day, five days a week, limiting public access to available services.
- F8. A Policy and Procedure Manual does not exist, resulting in inconsistent practices and procedures, and a lack of structure for the department and its employees.
- F9. The signed preliminary MOU between the Humane Society and Calaveras County to build a new animal shelter facility was terminated after the county expressed a desire to rewrite the terms of the MOU.
- F10. ACS does not have a current training manual resulting in operational inconsistencies.
- F11. There is not a current written policy and procedure on how evidence is handled, logged, transported to the Sheriff's Office, or otherwise properly stored. This has resulted in a loss of evidence and documentation, which likely will occur again due to a lack of policy and procedure.

## **RECOMMENDATIONS**

- R1. By the 2019-2020 fiscal year, the BOS must commit to one of the following:
- a) Provide ACS the necessary budget to allow for the building of a new facility,
  - b) Investigate vacant county buildings for use as a replacement Animal Shelter and authorize funding to conduct a feasibility assessment of the old jail facility,
  - c) Eliminate ACS in Calaveras County, thus requiring the outsourcing of operations.
- R2. The BOS needs to allocate to ACS the necessary funds in the 2019-2020 budget for one additional properly equipped new vehicle.
- R3. The BOS should place ACS under the management of the Sheriff's Office and provide the necessary additional budget to operate, equip, and staff ACS properly. This should occur within the 2019-2020 fiscal year.
- R4. Any donations or fees collected by ACS should be directly allocated to the ACS budget instead of being directed into the County General Fund.
- R5. By the 2019-2020 fiscal year, the BOS should provide the necessary funding to bring ACS into compliance with all of the recommendations made in the Bickmore Hazard Assessment Report.
- R6. ACS needs an official uniform policy by the end of the 2019-2020 fiscal year; additional funding for uniforms is needed in the 2020-2021 fiscal year budget.
- R7. In the 2019-2020 fiscal year, the BOS needs to approve the budget necessary for hiring additional office personnel for ACS.
- R8. ACS management needs to develop a Policy and Procedure Manual using industry standards provided in "Guidelines for Standards of Care in Animal Shelters" 2010 by December 31, 2019.
- R9. None
- R10. ACS management needs to create a training manual by December 31, 2019.
- R11. ACS management needs to establish written evidence handling procedures by December 31, 2019.

## **REQUIRED RESPONSES**

Pursuant to Penal Code §933 and §933.05, the Grand Jury requests responses as follows:

From the following county officials within 60 days:

Animal Control Services Director

|     |     |
|-----|-----|
| F6  | R6  |
| F7  | R7  |
| F8  | R8  |
| F10 | R10 |
| F11 | R11 |

Calaveras County Administrative Officer

F1 R1  
F2 R2  
F3 R3  
F4 R4  
F5 R5  
F6 R6  
F7 R7

Calaveras County Sheriff

F3 R3  
F11 R11

Environmental Health & Air Pollution Control Director

F3 R3  
F4 R4  
F5 R5  
F6 R6  
F7 R7  
F8 R8  
F10 R10

From the following governing body within 90 days:

Calaveras County Board of Supervisors

F1 R1  
F2 R2  
F3 R3  
F4 R4  
F5 R5  
F6 R6  
F7 R7  
F9

## INVITED RESPONSES

Animal Control Services Manager  
F9

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §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 Grand Jury.

## REFERENCE SOURCES

- Calaveras County Website Job Descriptions for Animal Services Officer I/II and Animal Shelter Assistant. ([www.humanresources.calaverasgov.us](http://www.humanresources.calaverasgov.us))
- “Guidelines for Standards of Care in Animal Shelters”, 2010 ([www.sheltervet.org](http://www.sheltervet.org))
- Board of Supervisors Regular Agenda for December 18, 2018.
- Calaveras County Animal Shelter Corrective Action Log dated September 6, 2018 conducted by safety and training.

- 1999-2000 CCGJ Report
- 2001-2002 CCGJ Report
- 2005-2006 CCGJ Report
- 2006-2007 CCGJ Report
- 2007-2008 CCGJ Report
- 2008-2009 CCGJ Report
- 2009-2010 CCGJ Report
- 2010-2011 CCGJ Report
- 2011-2012 CCGJ Report
- 2015-2016 CCGJ Report
- 2017-2018 CCGJ Report

# AUDIT AND FINANCE



## **SUMMARY**

California Penal Code §925 states in part "...investigations may be conducted on some selective basis each year." Additionally, per California Penal Code §925, "The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county..."

The Calaveras County Grand Jury chose to look into why a Policy and Procedure Manual for all county purchasing has not been completed. Additionally, the Grand Jury sought to discover why the county does not have a Policy and Procedure Manual for grant applications and grant fund management. Finally, the Grand Jury determined to investigate the absence of Grand Jury participation in the audit process as was to be implemented per the Board of Supervisors in 2015.

## **GLOSSARY**

BOS Calaveras County Board of Supervisors  
CAO Calaveras County Administrative Officer  
CCGJ Calaveras County Grand Jury  
SCA Single County Audit (federally mandated annual financial and compliance audit)

## **METHODOLOGY**

Grand Jury meetings were held to plan an investigation into why the cost of the annual county audit is a line item in the Grand Jury budget, why this Grand Jury never received a copy of that audit, why policies and procedures have not yet been written for purchasing and grant applications, and to formulate questions for interviews.

The CCGJ interviewed two county administrative employees. The CCGJ received a copy of the audited Financial Report for 2017 for review.

The CCGJ reviewed the Independent Auditor's Management letter for the current year findings and recommendations for Fiscal Year Ended on June 30, 2018, and also reviewed the status of the prior two years' recommendations for the same findings.

## **BACKGROUND**

It was determined through the independent audit process that for the past three fiscal years (2015-2016, 2016-2017, 2017-2018) the County has not had standardized purchasing policies and procedures. Through interviews, the CCGJ learned that the County expects the purchasing ordinance update to be a two-part process. The Public Works code will be updated first, and the broader County code will be updated afterwards. The expected completion date for both is June 1, 2019, barring unforeseen circumstances.

It was also learned that the Grant Application and Administration Policy is a work in progress. In June 2018, the BOS adopted the first county administrative financial policy, and the next iteration of the financial policy will include procedures for grant applications and the ongoing management of awarded grant funds.



The 2014-2015 Grand Jury reported that CCGJ participation in the SCA process was not mandated by policies and procedures. The BOS at that time determined that policies and procedures would be implemented in 2015.

During the course of the investigation, the Grand Jury learned that the cost of the SCA was placed in the Grand Jury budget because the Grand Jury is expected to oversee the audit process. Steps have been taken to ensure that the Grand Jury receives a copy of the completed SCA.

## **DISCUSSION**

The County currently does not have a Policy and Procedure Manual for making purchases. This has resulted in a lack of guidance for how each department head makes purchasing decisions. Financial savings could be realized if department heads collaborated on larger purchases that could be used interdepartmentally.

Access to monies from grants is being lost because there is no grant application and administration policy for the County. All department heads are working department heads in this county; therefore, they do not have sufficient time, or in some cases the skill set, to orchestrate the grant application process and administration of grants.

Due to the complex process of grant writing, it is not a one-person task. For example, Yolo County has a grant writing committee, consisting of members of five different county departments—CAO, Probation, Public Defender, Health and Human Services, and the District Attorney. Committee members include but are not limited to analysts, supervisors, officers, and a paralegal. The success of their grant-writing process is due to cross-departmental collaboration. Since forming their committee in May 2018, Yolo County has obtained two grants totaling \$2.1 million. There are currently four or five outstanding grants pending disposition. Prior to implementing a grant-writing committee, Yolo County did not actively seek grant funding.

On the Government Finance Officers Association website, it was recommended that in establishing a grants administration oversight committee the committee should include at a minimum the CAO, budget manager, assistant city/county/town manager, internal auditor or equivalent, grants administrator/coordinator, and at least one department head.

By forming a grant-writing committee that consists of existing county employees, the need to hire an outside grant-writer would be unnecessary. Additionally, the writing process could be collaboratively orchestrated.

There is a logical reason for placing the cost of the SCA in the Grand Jury budget. That reason is the Grand Jury oversight of the audit process. The audit was not received by the Grand Jury until requested as part of our investigation.

The independent auditor noted for the past three fiscal years that the purchasing policies and procedures and the approval of grant agreements and grant applications was not implemented.

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

## **FINDINGS**

- F1. A county-wide standardized Purchasing Policy and Procedure Manual does not exist, resulting in each department handling all purchasing at the discretion of the department head, thus eliminating appropriate checks and balances.
- F2. A county grant application and administration policy does not exist, resulting in the potential loss of funds.
- F3. The CAO failed to ensure CCGJ participation in the audit process as directed in the BOS response to the Grand Jury Report of 2014-2015.

## **RECOMMENDATIONS**

- R1. The CAO should complete the Purchasing Policy and Procedure Manual no later than December 31, 2019.
- R2. a) The CAO should complete the grant application and administration policy no later than October 1, 2019, and
- b) The CAO and BOS should form a grant writing committee consisting of cross-departmental representation no later than July 1, 2020.
- R3. The CAO should ensure that Grand Jury participation is implemented no later than the beginning of the next SCA process, including:
- Selection of the auditing firm,
  - Participation in all SCA interviews,
  - Copies of all correspondence and reports.

## **REQUIRED RESPONSES**

Pursuant to Penal Code §933 and §933.05, the Grand Jury requests responses as follows:

From the following county official within 60 days:

Calaveras County Administrative Officer

F1 R1

F2 R2(a) and (b)

F3 R3

From the following governing body within 90 days:

Calaveras County Board of Supervisors

F2 R2(b)

## **INVITED RESPONSES**

Deputy County Administrative Officer

F1 R1

F2 R2(a)

|   |
|---|
| Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §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 Grand Jury. |
|---|

## **REFERENCE SOURCES**

- County of Calaveras, State of California Comprehensive Annual Financial Report for the fiscal year ended June 30, 2017
- County of Calaveras, State of California Comprehensive Annual Financial Report for the fiscal year ended June 30, 2018
- Calaveras County Grand Jury Report 2014/2015
- Calaveras County Grand Jury Report 2015/2016
- The Single Audit Act of 1984 ([https://www.bsa.ca.gov/stimulus/single\\_audit](https://www.bsa.ca.gov/stimulus/single_audit))
- Government Finance Officers Association ([www.gfoa.org/establishing-grants-administration-oversight-committee](http://www.gfoa.org/establishing-grants-administration-oversight-committee))

# CALAVERAS COUNTY GENERAL PLAN



## SUMMARY

The Grand Jury received a citizen complaint alleging that:

1. Calaveras County is in violation of the Public Records Act by withholding a draft General Plan for the County, created by Mintier-Harnish Planning Consultants, and;
2. An Environmental Impact Report dated September 22, 2016, for the Planning Commission Recommended General Plan is not compliant with the California Environmental Quality Act.

In response to number one, an investigation was opened by the Calaveras County Grand Jury to determine if Calaveras County is compliant with California State Law.

In response to number two, General Plan California Environmental Quality Act document compliance, the Grand Jury reviewed the complaint but, due to time constraints during the current term, did not initiate an investigation.

## GLOSSARY

|      |                                       |
|------|---------------------------------------|
| BOS  | Calaveras County Board of Supervisors |
| CCGJ | Calaveras County Grand Jury           |
| CEQA | California Environmental Quality Act  |
| CPRA | California Public Records Act         |
| EIR  | Environmental Impact Report           |

## METHODOLOGY

CCGJ conducted interviews, researched California laws that pertain to the complaint, reviewed previous CCGJ reports and used internet searches to obtain information.

The CCGJ interviewed the following:

- County Counsel
- Planning Department Official

The CCGJ reviewed the following documents:

- The citizen complaint letter
- 2006-2007 CCGJ report
- 2007-2008 CCGJ Report
- A pocket guide to “The California Public Records Act”
- California Attorney General’s Summary of the California Public Records Act 2004
- Raney Planning & Management website

## BACKGROUND

The CCGJ visited the Planning Department and requested documents produced by Mintier-Harnish Planning Consultants. The sole document available on February 13, 2019 was entitled “Calaveras County General Plan Public Review Draft Baseline Report”. This document (in booklet form) is an early assessment for creating a new General Plan.

A print out from the County Auditor's office showed Mintier & Associates received 29 payments totaling \$530,103.51, described as "Prof and Spec Serv - Spec Purp," from May 2006 and February 2009. An additional document revealed Mintier-Harnish received another 29 payments totaling \$420,027.73, described as "Prof and Spec Serv - Spec Purp," between April 2009 and January 2010. The total amount paid to Mintier-Harnish was \$950,131.24.

## **DISCUSSION**

As the result of interviews, internet research and the review of California State law, the CCGJ found that the CPRA gives the public access to documents submitted to governmental agencies. However, the CPRA also includes exceptions that permit governmental agencies the right to deny the release of preliminary drafted documents.

The CCGJ visited the Planning Department and found a "counter copy" of a report entitled: "Calaveras County General Plan Public Review Draft Baseline Report" submitted by Mintier-Harnish & Associates. This document is available for public view.

A county official indicated that a preliminary General Plan draft report was abandoned by the BOS in 2012. The Mintier-Harnish Planning Consultants were subsequently terminated. There were no copies of the Mintier-Harnish preliminary General Plan draft report available for the CCGJ's review.

The CCGJ concluded that preliminary or incomplete drafts of work products may be withheld, as per the CPRA.

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

## **FINDINGS**

- F1. An Administrative Draft of the General Plan from Mintier-Harnish & Associates was delivered to the Calaveras Planning Department but was not released to the public as allowed under CPRA guidelines.
- F2. A "counter copy" report entitled "Calaveras County General Plan Public Review Draft Baseline Report" submitted by Mintier-Harnish & Associates, is at the Planning Department and available for public view.

## **RECOMMENDATIONS**

R1. None

R2. None

## **REQUIRED RESPONSES**

Pursuant to Penal Code §933 and §933.05, the Grand Jury requests responses as follows:

From the following county officials within 60 days:

None

From the following governing bodies within 90 days:

None

## **INVITED RESPONSES**

Planning Director

F1

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §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 Grand Jury.

## **REFERENCE SOURCES**

GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7914]

( *Title 1 enacted by Stats. 1943, Ch. 134.*  )

DIVISION 7. MISCELLANEOUS [6000 - 7599.2]

( *Division 7 enacted by Stats. 1943, Ch. 134.*  )

CHAPTER 3.5. Inspection of Public Records [6250 - 6276.48]

( *Chapter 3.5 added by Stats. 1968, Ch. 1473.*  )

ARTICLE 1. General Provisions [6250 - 6270.7]

( *Article 1 heading added by Stats. 1998, Ch. 620, Sec. 1.*  )

6254. Except as provided in §6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

6255. (a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

## **DISCLAIMER**

One Juror recused themselves from this investigation.

# CODE COMPLIANCE





## SUMMARY

The 2018-2019 Calaveras County Grand Jury investigated Calaveras County Code Compliance, pursuant to Penal Code §925 which states in part, "...investigations may be conducted on some selective basis each year." Code Compliance, a unit of the Calaveras County Building Department, exists to protect the health, safety, and welfare of our communities.

In 2009, Calaveras County experienced a reduction in tax revenue which forced the County Building Department to reduce its Code Compliance Officers from a staff of five to two. In 2016, infused by money generated from commercial medical cannabis cultivation application fees, the Building Department was able to increase its staffing from two Code Compliance Officers back to five.

Calaveras County Building Department now has the ability to assign a Code Compliance Officer to each of the five County Districts. This has improved workload management and code enforcement for all County code concerns.

## GLOSSARY

BOS Calaveras County Board of Supervisors  
CCBD Calaveras County Building Department  
CCGJ Calaveras County Grand Jury

## METHODOLOGY

CCGJ conducted interviews, reviewed previous CCGJ reports, code compliance documents, Board of Supervisors constituent correspondence, and searched the internet to locate relevant news articles. In addition, the CCGJ reviewed similarly situated rural counties regarding cannabis fines and ordinances. These included the counties of Tuolumne, El Dorado, Amador, Tehama, Kings, and Nevada.

## BACKGROUND

As part of the larger County law enforcement body, the Code Compliance unit is responsible for building and zoning codes. Its officers are often the first contact residents have with County officials in the event of civil code violations.

On May 10, 2016, the BOS adopted an Urgency Ordinance reflected in County Code Chapter 17.95, titled: "Calaveras County Code regulating Medical Cannabis Cultivation and Commercial Uses involving Medical Cannabis". This ordinance expired on February 14, 2018, and all cultivation activity authorized under this ordinance ceased on June 7, 2018. Currently, commercial cultivation of cannabis is not permitted in Calaveras County.

### Department Staffing

In January 2009, during a national economic recession, Code Compliance staff was reduced from five to two officers. Four years later, the 2012-2013 CCGJ investigated the CCBD subsequent to a complaint. The resulting 2012-2013 CCGJ report stated, "... the Building Department was not always diligent in pursuing non-compliant or un-permitted business and residential construction activity."

As described in the 2013-2014 CCGJ report, understaffing and inefficiencies in the Code Compliance unit generated numerous citizen complaints. Code Compliance had been subject to understaffing and

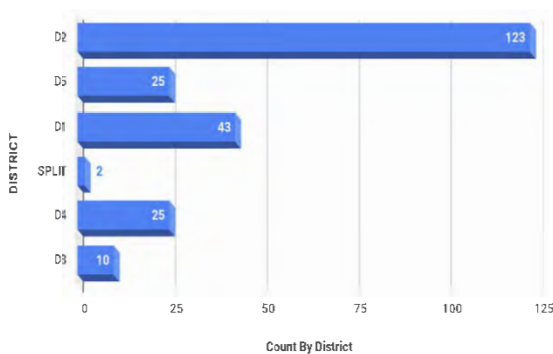
underfunding. In the past three years, Code Compliance has become more vital to Calaveras County, largely due to cannabis cultivation and the accompanying need for regulation enforcement.

In the 2012-2013 CCGJ report, Recommendation #1 encouraged the BOS to increase the Code Compliance staff. The BOS replied, “The Board of Supervisors agrees with this recommendation. The Board will not implement this recommendation because there is no ongoing source of funding for a position in this budget unit. The FY 2013/2014 recommended budget does not add any new positions that do not have an ongoing non-General Fund source of funding.” The BOS concluded there was not a source of funding and until one was identified, Code Compliance could not increase its staff.

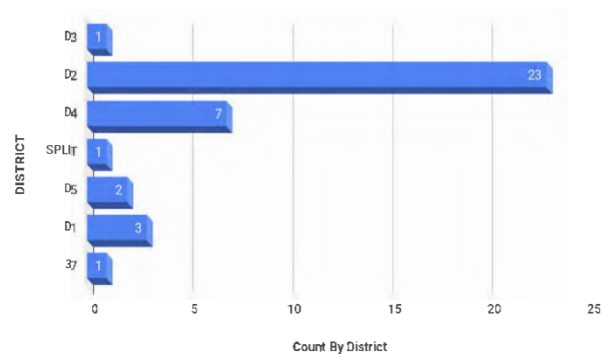
### **Department Funding**

The following statistic is reflective of why Code Compliance cannot depend on any one type of violation or fine to sustain itself. In 2017, there were approximately 47,000 cannabis plants eradicated in Calaveras County. From January 1, 2018 to October 19, 2018, there were approximately 2,200 cannabis plants eradicated in Calaveras County.

2017 Cannabis Violations by District



2018 Cannabis Violations By District



Code Compliance received \$366,186 from the 2018-2019 fiscal year general fund to ramp up the “8.06 program” (Revisions to Calaveras County property maintenance Code §8.06, titled Procedures and Abatement of Public Nuisances).

Previously, the BOS halted modifications to the Calaveras County property maintenance Code §8.06. At the July 10, 2018 BOS meeting, the Board postponed further discussion until a fee schedule is prepared by August 2019. At this July 2018 meeting, a Supervisor voiced concerns regarding the §8.06 code revision. This Supervisor also expressed concerns about the unintended consequences of keeping the “rural county” integrity of Calaveras County and the worry of “...unfettered power of our government...”

According to the Code Compliance fiscal year 2018-2019 funding request, the main goal of Code Compliance is to become a self-sustaining department. Code Compliance is initiating a variety of measures to achieve that objective. They are in the process of revamping a new master fee schedule for code violations, have increased staffing levels, and have implemented new software as a part of an integrated monitoring system. This system is available for use by other Calaveras County departments.

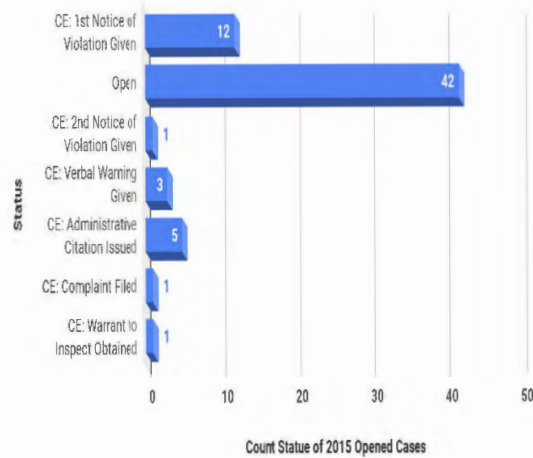
**Policy and Procedure Manual**

At the time of this writing, Code Compliance is operating without a formal Policy and Procedure Manual. Code Compliance is currently using interim protocols and guidelines developed over the years from officers’ on-the-job experience.

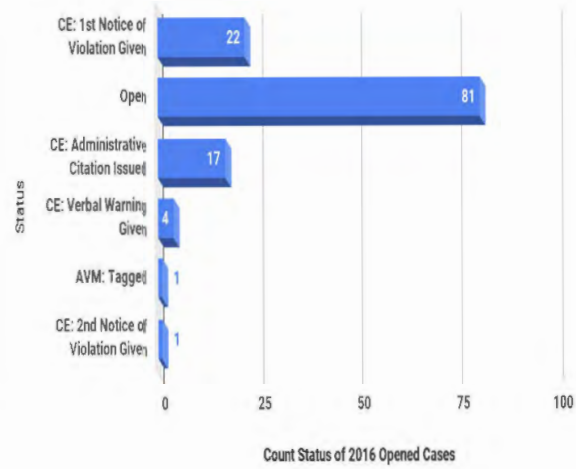
**DISCUSSION**

The BOS directs Code Compliance enforcement priorities and parameters. Code Compliance was focused on cannabis eradication in 2017 to the exclusion of other violations. The BOS needs to be consistent and evenhanded in guiding and funding Code Compliance. This is essential for Code Compliance to effectively enforce county codes.

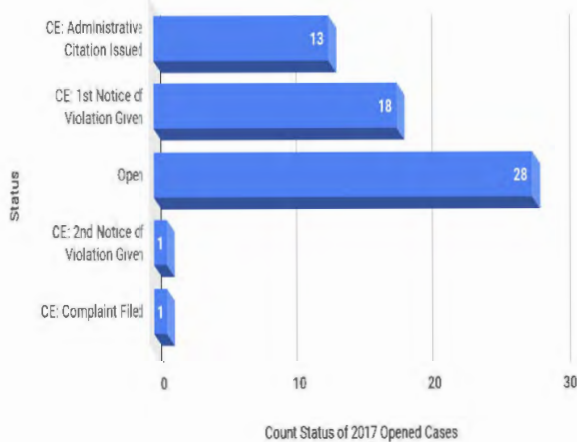
2015 Status of Opened Cases



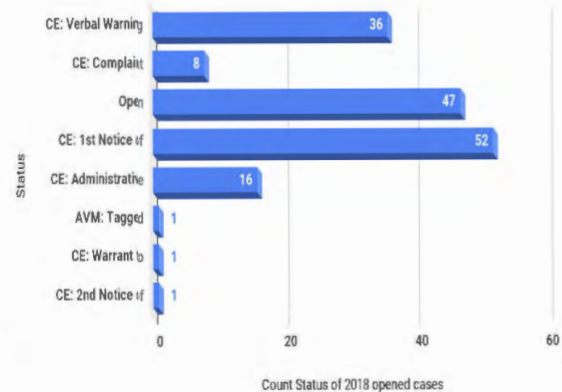
2016 Status of Opened Cases



2017 Status of Opened Cases



2018 Status of Opened Cases



Code Compliance needs to resume focus on other county compliance issues, such as zoning, signage, highway corridor beautification and nuisance abatement. These issues are very important to Calaveras County citizens.

Lack of consistent processes and guidelines expose Code Compliance to subjective code interpretations by each Code Compliance Officer. Open interpretations affect public abatement, property maintenance Code §8.06, and cannabis enforcement. Code Compliance plans to complete its Policy and Procedure Manual by summer 2019.

Code Compliance as a standalone department would streamline interaction with the public and the BOS, as well as management of the budget for the unit. Like a department, Code Compliance developed their unit budget for fiscal year 2018-2019. The unit also is currently implementing budget proposals and processes.

After conducting interviews and reviewing documents, the Grand Jury findings are as follows:

### **FINDINGS**

- F1. When commercial cannabis cultivation was permitted, the County used cannabis fees to sustain Code Compliance regulatory activities.
- F2. The current staffing levels allow for one Code Compliance Officer in each of the five districts.
- F3. The Code Compliance unit is operating without a Policy and Procedure Manual.
- F4. A revision of the Calaveras County Code §8.06 is on hold until a fee schedule is submitted August 2019 by Code Compliance.
- F5. As an internal unit of the CCBD, Code Compliance funding and stability are affected.

### **RECOMMENDATIONS**

- R1. Code Compliance needs to focus on all county compliance issues such as zoning, signage, main county highway beautification, and nuisance abatement.
- R2. Keep Code Compliance staffed with a minimum of five officers with one appointed as Director.
- R3. Code Compliance needs to complete a comprehensive Policy and Procedure Manual by December 31, 2019.
- R4. During the master fee schedule revision process, Code Compliance must avoid writing municipal codes and fee schedules which create financial and physical hardships.
- R5. The BOS needs to authorize a Code Compliance Department with its own budget by December 31, 2019.

## **REQUIRED RESPONSES**

Pursuant to Penal Code §933 and §933.05, the Grand Jury requests responses as follows:

From the following county official within 60 days:

Chief Building Official  
R1  
F2 R2  
F3 R3  
F4 R4  
F5 R5

From the following elected governing body within 90 days:

Calaveras County Board of Supervisors  
F2 R2  
F3 R3  
R4  
F5 R5

## **INVITED RESPONSES**

Code Compliance Unit  
F3  
F4 R4  
F5 R5

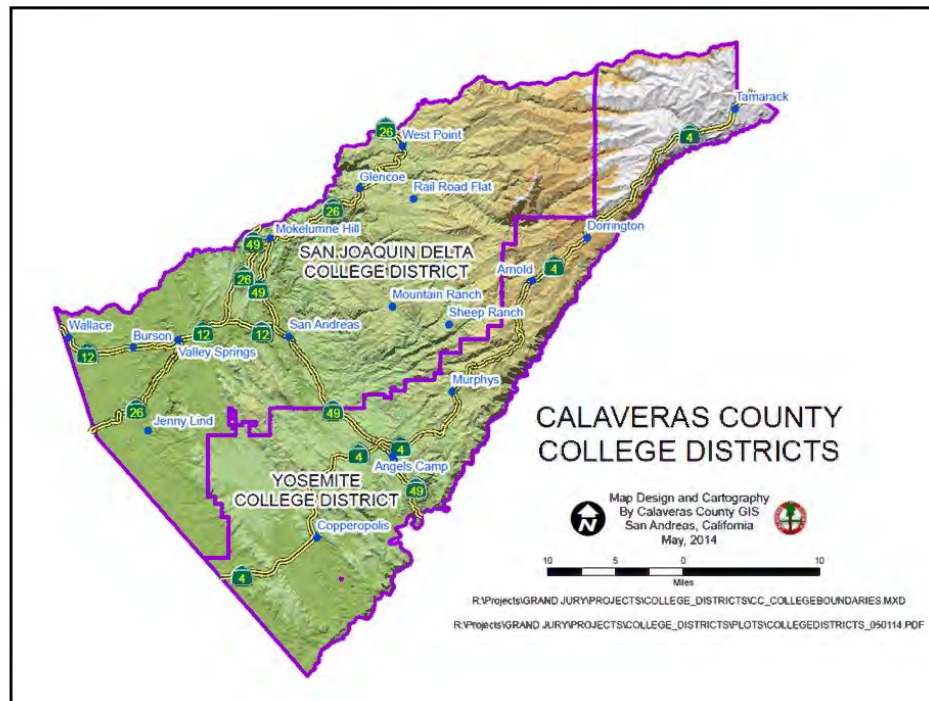
Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury:

## **REFERENCE SOURCES**

- Code Compliance forms: <https://codecompliance.calaverasgov.us/Forms>
- Working Draft of Chapter 8.06 Calaveras County Code:  
[https://codecompliance.calaverasgov.us/Portals/CodeCompliance/Documents/8.06%20Working%20Draft%20\(Aug%2027%20version\).pdf](https://codecompliance.calaverasgov.us/Portals/CodeCompliance/Documents/8.06%20Working%20Draft%20(Aug%2027%20version).pdf).
- Current Chapter 8.06 Calaveras County Code:  
[https://library.municode.com/ca/calaveras\\_county/codes/code\\_of\\_ordinances?nodeId=CALAVERAS\\_CO\\_CALIFORNIA\\_MUNICIPAL\\_CODE\\_TIT8HESA\\_CH8.06PRMAADENPR](https://library.municode.com/ca/calaveras_county/codes/code_of_ordinances?nodeId=CALAVERAS_CO_CALIFORNIA_MUNICIPAL_CODE_TIT8HESA_CH8.06PRMAADENPR)
- 2018-19 Calaveras County Budget. Building Department Pages 286-298.  
<https://administration.calaverasgov.us/Portals/Administration/Documents/Budgets/2018-2019/Final%20Budget/FY%202018-2019%20Final%20Budget.pdf>
- Chapter 8.06.600 - Administrative Hearing board Hearings and procedures

[https://library.municode.com/ca/calaveras\\_county/codes/code\\_of\\_ordinances?nodeId=CALAVERAS\\_CO\\_CALIFORNIA\\_MUNICIPAL\\_CODE\\_TIT8HESA\\_CH8.06PRMAADENPR\\_8.06.600ADHEBO](https://library.municode.com/ca/calaveras_county/codes/code_of_ordinances?nodeId=CALAVERAS_CO_CALIFORNIA_MUNICIPAL_CODE_TIT8HESA_CH8.06PRMAADENPR_8.06.600ADHEBO)  
HEPR

# COMMUNITY COLLEGE DISTRICTS



## SUMMARY

The 2018-2019 Calaveras County Grand Jury investigated the San Joaquin Delta College District Measure L Bond tax being paid by certain Calaveras County residents on their property tax bills. The investigation sought to determine whether our County has or will receive benefits from these tax dollars. The Grand Jury also inquired about college outreach programs offered by each of the college districts in our County. The Calaveras County Grand Jury explored options for an independent advanced learning system crafted to the unique needs of Calaveras County.

Calaveras County taxpayers located within the San Joaquin Delta College District pay a special tax described on their property tax bill as “SJ Delta College Bond”. This is the Measure L Bond that was voted on and passed in 2004 by San Joaquin College District members. Since the inception of the Bond Measure, minimal funds have been spent by the College District on infrastructure projects in this county. The Bond Measure is due to expire in 2029. The Calaveras County Grand Jury has concluded that it is inevitable that members of the San Joaquin Delta College District will be obligated to fund a new bond measure to maintain or expand existing campuses outside of Calaveras County.

The Calaveras County Grand Jury has determined that it is in the best interest of Calaveras County Measure L taxpayers to withdraw from the Delta College District and seek other solutions for bringing higher education opportunities to the foothills.

## GLOSSARY

|       |  |
|-------|--|
| BOS   | Calaveras County Board of Supervisors                      |
| CCGJ  | Calaveras County Grand Jury                                |
| CDOE  | California Department of Education                         |
| SJDCD | San Joaquin Delta Community College District (aka “Delta”) |
| YCCD  | Yosemite Community College District (aka “Yosemite”)       |

## METHODOLOGY

The Grand Jury reviewed documents published by both college districts relating to bond measures, Master Plans for future projects, Board of Trustees meeting agendas and minutes, Citizens’ Bond Oversight Committee agendas and minutes, and Bond expenditure reports and analyses. The CCGJ studied prior year Calaveras County Grand Jury reports as well as those from the San Joaquin County Grand Jury, each of which targeted SJDCD for investigation. Particular attention was paid to the responses received by the two different Grand Juries from the Board of Trustees of SJDCD, and in the case of the Calaveras report, the responses from the BOS. Numerous articles published by local newspapers were examined to determine the tone of public opinion of the two college districts. The audit of San Joaquin Delta College conducted by the State Controller’s Office, covering the period of March 1, 2004, through August 31, 2008, was also studied in depth.

The Grand Jury interviewed the following individuals:

- Official of Calaveras County Office of Education
- Former SJDCD Board of Trustees Candidates
- Current SJDCD Board of Trustees Member
- Former SJDCD Citizen’s Oversight Committee for Measure L Bond Funds Member

- San Joaquin Delta College Official
- Columbia College Official
- Current YCCD Board of Trustees Member
- Calaveras High School Administrator
- Private Consultant on the proposed Valley Springs/Foothills campus
- SJDCD Measure “L” Bond Official

## **BACKGROUND**

The citizens of Calaveras County are served by two community college districts: in the north by the San Joaquin Delta Community College District and in the south by the Yosemite Community College District. In 2004, these two community college districts obtained voter approvals for two bond measures totaling \$576 million. The money was designated for improvements to the existing campuses as well as construction of new campus centers throughout each district. Despite Measure L bond language stipulating that a new campus would be established in Calaveras County, 15 years later, the county has no such facility.

The CCGJ focused its investigation on one of the two bond measures, the San Joaquin Delta College Measure L Bond, approved for an amount of \$250 million. The CCGJ investigation sought to determine whether the County will receive any benefit from the Measure L Bond expenditures. The CCGJ did not conduct a detailed investigation of the second bond measure, the Yosemite Community College District Measure E Bond, approved for an amount of \$326 million.

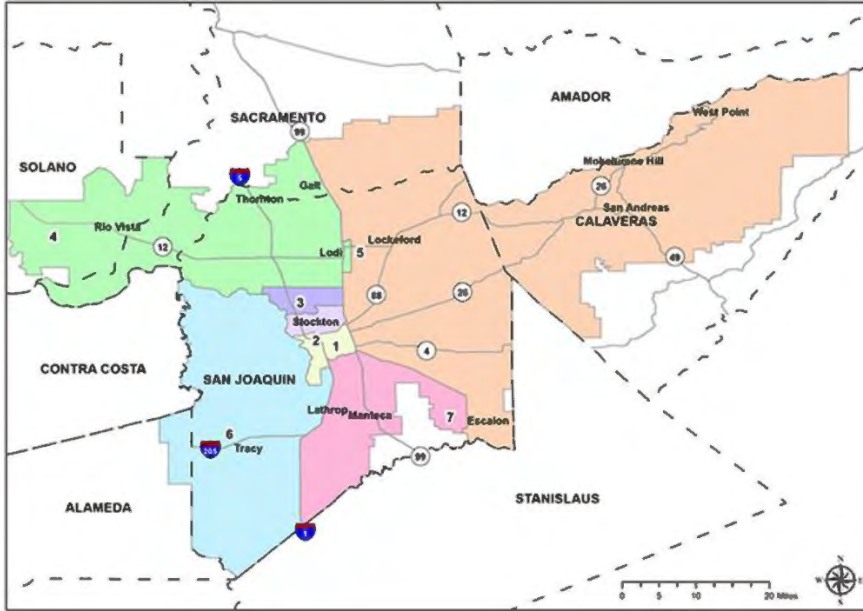
Those Calaveras County property owners located within the boundaries of the SJDCD have been paying a special assessment tax since Bond Measure L was approved in 2004. The Bond Measure provided \$250 million plus interest and earnings for urgent and critical facility needs as determined by the Board of Trustees of SJDCD. Measure L specified the establishment of an education center in the Mother Lode/Foothills area. This statement is qualified by standard bond language, which entitled the Trustees the discretion to prioritize and/or eliminate bond projects. Five years after the Measure was approved, the Delta Board of Trustees terminated its plan for the Foothills facility.

### **College District Boundaries and 2004 Voting Results**

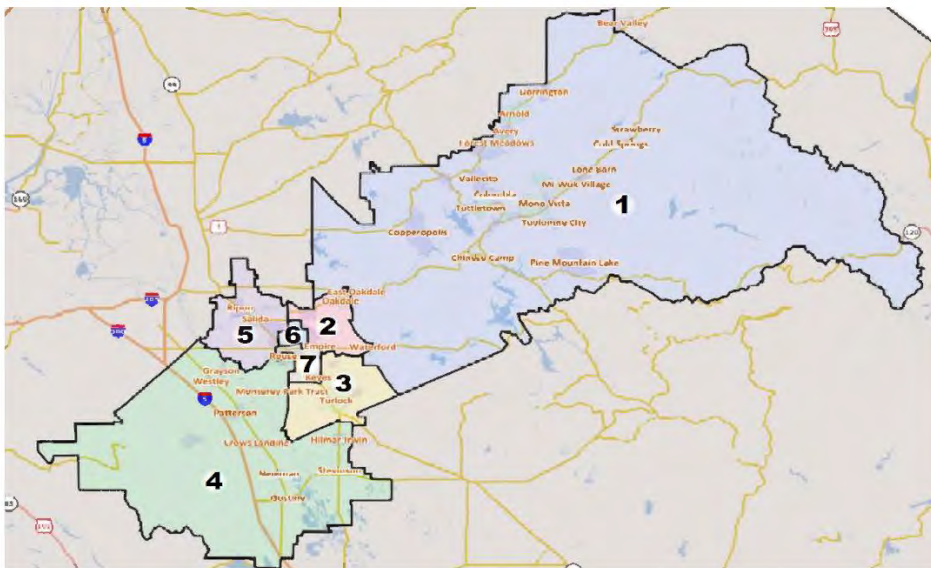
As stated earlier, Calaveras County is geographically split between two separate college districts. The college district demarcation line is depicted in a map on the cover page of this report. Also, a detailed description of the areas served by each district is presented below.

- **San Joaquin Delta College District (SJDCD)** – Encompassing San Joaquin County (except Ripon Unified School District) and parts of Alameda, Sacramento, Solano, and Calaveras Counties, the major campuses are located in Stockton (San Joaquin County) and Mountain House (San Joaquin County) – Refer to following map:





- Yosemite Community College District (YCCD)** – Encompassing all of two counties (Stanislaus and Tuolumne) and parts of four others (Calaveras, Merced, San Joaquin and Santa Clara), the major campuses are located in Modesto (Stanislaus County) and Columbia (Tuolumne County) – see map below:



The geographic split of the college districts has resulted in Calaveras County having little voice in community college bond expenditures. As demonstrated in Tables 1 and 2, the percentage of Calaveras County voters in the SJDCD territory, when compared to total Measure L voters, was 6.9%. The percentage of Calaveras County voters in the YCCD territory, when compared to the total voters for Measure E, was 5.3%. Also, it is important to note that a majority of Calaveras County voters in the Delta district did not support the Measure L Bond, while the voters in YCCD did support Measure E.

**Table 1 – Vote Totals for San Joaquin Delta Community College District Measure L, March 2004**

| <b>County</b> | <b>Votes in Favor</b> | <b>Total Vote</b> | <b>Percent of Vote</b> | <b>Pass or Fail</b> |
|---------------|-----------------------|-------------------|------------------------|---------------------|
| Alameda       | 30                    | 56                | 53.6%                  | Fail                |
| Calaveras     | 2,967                 | 7,797             | 38.1%                  | Fail                |
| Sacramento    | 3,009                 | 6,678             | 45.1%                  | Fail                |
| San Joaquin   | 55,445                | 96,158            | 57.7%                  | Pass                |
| Solano        | 1,014                 | 2,055             | 49.3%                  | Fail                |
| <b>Total</b>  | <b>62,465</b>         | <b>112,744</b>    | <b>55.4%</b>           | <b>Pass</b>         |

**Table 2 – Vote Totals for Yosemite Community College District Measure E, November 2004**

| <b>County</b> | <b>Votes in Favor</b> | <b>Total Vote</b> | <b>Percent of Vote</b> | <b>Pass or Fail</b> |
|---------------|-----------------------|-------------------|------------------------|---------------------|
| Calaveras     | 5,354                 | 9,451             | 56.7%                  | Pass                |
| Merced        | 2,390                 | 4,521             | 52.9%                  | Fail                |
| San Joaquin   | 3,120                 | 5,917             | 52.7%                  | Fail                |
| Stanislaus    | 84,403                | 134,791           | 62.6%                  | Pass                |
| Tuolumne      | 14,048                | 24,976            | 56.2%                  | Pass                |
| <b>Total</b>  | <b>109,315</b>        | <b>179,656</b>    | <b>60.8%</b>           | <b>Pass</b>         |

**California State Audit and San Joaquin County Grand Jury**

Since its approval in 2004, the Measure L Bond has been subject to a State Audit and two different Grand Jury investigations, as follows:

- An audit was conducted by the State of California in 2008. Improper management of Measure L Bond Funds were brought to the forefront in the California State Controller’s press release #PR08:062 dated November 19, 2008, “Controller’s Audit Finds Delta College Misspent Bond Funds with Little Oversight”.
- Prompted by several citizen complaints, the 2006-2007 and the 2007-2008 San Joaquin County Grand Jury investigated the SJDCD Board of Trustees, the use of Measure L funds, and the role of the Measure L Oversight Committee.

The 2006-2007 Grand Jury began the investigation but could not finish it before their term expired. The final report of the investigation was issued by the 2008-2009 Grand Jury. The findings of the report, which were highly critical of the SJDCD Board of Trustees, stated that the Delta College Board of Trustees were ill-prepared to handle the Measure L funds and made decisions which caused serious problems and wasted millions of dollars. The report findings further stated that due to the lack of oversight by the Trustees, the Bond Management Company wasted untold dollars and delayed all projects. Another finding was that by January 2008, the cost of the Mountain House Campus had climbed from the original estimate of \$55 million to \$95 million.

Moreover, the investigation concluded that the demographic studies used by the Delta College District for facilities planning were questionable at best. There were also findings regarding the Citizens’ Bond Oversight Committee. The Committee members were not appropriately briefed on the accountability requirements of the School Facilities Local Vote Act of 2000 (Proposition

39). As a result, they did not perform their duties correctly. The findings also pointed to allegations of violations of the Brown Act by both the Board of Trustees and the Citizens' Bond Oversight Committee.

- A follow-up investigation of the SJDCD Board of Trustees was conducted by the 2008-2009 San Joaquin County Grand Jury. The report of this investigation (Case No.01-08B) concluded that the Board of Trustees had made some progress in implementing the recommendations of the prior Grand Jury.

### **2013-2014 Calaveras County Grand Jury**

- As the result of a citizen complaint, the 2013-2014 CCGJ published an extensive investigation into why the SJDCD did not follow through with the benefits implied to voters in the language of Measure L. Bond Measure language as presented to the voters suggested that a campus was going to be built in Valley Springs. The CCGJ recommended that the BOS support withdrawal from Delta and seek inclusion in Yosemite. The SJDCD responses to the CCGJ Report defended the Trustees' decision to remove the Foothills project, citing that the student population in the portion of Calaveras County that it serves would not support a campus in the county.
- "R1. The Grand Jury recommends withdrawal from the San Joaquin Delta College District and inclusion in the Yosemite Community College District."
- "R2. The Grand Jury Recommends that the Calaveras County Board of Supervisors support a legal petition requesting secession from the San Joaquin Delta College District, should such petition be submitted."
- However, the 2014 BOS did not accept the recommendation to secede from SJDCD. The BOS response stated: "At this time the Board does not support implementing the recommended action to withdraw from SJDCD". "The desire of the Board is also for Delta College District to expand and establish a Foothill area campus or education center as was described in the Measure L ballot materials."

### **Secession Rule within the California Education Code §74104**

If the adult population of Calaveras County represents less than five percent of SJDCD, the County Superintendent of Schools may be able to expedite the secession process from SJDCD and the inclusion process into YCCD.

The California Education Code §74104 declares the following:

"... Notwithstanding any provision of this article to the contrary, if the transfer involves a minor change in district boundaries, defined as a transfer of territory involving less than 5 percent of the adult population of the district from which the transfer is being made, the petition may be transmitted directly to the county board of supervisors by the county superintendent of schools, without submission to the county committee on school district organization. The procedure specified in this paragraph may not be utilized more than once every five years."

## **DISCUSSION**

The Measure L Bond, which is legally binding, expires in 2029, and there are no plans to spend funds in Calaveras County for the remaining life of the Bond. Calaveras County taxpayers within the SJDCD pay a special tax listed on their property tax bills as "SJ Delta College Bond". Over the life of the bond measure, those Calaveras County taxpayers will have paid over \$10 million in bond monies to pay for

facilities outside of the County. The 2018-2019 CCGJ investigation discovered that all but \$4-\$5 million of Measure L bond monies have already been spent and/or committed to ongoing projects. Basically, Calaveras County taxpayers will see no funds spent on infrastructure in the County, although a \$30,000 feasibility study was completed. Also, any recovery of taxes collected or demand for capital improvements in Calaveras is moot.

The SJDCD officials interviewed by CCGJ stated that the Foothill/Motherlode campus was eliminated from the Measure L project master plan. Insufficient student enrollment was cited as one of the reasons for this elimination. The 2007-2008 San Joaquin County Grand Jury Report concluded (Finding #8) that “the demographic studies used by the Delta College District for facilities planning are questionable at best.” The same San Joaquin County Grand Jury also concluded (Finding #1) that “the Delta College Board of Trustees made decisions which have caused serious problems and wasted millions of dollars of Measure L funds.” Due to Measure L funds mismanagement, citizens of Calaveras County were deprived of a community college campus learning center in the Foothills.

The CCGJ concludes that there is a need for a college learning center in Calaveras County to serve the citizens of the County. Projections related to college enrollment depend on many factors such as demographics, location convenience, curriculum management, and overall quality of the education. Regarding the demographics, the 2018-2019 CCGJ obtained County student population data and found the total number of high school graduates in the portion of the County served by SJDCD was 201 in 2017 and 190 in 2018. Also, the percentages of the 2017 and 2018 high school students within the District who went on to attend colleges were 75% and 85% respectively. High school graduates located in the portion of the County served by YCCD totaled 141 in 2017 and 133 in 2018. A senior official of the County Office of Education stated that although there is no State tracking system regarding the true percentages of college-going students, the self-reported percentage for 2018 graduates was 92.5%. Graduation rates from high school and subsequent college attendance by Calaveras County graduates are consistently higher, percentage-wise, than both the national and State of California averages.

**College-Bound Graduates**

|                                 | <b>2017</b> | <b>2017</b> |  | <b>2018</b> | <b>2018</b> |
|---------------------------------|-------------|-------------|--|-------------|-------------|
| <b>SJDCD (Calaveras)</b>        | 201         | 75%         |  | 190         | 85%         |
| <b>YCCD (Bret Harte)</b>        | 141         | No data     |  | 133         | 92%         |
| <b>Total County H. S. Grads</b> | 342         |             |  | 323         |             |

High school college attendance data alone indicates that the County needs at least one college-level education center to serve its citizens who are actively seeking higher education.

There are two additional reasons to support a community college education center. Calaveras County lacks rural county public transportation and dependable, cost-effective high-speed internet. County students are unable to attend a Delta College campus unless they have their own means of transportation. Many students are also denied the convenience of online class opportunities because those classes require a high-speed internet connection.

The 2018-2019 CCGJ reviewed options for dealing with the lack of commitment, by the SJDCD Board of Trustees, to establish a campus in Calaveras County. An alternative solution for the County is to secede from SJDCD, which is the same recommendation made by the 2013-2014 CCGJ. However, in 2014, the BOS did not support secession from SJDCD. Instead the BOS felt that SJDCD should fulfill the Measure L advertisement to establish a Foothill campus. Fast-forward to today, five years later: a crucial period has passed, and the desires of the BOS have not been realized. The 2018-2019 CCGJ has concluded that the time for inaction has passed, and it is imperative for the county to move forward to secede from SJDCD. If nothing is done, the County citizens could be obligated to pay for future community college bond measures that provide no direct benefit to the County in return. The CCGJ believes it is inevitable that the taxpayers within the SJDCD will be asked to support a new bond measure to maintain and grow its campuses in other counties in the near future. The SJDCD Comprehensive Master Plan dated June 2017, calls for hundreds of millions of dollars in District improvements excluding Calaveras County campus development.

The 2018-2019 CCGJ investigation also discovered that Calaveras County has not maintained a coordinated effort and a consistent follow-through on the matters related to Measure L Bond facilities for the County. The County does not have a dedicated lead person to coordinate and manage higher education facility acquisition efforts.

If Calaveras County secedes from SJDCD, it may decide to either combine the seceded territory with YCCD or establish a Calaveras County Community College organization to creatively pursue a higher education option on its own. This solution, which needs further investigation, could follow a blueprint developed by Amador County that demonstrates another viable option for higher education. The County could adopt advanced education methods that better serve rural community settings. Twenty-first century teaching can be done remotely with online instruction, provided the County can facilitate reliable high-speed internet at learning centers. Also, attending a campus-like environment offered by a learning center enhances the learning experience and graduation rate. Amador County has addressed these concerns and developed a distance learning center. This learning center was created by an Amador County public service department and the Amador Community College Foundation. Their partnership with many universities enables them to offer multiple curricula to the attending students. The center provides counselors, computers, and high-speed internet connection. It is near public transit and has ample parking.

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

## **FINDINGS**

- F1. Measure L Bond language implied that a Foothills campus would be built by SJDCD. After the Bond was approved by SJDCD voters, the project was abandoned, and there are no plans to build a campus or a college learning center in Calaveras County for the remaining life of the Bond.
- F2. Despite the BOS response to the 2013-2014 CCGJ report which expressed their desire for SJDCD to expand and establish a Foothill area campus or education center, this has not occurred and will not occur during the life of the Bond.

- F3. According to the SJDCD 20-Year Comprehensive Master Plan, the District will likely require the passage of another bond measure to fund its long-term capital expenses for construction and improvements.
- F4. As long as Calaveras County is a member of SJDCD, any new bond could be approved with or without the support of County voters.
- F5. There is a strong desire among Calaveras County educators and students for higher education opportunities within the County.

**RECOMMENDATIONS**

- R1. At a Board meeting scheduled no later than October 1, 2019, SJDCD Board of Trustees needs to reevaluate unspent funds, even if allocated, to address an educational facility in Calaveras County.
- R2. The CCGJ recommends a complete withdrawal from the SJDCD by December 31, 2019.
- R3. By October 1, 2019, the BOS should instruct County Counsel to initiate secession from the SJDCD.
- R4. The CCGJ strongly recommends secession from SJDCD prior to any new bond measure that commits County voters to another tax obligation with no benefit.
- R5. After the County withdraws from SJDCD, the Calaveras County Superintendent of Schools and BOS are to collaborate and decide upon one of the following options:
  - a) Open negotiations with YCCD to consolidate the entirety of Calaveras County into one college district, or
  - b) Develop a County sponsored/partnered distance learning campus such as the one in Amador County.

**REQUIRED RESPONSES**

Pursuant to Penal Code §933 and §933.05, the Grand Jury requests responses as follows:

From the following elected county official within 60 days:

- Calaveras County Superintendent of Schools
  - R2
  - R4
- F5 R5

From the following governing bodies within 90 days:

Calaveras County Board of Supervisors

F2     R2  
       R3  
       R4  
       R5

San Joaquin Delta College District Board of Trustees

F1     R1  
       R2  
  
F3

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §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 Grand Jury.

**REFERENCE SOURCES**

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- 2013-2014 Calaveras County Grand Jury Report and responses
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- San Joaquin Delta College District website, <https://www.deltacollege.edu/>
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- Measure E Bond Program, Measure E Ballot Language, <https://www.yosemite.edu/bond/>
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- Redacted Calaveras County 2017-2018 Property Tax Bill issued by Barbara Sullivan, Calaveras County Treasurer/Tax Collector
- Senior Exit Survey Summary, 2002 – 2018, prepared by a Calaveras High School administrator
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- Program Management Plan for Measure E Bond Program for Yosemite Community College District, dated February 2006
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- San Joaquin Delta College District Master Plan Update: Calaveras presentation, June 2, 2010



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**Continuity**  
**Responses to the 2017 – 2018 Calaveras County**  
**Grand Jury Final Report**



## SUMMARY

The power of the Grand Jury lies in its ability to publish fact-based reports that inform and educate citizens as well as local government officials. Although the Grand Jury has no authority to enforce the recommendations included in such reports, it can determine whether local government agencies and officials have provided reasonable responses. These responses must follow a format and timeline clearly defined by law (California Penal Code §933.05). The independent work and voice of Grand Juries are strengthened when local government entities and officials are held accountable and responsible to the will of their constituents.

To that end, the 2018-2019 Calaveras County Grand Jury carefully reviewed all responses to the 2017-2018 Calaveras County Grand Jury Final Report for compliance with the law. This report presents the analysis of that review.

The 2018-2019 Calaveras County Grand Jury deemed most responses compliant regarding mandated response times; however, several respondents failed to comply with the relevant provisions of the Penal Code and/or were lacking detail by which the agency's subsequent actions could be gauged.

The 2018-2019 Calaveras County Grand Jury appreciates the time and attention that all responders devoted to the work of the 2017-2018 Calaveras County Grand Jury. Although invited responders were not required by law to respond, several did, and the Calaveras County Grand Jury thanks them for their willingness to provide additional feedback.

## GLOSSARY

|          |  |
|----------|--|
| ACS      | Calaveras County Animal Control Services                   |
| BOS      | Calaveras County Board of Supervisors                      |
| CCCD     | Calaveras County Correctional Department                   |
| CCCR/ROV | Calaveras County Clerk Recorder/Registrar of Voters        |
| CCCS/DR  | Calaveras County Community Service District (Middle River) |
| CCGJ     | Calaveras County Grand Jury                                |
| CCHRD    | Calaveras County Human Resources Department                |
| CDCR     | California Department of Corrections and Rehabilitation    |
| DOEH     | Director of Environmental Health & Air Pollution Control   |
| SCC      | Sierra Conservation Center                                 |
| VCCM     | Vallecito Conservation Camp Management                     |

## METHODOLOGY

The 2018–2019 CCGJ read continuity reports published by other California Grand Juries and studied relevant sections of the California Penal Code. The CCGJ studied other models for tracking Grand Jury reports, then created a comprehensive system for reviewing, analyzing, and tracking responses to previous CCGJ reports. This system was piloted to track the continuity function.

The 2018–2019 CCGJ tracking matrix will be passed on for 2019–2020 CCGJ use. The matrix will be populated by all responses received to the 2017–2018 CCGJ reports including any outstanding open responses. In addition, the 2018–2019 CCGJ will set up the tracking matrix for the following CCGJ, complete with the current year reports and response requests. A mechanism to track and report on all

outstanding responses will preserve the positive impact of CCGJ reports. We envision that the matrix will continue on with each subsequent CCGJ.

## **BACKGROUND**

The civil role of county Grand Juries in California is unique. Its role in the judicial branch is to examine and investigate county government functions and make recommendations to improve systems, procedures, and methods of operations promoting honest, efficient government in the best interests of the citizens of the county.

The CCGJ is impaneled each year, beginning their service on July 1st and serving a one-year term. At the end of that term, they must publish a consolidated final report on the activities of local government, agencies, and special districts. These reports include facts, findings, and recommendations developed after intensive investigations. The reports specify which government officials and entities must respond by law to any findings or recommendations. Additionally, the reports specify those who are invited, but are not required, to respond.

California Penal Code §933.05 mandates how local governing bodies and elected officials must respond to findings and recommendations that fall under their jurisdictions. It is the responsibility of succeeding Grand Juries to monitor compliance with this Penal Code.

Tracking responses to previous Grand Jury reports is an internal function of the sitting CCGJ. The lasting value of a Grand Jury investigation is diminished when findings and recommendations are not appropriately addressed by the affected agencies. Often an agency will respond either that it intends to implement a recommendation at a later date or that a recommendation requires further study, leaving the report “open”. Recommendations aimed at fixing complex problems or calling for expensive solutions can often run up against the realities of the budgeting and procurement processes or leadership changes. Regardless of these difficulties, investigated entities are still responsible to provide substantive responses in compliance with government code requirements.

Tracking and follow-up of open responses is made all the more challenging as reports are typically published at or near the end of the CCGJ’s one-year term of service. As a result, Juries have served their term and been discharged long before responses to the reports are received. Diligent follow-up by local agencies and succeeding Grand Juries is therefore needed in order to ensure that all open responses are appropriately closed with published responses so, at the very least, they do not fall off the public radar.

While responses to reports are generally followed up by the succeeding Grand Jury, the problem arises when responses extend beyond the term of the succeeding panel and a new, subsequent Grand Jury – now two years removed from the Grand Jury issuing the report – is impaneled. Due to the passage of time between response and completion of the action to which the county entity has committed, responses of “will be implemented in the future” or “requires further analysis” are most susceptible to falling by the wayside without follow-up and, therefore, dropping out of public view.

## **DISCUSSION**

Annually, the CCGJ concludes its term of service with a published report on completed civil investigations. These reports generate many findings and recommendations, prompting required and invited responses. The 2018-2019 CCGJ investigation of responses revealed that a number of them remain incomplete. It is anticipated that the implementation of the new matrix will encourage greater agency compliance. Reporting publicly on the completion of previously committed action will enhance the positive impact of the CCGJ in its role as a public watchdog.

California Penal Code §933(c) requires the governing body of any public agency for which the Grand Jury has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of said governing body. Such comments shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). In the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. Sheriff, District Attorney, etc.), that elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

California Penal Code §933.05 details the manner in which such comment(s) are to be made:

- (1) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:
  - a. The respondent agrees with the finding;
  - b. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (2) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:
  - a. The recommendation has been implemented, with a summary regarding the implemented action;
  - b. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation;
  - c. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury report;
  - d. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

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

After reviewing documentation, the Grand Jury findings are as follows:

## **FINDINGS**

- F1. All required responses to the CCGJ 2017-2018 Animal Control Services report were submitted in compliance within the time requirements of the California Penal Code §933.
- F2. Almost all required responses to the CCGJ 2017-2018 Animal Control Services report did not meet the “timeframe for implementation” requirement in California Penal Code §933.
- F3. All required responses to the CCGJ 2017-2018 Board of Supervisors Residency report were fully compliant with California Penal Code §933.
- F4. All required responses to the CCGJ 2017-2018 Calaveras County Jail report were submitted timely in compliance with California Penal Code §933.
- F5. Three responses to the CCGJ 2017-2018 Calaveras County Jail report, which indicated further analysis was required, did not indicate a time frame in which such analysis would be performed as required by California Penal Code §933.
- F6. Two respondents to the CCGJ 2017-2018 Measure E Election 2016 report submitted timely responses but did not indicate time frames in which further analysis would be performed as required by California Penal Code §933.
- F7. At the time of this writing, one agency required to respond to the CCGJ 2017-2018 Measure E Election 2016 report within 90 days has not responded.
- F8. At the time of this writing, none of the required officials or agencies have responded to the CCGJ 2017-2018 Vallecito Camp Facility report.
- F9. At the time of this writing, CAL Fire, which was invited to respond to the CCGJ 2017-2018 Vallecito Camp Facility report, has not responded.
- F10. The 2017-2018 CCGJ may have contributed to respondent noncompliance regarding the timeframe for implementation of corrective action or further analysis by failing to include specific instructions from the California Penal Code §933.

## **RECOMMENDATIONS**

- R1. None
- R2. None
- R3. None
- R4. None
- R5. None

- R6. None
- R7. None
- R8. None
- R9. None
- R10. None

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §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 Grand Jury.

## **REFERENCE SOURCES**

- California Penal Code §933 et seq., which specifies how responses are to be formatted
- 2017–2018 CCGJ Final Report
- All responses to the 2017–2018 CCGJ Final Report
- 2017–2018 Shasta County Grand Jury Responses to the 2016–2017 Shasta County Grand Jury Reports
- California Grand Jury Association Report Response Template
- 2016–2017 Orange County Grand Jury Report of Responses to the 2015–2016 Orange County Grand Jury Report titled “Unfinished Business”
- 2016–2017 El Dorado County Grand Jury Report of Responses to the 2015–2016 El Dorado County Grand Jury Report titled “Looking Back and Looking Ahead”
- 2017–2018 CCGJ Compliance Report Matrix compiled by 2018-2019 CCGJ
- 2017–2018 CCGJ Responses Matrix for Animal Control Services report compiled by 2018-2019 CCGJ
- 2017–2018 CCGJ Responses Matrix for Board of Supervisor Residency report compiled by 2018-2019 CCGJ
- 2017–2018 CCGJ Responses Matrix for Calaveras County Jail report compiled by 2018-2019 CCGJ
- 2017–2018 CCGJ Responses Matrix for Measure E Election 2016 report compiled by 2018-2019 CCGJ
- 2017–2018 CCGJ Responses Matrix for Vallecito Camp Facility report compiled by 2018-2019 CCGJ

# APPENDIX

## 2017-2018 CCGJ Final Report Response Matrix Summary

|   | Report Description   | RESPONSES as of October 1, 2018 |          |                 |               |           |          |                      |     |                     |                        |             |          |           |
|---|--|---------------------------------|----------|-----------------|---------------|-----------|----------|----------------------|-----|---------------------|------------------------|-------------|----------|-----------|
|   |  | # of                            |          |                 | # of Findings |           |          | # of Recommendations |     |                     | Status of Response     |             |          |           |
|   |  | Respondents                     | Findings | Recommendations | Agree         | Partially | Disagree | No                   | Yes | Will Be Implemented | Further Analysis Req'd | No Response | Received | Remaining |
| 1 | Animal Control Services                                    | 4                               | 32       | 32              |               | 1         | 4        | 4                    | 1   |                     |                        | 0           | 4        | 0         |
| 2 | Board of Supervisors Residency Requirement                 | 1                               | 1        | 1               | 1             | 0         | 0        | 1                    | 0   | 0                   | 0                      | 0           | 1        | 0         |
| 3 | Public Correctional Facilities - Calaveras County Facility | 3                               | 14       | 14              | 1             | 2         | 1        | 2                    | 2   |                     | 1                      | 0           | 3        | 0         |
| 4 | Public Correctional Facilities - Vallecito Camp Facility   | 4                               | 10       | 10              |               |           |          |                      |     |                     |                        | 4           | 0        | 4         |
| 5 | Measure E Election 2016                                    | 3                               | 6        | 8               | 5             |           |          | 3                    | 2   |                     | 2                      | 1           | 2        | 1         |

# **EDUCATIONAL SUPPORT/SERVICES FOR HOMELESS STUDENTS IN CALAVERAS COUNTY**



SALT SPRINGS VALLEY SCHOOL, ESTABLISHED 1869



## SUMMARY

The Calaveras County Grand Jury chose to investigate services offered to homeless K-12 students by County schools, school districts, and the Calaveras County Office of Education. Homelessness is a complex issue. The Grand Jury focused on illuminating this topic as it relates to County-provided services to homeless students in County schools. By default, individual school sites have assumed the responsibility of serving homeless students enrolled in their schools. The investigation indicated that the majority of homeless students in Calaveras County are within Calaveras Unified School District.

The Calaveras County Grand Jury believes that to address the needs of a homeless student, one must see the entire child as a multi-dimensional individual. The Calaveras County Grand Jury set out to determine exactly what services are available in the County for school-age children defined, by the Calaveras County Office of Education, as homeless. Additionally, the Calaveras County Grand Jury sought to determine which County agencies, if any, were delivering those services.

## GLOSSARY

|         |   |
|---------|---|
| CALPADS | California Longitudinal Pupil Achievement Data System     |
| CCGJ    | Calaveras County Grand Jury                               |
| CCOE    | Calaveras County Office of Education                      |
| CHS     | Calaveras High School                                     |
| CUSD    | Calaveras Unified School District                         |
| HHS     | United States Department of Health and Human Services     |
| HUD     | United States Department of Housing and Urban Development |

## METHODOLOGY

The CCGJ researched many online resources for statistics specific to the homeless population of Calaveras County. Homeless student population figures were obtained from several sources, including various CCOE department staff and school sites. Interviews were conducted with education officials, school counselors, and other support staff whose job descriptions indicated responsibility for liaising with students and agencies related to homelessness.

## BACKGROUND

Calaveras County is geographically large with a small population. According to the U.S. Census Bureau, the total County population in 2017 was 45,670. CALPADS (a school data system) quantifies the total number of enrolled students in the 2017-2018 academic year at 5,460. The total number of homeless students for that same academic year was 156, or almost 3% of the total student population. There is minimal grant funding to match the scale of need in Calaveras County and little hope of sustaining funding if grants are obtained.

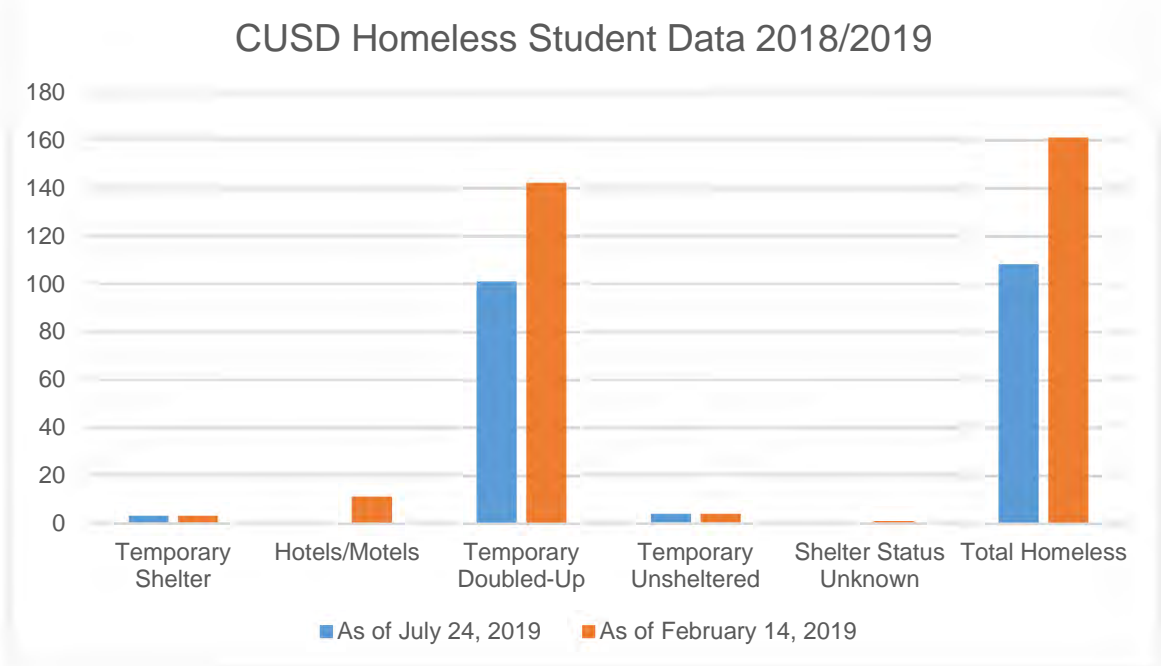
Federal funding is limited by the more exclusive federal definition of homelessness. One percent of Title I funds, or about \$1000 per district, is designated for homeless students. Title I is a federally funded education program that provides supplemental funds to schools with high numbers of students living in poverty as determined by the number of students enrolled in the free and reduced lunch program.

There is more than one official definition of homelessness. Different federal agencies such as HUD and HHS adhere to different definitions when determining eligibility for various programs. The California

Department of Education cites the language of the McKinney-Vento Homeless Assistance Act (McKinney-Vento) to define homeless children and youths. McKinney-Vento is a Federal Act under the administration of HUD as detailed in the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH). In part, McKinney-Vento defines the homeless as “individuals who lack a fixed, regular, and adequate nighttime residence.” The definition further includes those who are sharing housing with others or children who may be living in motels, hotels, trailer parks, and shelters. A child who has a primary nighttime residence that is a public place not designed or regularly used for sleeping accommodations is homeless. Youths living in cars, parks, and bus stations, to name a few, are homeless.

HHS defines homelessness in Code §330(h)(5)(A) of the Public Health Service Act. The Act includes the statement that recognition of the instability of an individual’s living arrangements is critical to the definition of homelessness.

Of the various interpretations of homelessness, the CCOE follows the criteria adopted by the California Department of Education.



The Resource Connection, a non-profit in Calaveras and Amador Counties which assists individuals and families with a wide range of social services and referrals, has a resource directory which is distributed to families at Student Attendance Review Board (SARB) meetings at the CCOE. The guide is available to the public on their website. This comprehensive list of the services in Calaveras County is only available through The Resource Connection.

In response to the national economic downturn in 2009, a resource binder was created in collaboration with CUSD and The Resource Connection. This program was known as the Ambassador Program. Every school site had a volunteer trained to share information and identify resources. The training included

how to tactfully approach at-risk students, discuss issues involving their needs, how to provide information, and how to deal with confidentiality. This program is no longer active.

## **DISCUSSION**

Many county agencies and organizations are focused on the issues that confront homeless individuals and families. These include public schools, county government, health service agencies, religious groups, and social agencies. Homeless children are living in shelters, doubled up with other families, in motels, in cars, tents, and campers. By law, these school-age children are entitled to access the same free public education that is provided to other students. They are to have the same educational opportunities to meet the same performance standards of other students.

Children who are living in insecure circumstances, however, are presented with challenges that are not a part of everyday school life. These include having a place to study, a place to keep their school supplies, and sufficient resources for cleaning clothes and basic hygiene. Food and shelter insecurities often diminish the focus on education.

According to the Calaveras County Strategic Plan to Address Homelessness, dated January 2019, the CCOE has a homeless youth program which "...Assists in creating school stability and ensuring that youth identified as homeless have access to the same opportunities, experiences and resources as non-homeless youth, including: assisting in the identification of homeless youth; ensuring that children experiencing homelessness can be immediately enrolled in school regardless of available school and/or immunization records; providing referrals to health care, dental, and mental health; disseminating public notice of educational rights; informing families and youth about transportation services and assisting them in accessing available community resources; and providing assistance with school supplies including necessary clothing for school attendance."

The CCOE has a designated liaison position as well as policies in place to account for and assist with the homeless student population in Calaveras County. The CCOE Administrative Regulations for the *Education For Homeless Children*, County Liaison section, cite Education Code 48852.5; 42 USC 11432, detailing the ten duties and responsibilities of the liaison position. Of the ten, very few are being performed at the County level. The challenges in fulfilling the obligations of this position are heightened by the nature of County geography and how individual schools have traditionally addressed the needs of their homeless students.

The CCOE website does not have a page dedicated to homeless student rights and resources. On the CCOE homepage ([www.ccoe.k12.ca.us](http://www.ccoe.k12.ca.us)), users must choose "Services" then select "Homeless Education Liaison". There is no content on the page other than an instruction to "Please see the Foster Youth Section for more information and district contacts for Homeless". In that section, there is a link listed under "Education Rights for Foster and Homeless Children". The link simply reads "Homeless Resources". A click on the link takes the user to the California Department of Education website, which offers statewide educator resources rather than those specific to Calaveras County. The difficulty of navigating the website in search of resources for homeless students makes it frustrating for individuals seeking assistance or information.

Without a centralized support and resource system at the County level, individual schools have adapted by creating on-site procedures and plans for addressing the needs of their homeless students. Meals,

clothing, basic supplies, counseling, and extracurricular activity transportation are all addressed at the school level.

Neither individual schools nor CCOE can address the most fundamental issue facing homeless students: a secure place to live. All interviewees stated they believe the affordable housing shortage in Calaveras County is severe and has been getting worse in recent years. The Homeless Task Force report was presented to the BOS in December 2018. It outlined goals and projects for affordable housing alternatives in Calaveras County.

The CCGJ noted that everyone with whom we spoke wanted to help and find ways to do more with the limited resources available.

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

## **FINDINGS**

- F1. The CCOE does not have a comprehensive resource guide for homeless services.
- F2. Information specific to Calaveras County about homeless student resources is not available on the CCOE website.
- F3. In the Calaveras County Strategic Plan to Address Homelessness, dated January 2019, CCOE is identified as a partner in ending homelessness. The services identified by the CCOE homeless youth program are in fact implemented at individual school sites.
- F4. Non-profit agencies (i.e., The Resource Connection, Calaveras Mariposa Community Action Agency) in Calaveras County have comprehensive listings available to anyone seeking guidance to resources and assistance.

## **RECOMMENDATIONS**

- R1. The CCOE should coordinate with The Resource Connection to develop a resource guide that is easily accessible to homeless students and families by December 31, 2019.
- R2. The CCOE must update the online Homeless Liaison Page with information specific to homeless students, homeless student rights, and available resources and services within Calaveras County by December 31, 2019.
- R3. As outlined in the Calaveras County Strategic Plan to Address Homelessness dated January 2019, the CCOE needs to coordinate and support the efforts of individual school sites related to the homeless student population.
- R4. None

## **COMMENDATIONS**

- C1. Individual County schools do their best to serve the needs of homeless students.

## REQUIRED RESPONSES

From the following elected county official within 60 days:

Calaveras County Superintendent of Schools

F1 R1

F2 R2

F3 R3

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §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 Grand Jury.

## REFERENCE SOURCES

- 2000-2001 Santa Cruz County Grand Jury Report, “Homeless Children in Schools”
- 2014-2015 Calaveras County, School and District Location Information  
[https://www.ccoe.k12.ca.us/apps/pages/index.jsp?uREC\\_ID=1175520&type=d&pREC\\_ID=1423925](https://www.ccoe.k12.ca.us/apps/pages/index.jsp?uREC_ID=1175520&type=d&pREC_ID=1423925)
- Calaveras County Student Support Services Department  
[https://www.ccoe.k12.ca.us/apps/pages/index.jsp?uREC\\_ID=1093546&type=d&pREC\\_ID=1378285](https://www.ccoe.k12.ca.us/apps/pages/index.jsp?uREC_ID=1093546&type=d&pREC_ID=1378285)
- 2018-2019 CCOE Student Support Programs  
<https://4.files.edl.io/f031/08/20/18/230625-285737ee-eb3c-4dd3-858d-1492d8d8ee19.pdf>
- 2018-2019 CCOE Student Program Descriptions  
<https://4.files.edl.io/e451/08/20/18/230635-3f41da8a-5152-4f4b-be15-55d642fdb04e.pdf>
- CUSD Homeless Student Counts and Categories, beginning of 2018-2019 school year
- CUSD Homeless Student Counts and Categories, February 14, 2019
- U. S. Department of Health and Human Services [Section 330 of the Public Health Service Act (42 U.S.C., 254b)]
- HRSA/Bureau of Primary Health Care, Program Assistance Letter 99-12, Health Care for the Homeless Principles of Practice
- Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (P.L. 111-22, Section 1003) – <https://www.hudexchange.info/homelessness-assistance/hearth-act/>
- The McKinney-Vento Homeless Assistance Act – <https://www.hudexchange.info/resources/documents/HomelessAssistanceActAmendedbyHEARTH.pdf>
- California Department of Education Definition of Homelessness – <https://www.cde.ca.gov/sp/hs/homelessdef.asp>
- California Department of Education Homelessness in the Classroom Training Module – <https://www.cde.ca.gov/sp/hs/cy/>
- Cal Matters, Dan Morain, “An undercount of homeless students?” – <http://us11.forward-to-friend.com/forward/show?u=5f4af3af825368013c58e4547&id=69006834bc>
- CALPADS UPC Source File (k-12) – <https://www.cde.ca.gov/ds/sd/sd/filescupc.asp>
- CCOE Administrative Regulation, Education for Homeless Children, AR6173, June 2016  
<http://go.boarddocs.com/ca/ccoe/Board.nsf/goto?open&id=APZN9M5EDC91>
- California Department of Education Homeless Education (HE) 2017–18 Program Instrument  
<https://www.cde.ca.gov/ta/cr/documents/he1718.pdf>

- 2007-2018 Calaveras County Point-in-Time Homelessness Counts
- HHS Homelessness Task Force Update to the BOS, December 4, 2018 – <http://calaverascountyca.iqm2.com/Citizens/Default.aspx>
- California Department of Education website, Homeless Education Page – <https://www.cde.ca.gov/sp/hs/>
- California Department of Education website, Resources for Homeless Children and Youths – <https://www.cde.ca.gov/sp/hs/cy/>
- National Center for Homeless Education website, <https://nche.ed.gov/legis/essa.php>
- Title 1 Funds Program definition source - <https://definitions.uslegal.com/t/title-1-school/>
- Calaveras Institute for Behavioral Health Solutions, Calaveras County Strategic Plan to Address Homelessness – January 2019  
[https://hhsa.calaverasgov.us/Portals/HHSA/Documents/Calaveras%20County%20Homelessness%20Plan\\_Draft\\_1\\_23\\_19.pdf](https://hhsa.calaverasgov.us/Portals/HHSA/Documents/Calaveras%20County%20Homelessness%20Plan_Draft_1_23_19.pdf)
- 2016-2017 Calaveras County Homeless Student Census by School District and by Grade

# JAILS/LAW AND JUSTICE



## SUMMARY

The Grand Jury is required by law to inquire into the condition and management of the county jail on an annual basis, California Penal Code §919(b).

The Calaveras County Jail was built five years ago and is being well-maintained. A lack of sufficient personnel continues to plague the Sheriff's Office. Inadequate funding by the Board of Supervisors restricts the ability of the Sheriff's Office to provide the best possible services to Calaveras County.

The amount of funds allocated to the Sheriff's Office has fluctuated in recent years. To lessen the effect of this variable funding, there are potential sources of revenue that could be explored to augment the Sheriff's Office budget.

In today's climate, rape has become a highly publicized topic. The Grand Jury explored how rape evidence is processed in Calaveras County. The collection and processing of rape evidence in Calaveras County is being handled efficiently.

## GLOSSARY

|             |   |
|-------------|---|
| BOS         | Calaveras County Board of Supervisors                                   |
| BSCC        | California Board of State and Community Corrections                     |
| CCGJ        | Calaveras County Grand Jury   |
| CCPSEA      | Calaveras County Public Safety Employees Association                    |
| CCSO        | Calaveras County Sheriff's Office                                       |
| CPC         | California Penal Code   |
| PREA        | Prison Rape Elimination Act   |
| SART        | Sexual Assault Response Team  |
| Patrol Beat | Territory and time that is patrolled by law enforcement                 |
| Safety Cell | A cell in which an inmate is placed to prevent injury to self or others |

## METHODOLOGY

Grand Jury meetings were held to plan for the required annual inquiry into the county jail and to formulate questions and strategies for interviews.

The CCGJ toured the Calaveras County Jail facility. During this tour, a question and answer session took place between the Grand Jury and jail officials. Additionally, the CCGJ interviewed a high-ranking Sheriff's Office official.

The CCGJ collected and reviewed the following:

- Copies of the Jail Policy and Procedure Manual
- Copies of the Custody Manual
- Inmate grievances
- Incident reports
- Disciplinary logs
- Safety cell logs
- Jail safety checks



- Repair work orders
- List of overtime worked in the jail
- Medical/Mental Health Evaluation
- Environmental Health Evaluation
- Nutritional Health Evaluation
- Forensic medical forms
- Forensic reimbursement forms
- PREA training logs
- SART protocols
- BSCC website
- BSCC State Biennial Inspection of the Jail dated October 29, 2018
- Calaveras County 2018-2019 Final Budget.
- CCPSEA Salary Survey for 2019

## **BACKGROUND**

CPC §919 (b) reads, “The Grand Jury shall inquire into the condition and management of the public prisons within the County.” Each year, as mandated by law, the Grand Jury tours the jail facility. The purpose of the Grand Jury tour was to observe the conditions in which inmates are housed, the type and manner of food preparation, the treatment of inmates, and the health and safety of inmates and staff.

### **Jail**

The Calaveras County Jail facility was completed in 2014 using Measure J funds. On the ballot in 2007, Measure J authorized the County to issue \$31 million in local bonds for construction of a new jail and Sheriff’s Office administrative complex. The State awarded Calaveras County \$26.4 million in matching money for construction. The facility was designed for 240 beds, but due to a lack of sufficient staffing levels was ultimately built for a maximum occupancy of 160. Due to current staffing levels, the current occupancy level is kept between 80-100 for the safety of inmates and jail staff.

Correctional Officer responsibilities in the jail are the custody, safety, security, and supervision of inmates. At this time, the current number of Correctional Officers is 26.

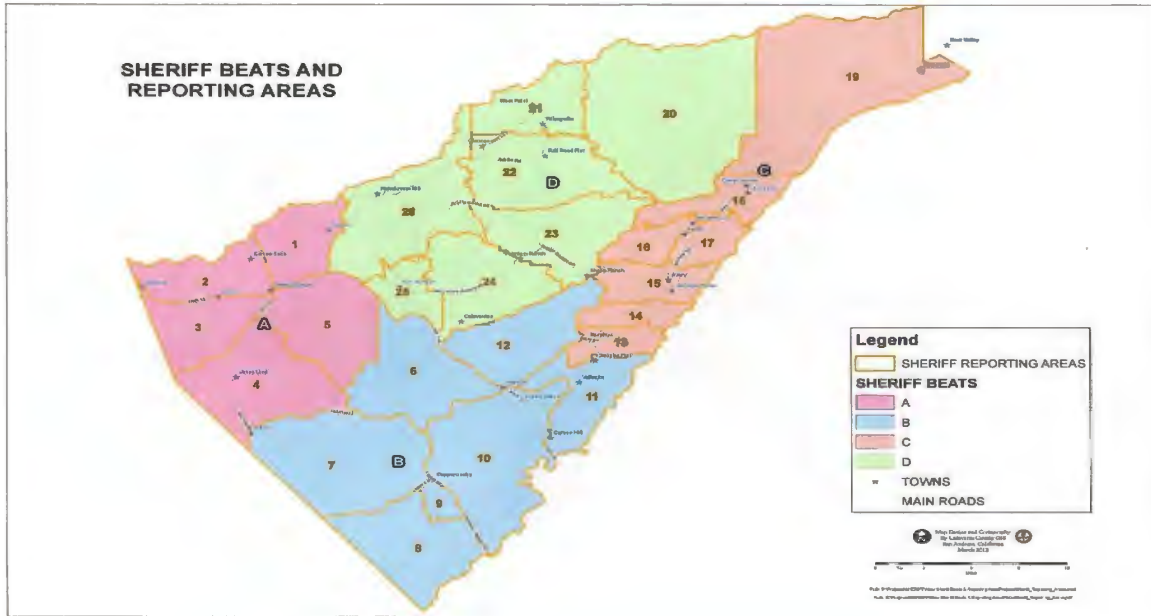
Correctional Technicians work in the jail control booth to control all doors within the jail, as well as those giving access to the jail. As of 2016, the jail was funded for six Correctional Technicians. The current number of Correctional Technicians is five. Two technicians are needed to staff the control booth 24 hours a day. However, only one technician operates the control booth currently. Consequently, Correctional Officers have to be removed from their assigned task and placed in the control booth to provide meal breaks, bathroom breaks, vacation relief, and sick leave relief. If the solo control booth technician should become incapacitated, there is no one to open doors. Access to facility doors would require knowing the technician was disabled, calling someone outside the facility to retrieve the key from dispatch, then having that person go to the jail to open the doors. A sufficient number of Correctional Technicians would provide adequate 24-hour staffing for the control booth.

Mandatory overtime for Correctional Officers and Technicians in the jail averaged 24 hours per week per person over the last two years. Six new staff members were hired in December 2018—five Correctional Officers and one Correctional Technician. Since that time, jail overtime has been reduced. There are still currently two vacant funded positions for Correctional Officers in the jail. Even though a

competitive wage study resulted in salary increases, Calaveras County Correctional Officers are still paid between \$3 and \$4 per hour less than those in the adjoining counties of Amador and Tuolumne.

### Patrol/Sheriff's Office

The County contains five districts, but only four patrol beats. As a result, parts of the County are being underserved. Below is a map of the current patrol beats in the County.



On February 25, 2019, nine new deputies were sworn in and will be working solo on the street by June 2019. While these positions were vacant, there was a salary savings of about \$1.2 million. These unspent dollars were returned to the County General Fund. Because these positions have been filled, the savings no longer exist.

### **DISCUSSION**

A lack of sufficient staffing levels continues to plague the Calaveras County Jail. Compensation for Correctional Officers, Correctional Technicians, and Deputies remains below equitable levels with other similar counties.

Every year the Sheriff's Office has asked the BOS for a budget that would provide sufficient staffing levels. In the 2017-2018 Grand Jury Final Report, it was determined that the jail control booth was being operated with only one Correction Technician. In the 2016-2017 Grand Jury Final Report, it was determined that inadequate staffing levels exist making the control booth improperly manned and creating overtime that could be avoided with sufficient staffing levels. For officer safety reasons, the control booth should be operated by two Correction Technicians at all times.

Retention incentives for Calaveras County Correctional Officers do exist but are not in writing. After two years in the jail, a Correctional Officer is currently afforded the opportunity to attend the Peace Officers Standards and Training Academy to become a deputy sheriff. Conversely, deputies who are performing inadequately in patrol will be transferred to work in the jail for two years, then can return to patrol or remain working in the jail.

The Sheriff's Office currently has four patrol beats in the County. If the County was divided into five beats, eight additional deputies would be required in order to cover the shifts and relief. The current 12-hour shifts would become 11-hour shifts. The Sheriff's Office would then have eight or nine deputies on patrol between the hours of 3:00 p.m. and 2:00 a.m.

The proposed fifth patrol beat would be centrally located in the County and the deputy on duty would remain there unless called upon to act as cover or backup to a deputy in an adjoining beat. An additional beat used in this manner would allow the deputies in the remaining four beats to stay primarily within his/her assigned beat, providing better service to the community. The area covered by this fifth beat would encompass San Andreas, Mokelumne Hill, Mountain Ranch, and Angels Camp.

The County currently leases a small number of jail beds to other counties for a fee. Increasing the number of vacant jail beds leased would bring in additional revenue. Historically, jail beds have been leased for \$85 per day. The current number of leased beds is limited to six, due to existing staffing levels. On average there are 60-70 vacant beds every day.

In 2016, after the BOS adopted an urgency ordinance regulating commercial cannabis production in the County, the BOS anticipated registering 200 growers. Actual registrations totaled 775. In November 2016, voters in Calaveras County passed Measure C, a tax on the production and/or sale of legally produced cannabis. In fiscal years 2016-2017 and 2017-2018, taxes collected by the County for commercial cannabis cultivation generated \$13,560,531.19 in revenue. Regulatory fees collected between May 1, 2016 and June 30, 2018 totaled \$3,862,114.53. Following the termination of the regulated cannabis industry in Calaveras County in 2018, assessed Measure C taxes dropped to zero. Measure C funds contributed \$2,018,781.96 to the Sheriff's Office for enforcement of cannabis regulation. Currently, the Sheriff's Office is using funds from its general budget for this purpose.

Sexual assault forensic examinations (rape kits) are performed at Mark Twain Medical Center. This procedure has been in place for nearly five years. The rape kits are sent for analysis/processing to the Central Valley Bureau of Forensic Services (BFS) in Ripon. In 2017-2018, the BFS received and processed six rape kits for CCSO. The analyzing and processing of rape kits is completed within 45 days. The law requires this procedure to be completed within 120 days, including Rapid DNA Kits. At the time of this writing, there is no back log of rape kits in Calaveras County.

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

## **FINDINGS**

- F1. Calaveras County Correctional Officers continue to be paid between \$3 and \$4 per hour less than the adjoining counties of Amador and Tuolumne, making employee retention extremely difficult and contributing to staffing levels below the minimum needed.
- F2. Chronic underfunding for the CCSO has resulted in inadequate staffing levels, egregious overtime requirements, compensation limitations, and retention issues.
- F3. The jail is funded for six Correctional Technicians but needs two more to provide adequate safety to staff and inmates.

- F4. The CCSO needs to fill the two vacant Correctional Officer positions in order to function safely with the current inmate population.
- F5. There is not a written employee retention incentive program at this time, thus leaving any retention incentives up to the discretion of the Sheriff.
- F6. The Calaveras County Jail, after five years in existence, continues to be well-maintained and clean, providing a healthy environment for the current number of inmates and staff.
- F7. Increased staffing levels to the Patrol Division would provide more comprehensive coverage of patrol services to county residents in areas that are currently being underserved.
- F8. Unoccupied jail beds are a potential revenue source as they can be leased to other counties.
- F9. The cultivation of cannabis in Calaveras County continues to require the Sheriff's Office to enforce violations. Over \$2 million in funding once allocated for this purpose no longer exists.
- F10. Rape kits in Calaveras County are processed and analyzed more expeditiously than required by law, and currently there is no back log of rape kits.

## **RECOMMENDATIONS**

- R1. The BOS needs to address inadequate salary levels of Calaveras County Correctional Officers and Technicians by mid-term budget review in 2020.
- R2. The BOS needs to adequately adjust the CCSO budget by February 28, 2020 in order to provide sufficient staffing levels for the safety of officers, technicians and inmates.
- R3. The BOS needs to approve the necessary budget for the hiring of two additional Correctional Technicians at the next budget mid-term review in 2020.
- R4. The CCSO needs to continue outreach and recruiting to fill the two Correctional Technician vacancies.
- R5. The CCSO needs to establish a written employee retention program by December 31, 2019.
- R6. The CCSO should continue maintaining a healthy jail environment for inmates and staff.
- R7. The BOS needs to approve funding for eight additional patrol deputies in the budget mid-term review in 2020.
- R8. By June 30, 2020, the CCSO needs to determine the necessary staffing levels required to increase the number of out-of-county inmates housed in the jail.
- R9. The BOS should, within the 2019-2020 fiscal year, increase the Sheriff's Office budget sufficiently to improve services to the county.

R10. None

**COMMENDATIONS**

- C1. The CCSO is deserving of congratulations on their performance of high standards within the jail.
- C2. The CCSO and Mark Twain Medical Center have performed remarkably well in handling and processing rape kits.

**REQUIRED RESPONSES**

Pursuant to California Penal Code §933 and §933.05, the Grand Jury requests responses as follows:

From the following elected county official within 60 days:

Calaveras County Sheriff  
F4            R4  
F5            R5  
F8            R8

From the following governing body within 90 days:

Calaveras County Board of Supervisors  
F1            R1  
F2            R2  
F3            R3  
F7            R7  
F9            R9

|  |
|--|
| Reports issued by the Grand Jury do not identify individuals interviewed. CPC §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 Grand Jury. |
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# JENNY LIND VETERANS MEMORIAL DISTRICT



## SUMMARY

The 2018-2019 Calaveras County Grand Jury opened an investigation into the operations of the Jenny Lind Veterans Memorial District. Shortly after the investigation began, a citizen complaint was received by the Grand Jury.

As the investigation progressed, the Grand Jury found that Jenny Lind Veterans Memorial District obtained a commercial loan to pay for the completion of a new hall that opened in 2018. Although the California Military and Veterans Code gives the authority to “purchase, construct, lease, furnish, or repair halls”, it does not authorize the District Board to go to a bank or a private benefactor to obtain a loan or mortgage. The California Military and Veterans Code prohibits construction or alterations to a building unless the project can be completed with available District funds. The Grand Jury found that Jenny Lind Veterans Memorial District exceeded their authority according to the California Military and Veterans Code. It is imperative that Jenny Lind Veterans Memorial District find a remedy to unencumber District property and retire the loan.

## GLOSSARY

|       |  |
|-------|--|
| BOS   | Calaveras County Board of Supervisors          |
| CCAF  | Calaveras County Administration & Finance      |
| CCGJ  | Calaveras County Grand Jury                    |
| CPA   | Certified Public Accountant                    |
| FMBC  | Farmers & Merchants Bank of Central California |
| JLVMD | Jenny Lind Veterans Memorial District          |
| MVC   | California Military and Veterans Code          |

## METHODOLOGY

The CCGJ conducted interviews, reviewed financial statements and transactions, researched the MVC, reviewed previous CCGJ reports, and reviewed historical news articles. In addition, the CCGJ reviewed JLVMD resolutions and obtained bank documents to review the current Commercial Real Estate Term Loan for the new hall.

The Grand Jury also interviewed the following individuals:

- Current and past JLVMD Board Members
- JLVMD Staff
- County Administration & Finance Official

## BACKGROUND

In 1935, the California Legislature authorized the creation of memorial districts through the enactment of the California Military and Veterans Code. The purpose of a Veterans Memorial District is to recognize the service and sacrifice of military service persons. Memorial districts are authorized to provide and maintain memorial halls, assembly halls, buildings, public facilities, meeting places, indoor and/or outdoor recreation facilities, and park and recreation facilities for military veterans who have honorably served the United States. Additionally, the facilities are available to the community and non-veteran organizations for rent and/or fees. The JLVMD is primarily financed by property tax payers and is currently governed by a 5-member Board, elected by Calaveras County voters within the District.

As noted in the 2017 independent auditor's financial statements: "The Jenny Lind Veterans Memorial District was formed in January 1960. Prior to this date, the County of Calaveras had accumulated about \$100,000 dedicated to the construction of a memorial building from countywide taxes levied for that purpose. As a result of a petition by the voters within the County, the cash fund was divided equally among the five supervisory districts. The District is a separate legal entity of the County of Calaveras." In the years since its foundation:

- In the 1960's, JLVMD built a 3,000 square-foot community hall that served the community for over 50 years.
- JLVMD acquired 32 acres of parkland around 1975.
- American Legion Post 102 used the original 1964 Hall for its meetings until it was demolished.
- On September 10, 2013, the JLVMD Governing Board approved Resolution 2013-09 establishing its authority to borrow money from the Bank of Rio Vista. (See Appendix A)
- On August 12, 2014, the JLVMD Governing Board approved Resolution 2014-08 to sign documents for a commercial loan with the Bank of Rio Vista. (See Appendix B)
- On or about April 29, 2016, the Bank of Rio Vista funded JLVMD \$750,000 interest-only construction loan at an interest rate of 5.5%.
- JLVMD demolished the old 3,000 square-foot community hall and replaced it with the current 12,000 square-foot community hall.
- JLVMD held a Dedication Ceremony on February 19, 2018.
- On November 6, 2018, the BOS approved a lease agreement with JLVMD to lease office space for the Calaveras County Health and Human Services Agency - Veteran Services Program from October 1, 2018 to September 30, 2022, in the amount of \$59,361.00 for the term of the lease agreement. (See Appendix C)
- On January 28, 2019, FMBCC disbursed funds to retire the JLVMD construction loan and replace it with a new ten-year Commercial Real Estate Term Loan.
- Key terms of the 2019 Commercial Real Estate Term Loan include, in part:
  1. The loan is secured by two JLVMD parcels. The loan is a ten-year note in the amount of \$742,798.82, with a variable interest rate locked at 6.166% for the first five years, a minimum rate of 6.08% or a no-ceiling maximum rate for the last five years, and a balloon payment of \$573,732.37 due on January 15, 2029.
  2. For the life of the loan, the total committed amount of the loan to the market value of the property shall at no time exceed 70% (the "Loan-to-Value Ratio"). If the ratio is exceeded, the Lender may demand the Loan-to-Value Ratio be met with a payment of principal within 15 days.
  3. FMBCC shall have the right to require, no more than once during each successive twelve-month period, at JLVMD expense and cost, an appraisal of the property.
  4. If the loan is paid off early, the following pre-payment fees apply: 3% if the full principal is paid during the first loan year, 2% in the second loan year, 1% in the third loan year, and no pre-payment fees after the third loan year.

There is not a public record of the BOS being advised that JLVMD obtained a private loan for the memorial district. JLVMD is its own publicly elected governmental agency and is not required to obtain budget approval or review from either the BOS or the County Auditor.



## **DISCUSSION**

**Failed Bond Attempts:** The first two bond attempts to obtain funding to construct a new larger Community hall were in November 2002 and May 2005. Both failed to achieve the required majority votes. In November 2007, the third attempt by JLVMD, Measure C, a \$1.4 million bond was also rejected by voters.

**Raising Funds for a Metal Building Shell:** After the 2007 defeat at the polls, a “Barn Building Committee” was created to fulfill the goal of a new hall. In late 2010, with a combination of Barn Building funds and money set aside over a period of years, JLVMD proceeded to build a new 12,000 square foot metal building referred to as “the shell”.

**Securing a Bank Loan to Complete the New Hall:** JLVMD received a Letter of Interest from Bank of Rio Vista dated July 29, 2013, offering a loan. On August 30, 2013, at a special JLVMD Board meeting, approval was given to secure a loan from Bank of Rio Vista by a vote of 4-0 with one Board member absent.

Subsequently, Resolution 2013-09 was approved on September 10, 2013, by a vote of 4-0 with one Board member absent. The Resolution established Board authority to borrow money, citing MVC §1190 and §1191.

On August 12, 2014, Resolution 2014-08 was approved to authorize the JLVMD Board President and the Board General Manager to sign loan documents with the Bank of Rio Vista. JLVMD received a \$750,000 interest-only construction loan for the new hall. Effective November 13, 2018, FMBCC Bank acquired the loan from Bank of Rio Vista as the result of a merger. The loan converted to a Commercial Real Estate Term Loan in January 2019. The monthly loan payments increased by approximately \$1,423 per month over the December 2018 interest-only construction loan.

The CCGJ was unable to locate the original bank officials to question the underwriting research of the MVC to determine if loans are permissible to Memorial Districts. JLVMD has been transparent in the press with regard to their construction and banking activities; it is likely the general public does not know the loan was not in compliance with the MVC requirements for the funding of new buildings.

**MVC Governing Laws:** The JLVMD Board interpreted its authority using MVC Article 2, entitled “Management”, §1190 and §1191 provisions, to qualify for a loan from Bank of Rio Vista. The MVC §1191 states: “(a) Every district may do all of the following:...(3) Purchase, construct, lease, furnish, or repair halls, buildings, meeting places, and facilities upon sites owned or leased by the district ...”.

There are limited avenues for a Veterans Memorial District to obtain funding. It can try to get a special tax passed by the electorate or go into bonded indebtedness (MVC §1192). The power to enter into a contract under MVC §1190 does **NOT** give the legal authority to obtain a loan from a bank. In fact, MVC Article 3.5, entitled “Construction and Alteration of Halls, Buildings and Meeting Places”, §1222 states: “No contract shall be let for the construction or alteration of any hall, building or meeting place unless such project can be completed and be ready for occupancy and use funds the district has on hand.”

The MVC does offer a solution to correct the use of a private bank in order to pay off an improperly acquired bank loan. MVC Article 2, entitled “Management”, §1193 states: “Every district may combine with the county in which it is located or with any incorporated city wholly within the county, in the accomplishment of any of the purposes of this chapter, and to that end hold jointly with such county or city any property acquired or made available for such purposes, and expend money in conjunction with such county or city in accomplishing any of the purpose hereof.”

**Financial Status:** Each fiscal year, an audit is performed by an independent financial auditing firm. The most recent audit was finalized by a licensed CPA on June 30, 2017. The audit stated the District had a \$701,644 loan payment coming due June 2018. The audit also disclosed that the JLVMD had a cash and investments balance of \$239,554 in June 2017. The auditor wrote “These conditions raise substantial doubt about its ability to continue as a going concern.” A going concern is defined as a business that functions without threat of liquidation for the foreseeable future, which is usually regarded as at least the next 12 months. Simply stated, a going concern is the ability of a business to meet its financial obligations when they fall due. Therefore, with this loan payment, there is concern for the continued fiscal viability of JLVMD.

The 2018 audit was not available at the time CCGJ wrote this report.

Just prior to the completion of this report, on April 9, 2019, the BOS approved Agenda item #28, the disbursements of the PG&E Butte Fire Settlement funds. Out of this disbursement, \$250,000 was designated to be split between Jenny Lind Veterans Hall and San Andreas Town Hall for community resilience improvements.

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

## **FINDINGS**

- F1. The JLVMD obtained a bank loan which was noncompliant with the MVC in two ways:
  - a) On April 29, 2016, JLVMD obtained a private construction loan.
  - b) The construction loan was paid off January 28, 2019, when the balance converted to a ten-year Commercial Real Estate Term Loan.
- F2. The JLVMD acted on its own authority to obtain bank loans without the involvement of the BOS or the Calaveras County Auditor/Controller.
- F3. The JLVMD passed Resolution 2013-09 to borrow money and encumber property, which is outside the authority granted under the MVC.
- F4. With an outstanding loan on the property, the JLVMD property is at risk of loan default.

## **RECOMMENDATIONS**

- R1. a) The JLVMD should inform the BOS of the bank loan on or before October 1, 2019.
- b) The BOS should consider a partnership with the JLVMD to pay off the noncompliant loan and create a more favorable long-term loan, as may be permitted by law. A joint meeting should be scheduled to explore solutions on or before October 1, 2019.
- R2. The JLVMD needs to strictly adhere to the MVC in its entirety.
- R3. None
- R4. On or before October 1, 2019, the JLVMD must consider the following solutions to retire the loan:
- a) The District can work through the BOS to go into bond indebtedness.
- b) The District can work through the BOS to seek a special tax.
- c) The District can work through the BOS to combine with the County as detailed in MVC Article 2, §1193.

## **REQUIRED RESPONSES**

Pursuant to Penal Code §933 and §933.05, the Grand Jury requests responses as follows:

From the following elected county official within 60 days:

Calaveras County Auditor/Controller

|       |       |
|-------|-------|
| F1(a) | R1(a) |
| F1(b) | R1(b) |
| F2    | R2    |

From the following governing bodies within 90 days:

Calaveras County Board of Supervisors

|       |             |
|-------|-------------|
| F1(a) |             |
| F1(b) | R1(b)       |
| F2    |             |
| F4    | R4(a)(b)(c) |

Jenny Lind Veterans Memorial District Board

|       |             |
|-------|-------------|
| F1(a) | R1(a)       |
| F1(b) | R1(b)       |
| F2    | R2          |
| F3    |             |
| F4    | R4(a)(b)(c) |

## INVITED RESPONSES

Farmers & Merchants Bank of Central California

F1(a) F1(b)

F3

|   |
|---|
| Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §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 Grand Jury. |
|---|

## REFERENCE SOURCES

- The Union Democrat, “Valley Springs voters reject veterans district”, November 7, 2007/Updated August 23, 2015
- Recordnet.com, “Valley Springs veteran leaders confident new hall on horizon”, March 27, 2010
- The Union Democrat, “Jenny Lind vets need new digs”, September 1, 2010/Updated August 23, 2015
- JLVMD Board Resolution, “Establishing Authority to Borrow”, September 10, 2013
- 2012-2013 CCGJ report
- The Valley Springs News, “Veterans hall completion in Catch-22”, February 14, 2014
- JLVMD Board Resolution, “District to Sign Loan Documents”, August 12, 2014
- The Union Democrat, “Sierra Views: Eagle Scout honors veterans”, July 23, 2015/Updated August 23, 2015
- The Valley Springs News, “Building at vets hall ready for last stretch”, February 26, 2016
- MyValleySprings.com, “VS vets hall moving closer to completion”, February 17, 2017
- Calaveras Enterprise, “Long Time Coming”, March 2, 2017
- Calaveras Enterprise, “Valley Springs Veteran’s Hall Inches Closer Toward Opening”, June 23, 2017
- JLVMD Financial Statements from an independent CPA, dated June 30, 2017
- MyValleySprings.com, “Vets hall general manager presents clarification of issues”, June 23, 2017
- ThePineTree.net, “Jenny Lind Veterans Memorial District Hall Dedication is February 19<sup>th</sup>”, February 12, 2018
- Calaveras Enterprise, “Mission Accomplished”, February 23, 2018
- BOS Consent Agenda #4, HUMAN SERVICES (ID #4135), November 6, 2018
- The Valley Springs/Calaveras County News, “A Brief History & the Current State of our Veterans District”, November 28, 2018
- MVC-Division 6, Chapter 1

- California Attorney General Opinion (82 *Ops.CalAtty.Gen* 90)
- Case Law: Captain Charles V. Gridley Camp No. 104, United States Spanish War Veterans vs. Board of Supervisors of Butte County, et al. (98 *Cal.App.* 585)
- 61 Cal.Jur.3d Veteran §44-Memorial District-Financing

**APPENDIX A**

**APPENDIX B**

**APPENDIX C**

APPENDIX A



Jenny Lind Veterans Memorial District

129 Pine Street, P.O. Box 448, Valley Springs, CA 95257  
(209) 772-9630

BOARD OF DIRECTORS  
Michael Wietick, President/GM  
Cory Belmont, Secretary/Treasurer  
Luis Domondon, Jr., Asst. GM  
David Evans, Safety Director/CPPA Rep.  
James Green, Director

RESOLUTION 2014-08

A RESOLUTION AUTHORIZING THE GOVERNING BOARD OF THE JENNY LIND VETERANS MEMORIAL DISTRICT TO SIGN LOAN DOCUMENTS

WHEREAS, The Jenny Lind Veterans Memorial District Board discussed and approved a loan amount from Bank of Rio Vista per their letter of interest dated April 24, 2014.

WHEREAS, the Authority to approve the loan is per the Military and Veterans code section 1191 paragraphs 1190 and 1191, pages 550 and 551

NOW, THEREFORE, BE IT RESOLVED that the Board President \* Michael Wietick of the Jenny Lind Veterans Memorial District board has been authorized to sign loan documents from Bank of Rio Vista. Michael Wietick-Board President/GM and Luis Domondon, Jr. Board Assistant GM are jointly authorized to request advances on the loan.

ON A MOTION by the Board Director Green seconded by Board Director Evans the foregoing Resolution was duly passed and accepted by the Board of Directors of the District, this 12<sup>th</sup> day of August, 2014, by the following vote:

AYES Evans, Domondon Jr, Green, Belmont, Wietick

NOES Ø

ABSENT

ABSTAIN

Michael Wietick  
President of the Board of Directors

Cory Belmont  
Secretary of the Board of Directors

APPENDIX B



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

*Appendix B*

|  |   |                                     |
|--|---|-------------------------------------|
| <b>Short Name/Subject</b><br>Jenny Lind Veterans Memorial District Lease Agreement   | <b>Board Meeting Date</b><br>November 6, 2018 | <b>Agenda Number</b><br>4           |
| <b>Dept:</b> Health and Human Services<br><b>Agency:</b> Human Services<br><b>Div:</b> Human Services<br><b>Contact:</b> Kristin Brinks<br><b>Phone:</b> (209) 754-8625  | <b>Supervisory District Number</b>            | <b>Consent Agenda</b>               |
| <b>Published Notice Required?</b> No<br><b>Public Hearing Required?</b> No   |   | <b>Estimated Time:</b><br>0 Minutes |
| <b>Type of Document?</b> Non Resolution Agreement<br><b>PowerPoint Presentation Included?</b> No<br><b>Budget Transfer Included (Must be signed by Auditor)?</b> No<br><b>Complete Agreement Required?</b> No<br><b>Position Allocation Change?</b> No |   |                                     |

**RECOMMENDATION:**

Authorize the Board Chair to sign the Jenny Lind Veterans Memorial District Lease Agreement for the leasing of office space for Veteran Services for the term of October 1, 2018 to September 30, 2022 in the amount of \$59,361.00.

**DISCUSSION/SUMMARY:**

The Health and Human Services Agency (H-HSA)-Human Services Division- Veteran Services Program is currently located at 509 E. Saint Charles San Andreas, commonly referred to as the CalWORKS building. Veteran Services and the Jenny Lind Veterans Memorial District have been working together to develop a space use agreement that will serve the entire veteran population within Calaveras County. The result of this collaboration is this lease agreement that includes \$1,069.75 for the purchase of materials to make modifications to the office space at the Jenny Lind Veterans Memorial District Building to accommodate the appropriate number of offices for Veteran Services. The term of this agreement is October 1, 2018-September 30 2022.

**FINANCING:**

There is no increase to the general fund budget used by Veteran Services as a result of this lease. The Human Services budget (10300960-5392) will reflect this change at Mid-year budget. Rent is \$1,214.40 per month; the total not to exceed amount for the four year term of this lease agreement is therefore \$59,361.00.

**ALTERNATIVES:**

The Board may choose to do any of the following.

- a) Uphold the department's recommendation, or
- b) Continue the item to another date for further consideration. This option is not recommended unless the Board specifically requests additional information which cannot be obtained during this meeting, or
- c) Deny the request. This is not recommended.

APPENDIX C



Jenny Lind Veterans Memorial District

189 Pine Street, P.O. Box 348, Valley Springs, CA 95252  
(209) 772-9650 Phone/Fax

BOARD of DIRECTORS  
Andrew P. Bellentype, President/General Manager  
Gail Belmont, Secretary/Treasurer  
Luis Comandon Jr., Director  
David Evans, Safety Director/CPA Rep.  
Michael Weirick, Asst. General Manager

RESOLUTION 2013-09

A RESOLUTION OF THE GOVERNING BOARD OF THE JENNY LIND VETERANS MEMORIAL DISTRICT  
ESTABLISHING AUTHORITY TO BORROW

WHEREAS, the Jenny Lind Veterans Memorial District Board by a vote of 4-0, 1 absent at a Special Meeting on August 30, 2013, voted to approve a loan from Rio Vista Bank per their letter of interest dated July 29, 2013.

WHEREAS, the Authority to approve the loan is per the Military and Veterans code section 1191 paragraphs 1190 and 1191, pages 550 and 551.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Jenny Lind Veterans Memorial District board has been authorized to sign the letter of interest from Rio Vista Bank dated July 29, 2013.

ON A MOTION by the Board Director Evans, seconded by Board Director Weirick, the foregoing Resolution was duly passed and adopted by the Board of Directors of the District, this 10th day of September, 2013, by the following vote:

AYES 4  
NOES 0  
ABSENT 1  
ABSTAIN

Andrew P. Bellentype  
Chairman of the Board of Directors

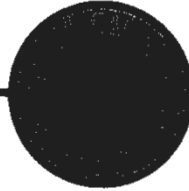
Gail Belmont  
Secretary of the Board of Directors



**REPONSES TO 2017-2018  
FINAL REPORT**

**Office of the Sheriff**

1045 Jeff Tuttle Drive  
San Andreas, CA 95249

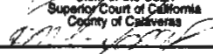


**Rick DiBasilio, Sheriff**

209.754.6500  
sheriff@co.calaveras.ca.us

**FILED**

**AUG 23 2018**

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

**DATE:** June 12, 2018  
**TO:** Honorable Timothy S. Healy, Presiding Superior Court Judge  
**FROM:** Rick DiBasilio, Sheriff & Ed Ballard, Captain  
**SUBJECT:** Response to 2017-18 Grand Jury Report Calaveras County Jail  
**Cc:** Board of Supervisors

The 2017-2018 Final Grand Jury Report was reviewed by The Calaveras county Sheriff's Office and staff members. The Grand Jury's investigation into the Sheriff's Jail outlined three (3) findings in which a response from the Sheriff's Office was requested.

**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 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.

**Response to F5:** Agree with the finding.

**F5.R1:** Calaveras County Human resources 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 increases in the County Jail budget.

**Response to F5.R1:** The Sheriff's Office in conjunction with the Human Resources support requested and additional four (4) positions in March of 2018 and an additional position for the FY 2018/2019. These positions are being filled. Over the last several months the Human Resources Office has been working closely with the Sheriff's Office to conduct Officer testing and Officer oral boards. There has been an increase in the amount of applicants for these

**F6:** For Fiscal Year 2017/2018 budget, overtime expenses was budgeted for two hundred sixty-five thousand dollars (\$265,000.00)

**Response to F6:** Agree partially.

**F6.R1:** A portion of this budgeted overtime line item, two hundred sixty-five thousand dollars (\$265,000), should be allocated to be used in the hiring of new correctional personnel for the next fiscal budget 2018/2019.

**Response to F6 R1:** A primary reason for the need of budgeted overtime is the continued vacant positions due to the turnover of staff as detailed in the Grand Juries findings (FY17/18). Jail personnel in conjunction with Human Resources are diligently working to fill all vacant positions. The jail has been experiencing unprecedented attrition, of employees within one to two years after employment. It is anticipated that the attrition rate of five employees per year will continue in the foreseeable future. In addition to the attrition rate affecting the use of mandatory overtime the jail has been long operating with insufficient relief staffing and the need to have budgeted overtime will continue, to cover staff shortages due to, mandatory trainings, sick leave, workers compensation claims and employee vacations.

**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.

**Response to F7:** Disagree partially. Human Resources has been working closely with the Sheriff's Office to increase the wages of Correctional Officers. As noted in response to F6 the jail is experiencing a severe attrition rate of its new employees. Officers' Salaries have been increased. Much of the continued attrition is as a result of burn out from extensive mandatory overtime, Officers seeking better benefit packages and careers as sworn Deputies or Officers. The use of mandatory overtime is a main focus of the Sheriff's Administration and attempts are being made to fill vacant position. When and if enough officers can be successfully hired to fill the vacant positions it is anticipated that the use of mandatory overtime will decrease sufficiently enough to allow officers to have additional days off.

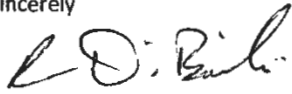
**F7.R1:** We highly recommend that the Human Resource Department should complete, and the Board of Supervisors needs to approve a competitive wage study.

**Response to F7.R1:** The Human Resources Department did conducted a Classification and Compensation study for the positions of Correctional Officer increases which were negotiated and approved by the CAO and Board of Supervisors in January of 2018. The positions of

Correctional Corporal and Correctional Sergeant are still 10% to 15% below the surrounding counties.

If you have any questions regarding the responses I can be reached at (209) 754-6500

Sincerely

A handwritten signature in black ink, appearing to read "Rick DiBasilio". The signature is written in a cursive style with a large initial "R" and "D".

Rick DiBasilio, Sheriff



# COUNTY OF CALAVERAS

REBECCA TURNER  
Clerk-Recorder-Registrar of Voters

891 Mountain Ranch Road, San Andreas, CA 95249

Recorder: (209) 754-6372  
Elections: (209) 754-6376  
Clerk: (209) 754-6371  
Fax: (209) 754-6733

August 28, 2018

The Honorable Timothy S. Healy, Presiding Judge  
Superior Court State of California  
400 Government Center Drive  
San Andreas, CA 95249

# FILED

AUG 29 2018

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

Re: Calaveras County Registrar of Voters Response to 2017-2018 Grand Jury Report

Dear Honorable Judge Healy:

In accordance with California Penal Code sections 933 & 933.05, I am submitting this response to the above referenced Grand Jury report, which was received by our office on June 11, 2018.

## **GRAND JURY FINDINGS OF THE BOARD OF SUPERVISOR RESIDENCY REQUIREMENTS:**

### **Grand Jury Finding 1**

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.

### **County Response to Finding 1**

Agreed, at the time of filing their Declaration of Candidacy papers the current Board of Supervisor met the residency requirements to serve the districts in which they reside.

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

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.

### **County Response to Finding 1, Recommendation 1**

The Elections Official acknowledges the Grand Jury's recommendation to publish certifications of qualified candidates for public office in local papers under Public Notices. There is no legal mandate to publish the list of qualified candidates in the local newspaper, or on the county website. In an effort to provide information to the public the Elections Department posts a list of qualified candidates on the Calaveras County Elections Office website under <http://elections.calaverasgov.us/Next-Election/Candidates-Measures>. This information is updated daily, during the candidate filing period and then a final list of qualified candidates is posted after the filing period has ended. Since the information is available on the website, and in our office, the Elections Department does not agree it is necessary to publish a list of qualified candidates in the paper under Public Notices. This would incur additional costs to the County, and put excessive requirements on the Elections Department.

## **GRAND JURY FINDINGS OF THE MEASURE E ELECTION 2016:**

### **Grand Jury Finding 1**

The Calaveras County Clerk-Recorder-Registrar of Voters, as head of Elections Division, is charged with multiple, complex duties and finite resources.

### **County Response to Finding 1**

Agreed, the County Clerk-Recorder/Registrar of Voters is responsible for various complex duties, while having limited access to resources. In an effort to expand those resources, the Registrar of Voters organized the County Voter and Language Accessibility Advisory Committee (VAAC/LAAC) in April of 2017. The committee is made of up members of the public to help provide more community involvement in the electoral process. To date the committee has held five meetings and currently has five members. The public can access the VAAC/LAAC page on our website at <http://elections.calaverasgov.us/Voter-Services/Accessible-Voting/VAAC-LAAC>. Meeting dates are posted on the website as well as past meeting agendas.

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

The Calaveras County Clerk-Recorder-Registrar of Voters implement SB 450: California Voter's Choice Act vote center model.

### **County Response to Finding 1, Recommendation 1**

This recommendation requires further exploration of the vote center model. Calaveras County was one of 14 counties who could go to a Vote Center Election in 2018, however the County Elections Official chose not to move forward, due to many unknown dynamics of the vote center model. Two of the most significant challenges that led to the decision not to implement was the undetermined costs, which vote center counties soon found out were astronomical and exceeded their election budgets to meet the requirements of Election Code 4005; the other concerning factor was the ability to track voters who have voted in real time. Prior to implementing vote centers it is imperative that the County has a voting system in place that provides the ability to track in real time who has or hasn't voted to avoid voters inadvertently voting more than once. This would involve purchasing a new voting system. At this point it is unknown how much the State will appropriate to Calaveras County for the implementation of vote centers; therefore, it is difficult to plan for vote centers in 2020.

### **Grand Jury Finding 2**

Recruiting and training of poll workers are on-going challenges.

### **County Response to Finding 2**

Agreed, recruiting and retaining poll workers is an ongoing challenge. The majority of our seasoned poll workers are unable to continue working long hours on Election Day. The Election Code requires the same precinct officers who open the polls be present when closing the polls and for the balancing of the ballots at the end of the night. The poll workers only receive a small stipend in exchange for an enormous amount of responsibility. Poll workers receive five dollars plus mileage for attending a three-hour training class. At the training class they are provided a manual and a checklist. The Elections office will be implementing an online training solution to provide poll workers with 24-7 access to a training video, along with the guide and other training materials.

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

The Calaveras County Clerk-Recorder-Registrar of Voters implement SB 450 to reduce training demands and staffing.

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

Implementing SB450 would reduce the amount of poll workers needed, however the training demands would increase. To be adequately trained for working at the vote center, staff will need to have at least three weeks training on policies and procedures and also receive training on the Election Management System that would be used to check voters in, issue ballots, and log returning vote by mail ballots.

***Grand Jury Finding 3***

Although provisions were in place to ensure correct ballots to voters, there were seven ballots erroneously issued during the 2016 election concerning Measure E.

***County Response to Finding 3***

Agreed, provisions were in place to ensure voters received the proper ballot types. Each precinct receives a roster with the voters' names, residence addresses and the ballot type they should be issued. Poll-workers are trained to look at the roster to identify which ballot type is to be issued. The Elections Department inventories the ballots supplied to each precinct and provides the inspector a receipt to prove that the inventory supplied is correct. It was brought to the Elections Office's attention that ballots were not be distributed correctly, and the department immediately contacted the precinct and disbursed a rover, a county employee, to supervise the ballot distribution for the remainder of the day.

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

The Calaveras County Clerk-Recorder-Registrar of Voters implement SB 450 to reduce problems with ballot distribution.

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

SB450 reduces the number of voting sites countywide from 16 to three. The three locations must have all ballot types for the county available at each location. With temporary staff working at each location it will be even more critical to ensure ballot distribution policies are followed. The best practice would be to use of a ballot on demand printer; the system would print the voter's ballot at the time the ballot was issued, reducing the chance of issuing erroneous ballot types. Purchasing a ballot on demand printer would require the county to purchase a new voting system and at this point, the county does not have funds to purchase a new voting system. Implementing SB 450 without a ballot on demand printer, would mean each voting site would have a minimum of 30 ballot types to distribute to voters and significantly increases the chances of issuing the incorrect ballot type erroneously.

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

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.

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

Agreed, additional quality assurance/control protocols should be put into place to eliminate mistakes in the distribution of ballots. With the current voting model, each position at the polling place will be provided a quick overview checklist in addition to the current manuals, and training materials provided. The best case scenario to avoid errors in ballot distribution, is to implement a voting model that reduces the number of ballots for voting site staff to handle, such as SB 450.

**Grand Jury Finding 4**

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.

***County Response to Finding 4***

Agreed, on November 8, 2016, Election Day, poll workers inadvertently issued the wrong ballot type to seven voters. This was an unfortunate error and as soon as the Elections Department was advised of the issue a county employee was dispatched to that precinct to assist the poll workers.

Those voters should have received ballot type 11 which would have included Measure E; instead they received ballot type seven with all the correct contests excluding Measure E. A total of 51 votes were cast for Measure E. The Measure required 34 votes in favor of the measure to pass with a two-thirds (2/3) vote. If all seven voters who received the incorrect ballot type voted in favor of passage of the measure, the total yes votes would equal 32, which would not have been enough for the measure to pass. Due to the close contest, a 100% manual recount was conducted to ensure all votes were tabulated correctly, it was determined all votes were tabulated correctly, and the measure did not receive the required two-thirds (2/3) vote to pass, even if all seven of those voters had voted in favor of the measure, it still would not have received the two-thirds (2/3) vote required to pass.

***Grand Jury Finding 4, Recommendation 2***

The Calaveras County Clerk-Recorder-Registrar of Voters implement SB 450 to reduce problems with ballot distribution.

***County Response to Finding 4, Recommendation 2***

SB450 reduces the number of voting sites countywide from 16 to three. The three locations must have all ballot types for the county available at each location. With temporary staff working at each location it will be even more critical to ensure ballot distribution policies are followed. The best practice would be to use of a ballot on demand printer; the system would print the voter's ballot at the time the ballot was issued, reducing the chance of issuing erroneous ballot types. Purchasing a ballot on demand printer would require the county to purchase a new voting system and at this point, the county does not have funds to purchase a new voting system. Implementing SB 450 without a ballot on demand printer, would mean each voting site would have a minimum of 30 ballot types to distribute to voters and significantly increases the chances of issuing the incorrect ballot type erroneously.

***Grand Jury Finding 4, Recommendation 3***

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.

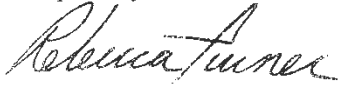
***County Response to Finding 4, Recommendation 3***

The County Elections Official Respects the Grand Jury's request to establish a policy to waive filing fees in cases that involve the disenfranchisement of voters. In the event the outcome of an election could have changed due to voter disenfranchisement, or an error on the part of the county, the current policy is to waive fees for services provided to the jurisdiction impacted. The Elections Department will continue honoring that policy. The District has the option to bring another measure forward to be placed on a future election ballot.



Your observations, together with the consideration of our responses, serve to remind and assure the public as to the openness and integrity of the electoral process conducted in Calaveras County. I appreciate the opportunity to address the concerns mentioned in the Grand Jury Report.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Rebecca Turner".

Rebecca Turner  
Clerk-Recorder/Registrar of Voters

cc: Board of Supervisors, c/o Diane Severud, Deputy Board Clerk  
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 31 2018

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

July 31, 2018

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

**RE: Response to 2017-2018 Grand Jury Report**

Dear Judge Healy,

Please find below the Human Resources Department response to the 2017-2018 Grand Jury Report in regard to the Calaveras County Animal Services and Jail.

**CALAVERAS COUNTY ANIMAL SERVICES:**

**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.

**Response to F1:** The Human Resources Department disagrees partially with the finding. The HR Department has recommended an additional part-time Office Tech but there is not enough information to confirm that the position could be supported through the compliance of licensing. Any additional positions would require funding from the General Fund and HR does not have any authority in this area.

**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.

**Response to F1.R1:** The recommendation will not be implemented because Human Resources do not have involvement in the approval of the ACS budget.

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Administration • Human Resources • Risk Management • Information Technology • Capital  
Improvement Projects • Purchasing • Facilities • Office of Emergency Services • Economic  
Development • Airport • Public Access Television •

**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.

**Response to F2:** The Human Resources Department disagrees wholly because there is not an open position within the department.

**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.

**Response to F2.R1:** The recommendation will not be implemented since the Animal Services Manager is new to Calaveras County and needs time to analyze the needs of his department. The position referenced has been filled by an Animal Services Officer II.

**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.

**Response to F4:** The Human Resources Department disagrees wholly only because this is not within the scope of HR.

**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 safety contain animals to bring the ACS up to current recommended industry standards.

**Response to F4.R1:** The recommendation will not be implemented because these recommendations are not within the scope of HR.

**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.

**Response to F5:** The Human Resources Department disagrees wholly only because this is not within the scope of HR.

**F5.R1:** Any future MOUs with the Human Society, the Calaveras County ACS management and the Board of Supervisors need to demonstrate “Good Faith” and timely progress in the partnership.

**Response to F5.R1:** The recommendation will not be implemented by Human Resources because the HR Department is not a part of the decision making process.

**CALAVERAS COUNTY JAIL:**

**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.

**Response to F5:** Agree with the finding.

**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.

**Response to F5.R1:** The recommendation will not be implemented by Human Resources since it has already requested 4 new positions in March of 2018 and an additional position for FY 2018/2019. These positions were approved and are being filled.

**F6:** For Fiscal Year 2017/2018 budget, overtime expense was budgeted for two hundred sixty-five thousand dollars (\$265,000).

**Response to F6:** Agree partially with the finding. Human Resources is recruiting to fill the open positions but due to training that will have to occur, overtime will still be required.

**F6.R1:** A portion of this budgeted overtime line item, two hundred sixty-five thousand dollars (\$265,000), should be allocated to be used in the hiring of new correctional personnel for the next fiscal budget 2018/2019.

**Response to F6.R1:** The recommendation requires further analysis. Human Resources is aggressively recruiting for the vacant positions and when filled new

correctional officers will have to go through training which means that there is not an immediate relief and the OT is still needed.

**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.

**Response to F7:** Disagree partially with the finding. The salaries are only a part of the reason for turnover. Correctional Officers salaries have been increased and new positions are aggressively being recruited and hired for. It is the opinion of the Human Resources department that besides salary, the other reason for turnover is the mandatory overtime. Once the new officers are trained and actively working on their own the turnover will slow down since the demand on overtime will lessen significantly.

**F7.R1:** We highly recommend that the Human Resource Department should complete, and the Board of Supervisors needs to approve a competitive wage study.

**Response to F7.R1:** The Human Resources Department has conducted a Classification and Compensation study 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. As a result of this study increases were negotiated and approved by the CAO and Board of Supervisors in January of 2018. These increases, once all of them have been implemented, will bring the correctional officers in line with surrounding counties. The positions of Correctional Corporal and Correctional Sargent are still 10% to 15% below the surrounding counties.

**F7.R2:** Calaveras County Human Resources 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.

**Response to F7.R2:** The recommendation has been implemented. The negotiations which took place in 2018 gave the correctional officers a 5% equity increase in March 2018 and another 5% equity increase in September of 2018. The officers also received a 2% COLA in February of 2018, 1% COLA in July and will receive a 2% COLA in January of 2019. Negotiations with the bargaining unit will begin again in March of 2019.

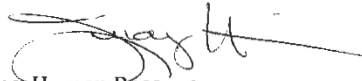
**F8:** Additional nursing staff is needed to meet medical requirements and requests. Examples include safely administering medications and performing inmate medical assessments.

**Response to FB:** Wholly disagree only because the medical requirements are handled by an outside contractor and outside the scope of HR.

**FB.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.

**Response to FB.R1:** The recommendation will not be implemented by Human Resources. The position of the Nurse Practitioner is managed through an outside contract and any changes to that contract would be handled by the Sheriff's Department and not Human Resources.

Judy Hawkins  
Deputy CAO/Director of Human Resources & Risk Mgt.



cc: Human Resources  
County Counsel  
Administration



**CALAVERAS COUNTY**

**BOARD OF SUPERVISORS**

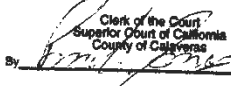
891 Mountain Ranch Road San Andreas, California 95249 (209) 754-6370 FAX (209) 754-6733

August 28, 2018

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

**FILED**

**AUG 29 2018**

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

**RE: Board of Supervisors Response of 2017-18 Grand Jury Report**

Dear Judge Healy,

The County of Calaveras, Board of Supervisors submits the following responses to the 2017-18 Grand Jury Report findings regarding the Calaveras County Animal Control Services and the Calaveras County Jail Facility. 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 CALAVEARS COUNTY ANIMAL CONTROL SERVICES**

**Grand Jury Finding 1**

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 property staff the ACS operation.

**County Response to Finding 1**

The Board of Supervisors partially agrees with the finding.

**Grand Jury Finding 1, Recommendation 1**

Calaveras County Human Resources 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.

**County Response to Finding 1, Recommendation 1**

This recommendation requires further analysis. The Board of Supervisors is aware of historical difficulties with keeping an adequate staffing level in Animal Services. Rather than identify the challenges as only a budget constraint, the Board of Supervisors is interested in a complete analysis of the program, its focus and operations. With the hiring of both a new Animal Services Manager and Director of Environmental Management, it is anticipated that there will be a complete review of the Animal Services program, resulting in changes to program operations as well as potential budgetary changes that would come to the Board of Supervisors for consideration.

**Grand Jury Finding 2**

The Animal Services 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.

Gary Totanelli  
District 1  
286-9002

Jack Garamendi  
District 2  
286-9003

Michael C Oliveira  
District 3  
286-9007

Dennis Mills  
District 4  
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Clyde Clapp  
District 5  
286-9059



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#### ***County Response to Finding 2***

The Board of Supervisors partially agrees with the finding. The Animal Services Manager does not have a backup Supervisor; in the absence of the Manager, oversight of the program would fall under the oversight of the Director of Environmental Management. The Board of Supervisors is not aware of an open supervisor position in the program where someone left to accept higher pay in an adjoining county.

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

Calaveras County Human Resources Department needs to add, and the Calaveras County Board of Supervisors need to approve, an additional position to assist the Animal Service Manager and the vacant position needs to be filled.

#### ***County Response to Finding 2, Recommendation 1***

This recommendation requires further analysis. The Board of Supervisors is interested in the analysis and recommendations of the newly hired Animal Services Manager on the needs within the Animal Services program. If the recommendation comes back that an additional staff person needs to be added, the Board of Supervisors will review the funding sustainability of adding the position and decide whether sufficient ongoing revenue will allow the adding of an additional position.

#### **Grand Jury Finding 3**

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 approve 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.

#### ***County Response to Finding 3***

The Board of Supervisors agrees with the finding.

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

The Grand Jury recommends the Board of Supervisors continue to approve "equity" adjustments until wages are comparable to adjoining counties.

#### ***County Response to Finding 3, Recommendation 1***

This recommendation will not be implemented. Wages and equity adjustments for employees under a union represented bargain unit are negotiated. If the unions that represent the employees at the Animal Services facility request additional equity increases during the negotiation of the next labor contract, the Board of Supervisors will consider the request. In making the determination of whether to increase the Animal Services staff, the Board of Supervisors will consider all County positions, continuing to give priority, subject to the availability of funds, to those classifications that are the furthest under comparison counties.

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#### **Grand Jury Finding 4**

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 of any of the 6.93 acres. This creates an unsafe condition for staff, animals and the public.

#### **County Response to Finding 4**

The Board of Supervisors partially agrees with this finding. The current facility was built in the 1960's and the service needs have outgrown the shelter. The County recently hired a safety consultant to review the operations and practices of all County facilities, including the animal shelter. Nowhere did the consultant identify, nor does the Board of Supervisors feel that a lack of fencing by itself creates an unsafe condition. Not following property handling practices, ensuring potentially vicious animals do not interact and other factors create unsafe conditions.

#### **Grand Jury Finding 4, Recommendation 1**

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.

#### **County Response to Finding 4, Recommendation 1**

This recommendation requires further analysis. The Board of Supervisors agrees that the current Animal Services facility is not ideal to meet the service demands placed upon the program. The Board of Supervisors tasked the County Administrative Office with conducting a countywide space utilization study to address aging facilities and identify all County Departments that have outgrown their current space and then to bring recommendations back to the Board of Supervisors on funding sources and project plans to address the identified problems. Funding for constructing new buildings remains a challenge for the County, with multiple Departments in immediate need of a new building or alternative location. The Board of Supervisors will consider all Department space requests and prioritize construction projects based on need, worker safety, and available funding.

#### **Grand Jury Finding 5**

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.

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

The Board of Supervisors partially agrees with this finding. The negotiations on a jointly operated shelter were terminated by the Humane Society. While not directly involved in the negotiations, the Board of Supervisors was made aware that a deal was terminated by the Humane Society by the negotiating party. The progress of the negotiations were hampered by turnover in both the Environmental Management Agency and County Administration, which necessitated some parties having to get up to speed on prior discussion. While the preliminary MOU outlined the duties and responsibilities of both the County and the Humane Society, there still remained a number of areas that needed to be clarified, including questions on what the shared staffing would be and which animals would be the responsibility of the County and which would be the responsibility of the Humane Society.

### ***Grand Jury Finding 5, Recommendation 1***

Any future MOUs with the Humane Society, the Calaveras County ACS management and the Board of Supervisors need to demonstrated "Good Faith" and timely progress in the partnership.

### ***County Response to Finding 5, Recommendation 1***

This recommendation will be implemented. The Board of Supervisors contends that the County demonstrated good faith in the previous negotiations with the Humane Society, but that the County was not given time to conclude negotiations. The delays in negotiations were the result of the aforementioned turnover of key staff involved in the negotiation and do not represent bad faith on the County's part.

### **Grand Jury Finding 6**

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.

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

The Board of Supervisors Agrees with the Finding.

### ***Grand Jury Finding 6, Recommendation 1***

The Grand Jury recommends again that the Board of Supervisors approve an ACS budget for a new facility.

### ***County Response to Finding 6, Recommendation 1***

This recommendation requires further analysis. Per the response to finding 4, recommendation 1 of this report, the Board of Supervisors has tasked County Administration with conducting a comprehensive space utilization plan. It is anticipated that the plan will encompass recommendations for the Animal Services facility.

### **Grand Jury Finding 8**

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.

### ***County Response to Finding 8***

The Board of Supervisors Agrees with this finding. Per the report from the Director of Environmental Management, Department staff did mention there being an interest in contracting with an outside organization to assist in a ballot measure to construct a new animal shelter.

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#### ***Grand Jury Finding 8, Recommendation 1***

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.

#### ***County Response to Finding 8, Recommendation 1***

This recommendation requires further analysis. The Board of Supervisors would like to receive a report from the Environmental Management Agency, with input by the County Administrative Officer, on the costs of funding an outside organization to develop a ballot measure. The Board of Supervisors is interested in a cost/benefit analysis of a contracted firm doing such as initiative verses local outreach. There are a lot of volunteer animal organizations within Calaveras County who likely would help spearhead this initiative. A local initiative, run by local leaders, may be more effective than one run by an outside organization.

#### ***Grand Jury Finding 9***

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.

#### ***County Response to Finding 9***

The Board of Supervisors agrees with this finding.

#### ***Grand Jury Finding 9, Recommendation 1***

Director of Environmental Health and the Board of Supervisors needs to budget for the purchase of two additional new specialized vehicles.

#### ***County Response to Finding 9, Recommendation 1***

This recommendation will be implemented. The Board of Supervisors has repeatedly stressed the importance of updating essential equipment on a continual basis along a laid up upgrade schedule. The goal is to avoid having all equipment breakdown or need to be replaced at the same time. Over the last two fiscal years, the Board of Supervisors has approved budgets that include large amounts of necessary equipment replacements in many County Departments.

#### ***Grand Jury Finding 10***

There are industry standards established such as found in "Guidelines for Standards of Care in Animal Shelters," 2010, or similar guidelines.

#### ***County Response to Finding 10***

The Board of Supervisors agrees with this finding.

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#### ***Grand Jury Finding 10, Recommendation 1***

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.

#### ***County Response to Finding 10, Recommendation 1***

This recommendation will be implemented. The Board of Supervisors would like to see the Animal Services facility operate under standardized guidelines. The hiring of a new Animal Services Manager provides an opportunity to implement changes in shelter and in the field practices.

### **GRAND JURY FINDINGS ON THE CALAVERAS COUNTY JAIL**

#### **Grand Jury Finding 5**

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 (1) correctional officer due to a lack of staffing.

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

The Board of Supervisors agrees with the finding.

#### ***Grand Jury Finding 5, Recommendation 1***

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 to the County Jail budget.

#### ***County Response to Finding 5, Recommendation 1***

This recommendation has been implemented. The Board of Supervisors approved the addition of four new correctional officer positions at its regular meeting on April 24, 2018. An additional correctional officer position was approved in the Fiscal Year 2018-19 budget. Overall, the budget of the jail was increased by 18.58% over the Fiscal Year 2017-18 budget.

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

For Fiscal Year 2017-18 budget, overtime expense was budgeted for two hundred sixty-five thousand dollars (\$265,000.00).

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

The Board of Supervisors agrees with the finding.

#### ***Grand Jury Finding 6, Recommendation 1***

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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 2018/19.

***County Response to Finding 6, Recommendation 1***

This recommendation will not be implemented. The Board of Supervisors has repeatedly stressed the importance of hiring vacant correction positions and adding additional positions to the jail. The Board of Supervisors has also emphasized that overtime due to staffing shortages should be reduced or eliminated wherever possible. However, moving funds from the overtime budget line and allocating it to salaries will not alone solve the staffing issue, as there are a number of vacant positions already funded in the budget – all positions in the jail are funded at this time. Next fiscal year, if overtime expenditures are down, then the overtime budget would be reduced and those revenues allocated elsewhere in the budget.

**Grand Jury Finding 7**

Staff wages are not industry competitive contributing to high turnover. Correctional staff to inmate ratio is at one to forth-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 expense over the years.

***County Response to Finding 7***

The Board of Supervisors partially agrees with the finding. Turnover has been high in the jail, where a number of correctional officers have left and went to other institutions. Officer pay is one factor that has contributed to turnover. In order to address the pay disparity of correctional staff, the Board of Supervisors ratified a new labor agreement with the County of Calaveras Public Safety Employees Association (CCPSEA) in February 2018, which included a total 10% increase in correctional officer, corporal, and sergeant salaries, and another 5% in cost of living adjustments (COLA).

***Grand Jury Finding 7, Recommendation 1***

We highly recommend that the Human Resource Department should complete, and the Board of Supervisors needs to approve a competitive wage study.

***County Response to Finding 7, Recommendation 1***

This recommendation has been implemented. During the most recent round of labor negotiations, the Human Resources Department conducted a salary study of all County positions. That study identified a number of classifications in Calaveras County that needed an equity adjustment. The Board of Supervisors subsequently approved the aforementioned increases in salaries for the correctional facility positions.

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

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.

***County Response to Finding 7, Recommendation 2***

This recommendation will not be implemented. Wages and equity adjustments for employees under a union represented bargain unit are negotiated. If the unions that represent the employees at the County jail request additional equity increases during the negotiation of the next labor contract, the Board of Supervisors will

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Clyde Clapp  
District 5  
286-9059



## CALAVERAS COUNTY

### BOARD OF SUPERVISORS

891 Mountain Ranch Road

San Andreas, California 95249

(209) 754-6370

FAX (209) 754-6733

consider the request. In making the determination of whether to further increase correctional staff salaries, the Board of Supervisors will consider all County positions, continuing to give priority, subject to the availability of funds, to those classifications that are the furthest under comparison counties.

#### **Grand Jury Finding 8**

Additional nursing staff is needed to meet medical requirements and requests. Examples include safely administering medications and performing inmate medical assessments.

#### ***County Response to Finding 8***

The Board of Supervisors needs additional information to completely respond to this finding. On December 5, 2017, the Board of Supervisors approved an amendment to the contract with California Forensics Medical Group, Inc. (CFMG), which included increasing the time that nursing staff are at the facility, to include weekends and later into the evening. Mental health provider services were also increased. A significant goal of this increase was to eliminate correctional officers from administering any medication to inmates. The Board of Supervisors is not aware of correctional officers performing any inmate medical assessments. The Sheriff's Department has not indicated there is a need for expanded medical care to the facility inmates, beyond what was addressed by the Board in December 2017.

#### ***Grand Jury Finding 8, Recommendation 1***

Calaveras County Human Resources 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.

#### ***County Response to Finding 8, Recommendation 1***

This recommendation requires further analysis. As noted in the response to this finding, the Board of Supervisors increased the availability of nursing staff in December 2017. While a Nurse Practitioner was not added to the services provided, if inmates require higher medical care, they are provided that care either in the facility or at the nearby hospital. The contract for medical services in the jail will be going out to a request for proposal (RFP) later this year; as the RFP is developed, the County Administrative Office will work with Sheriff's Department to identify any additional services that are needed in a prospective contractor.

#### **Grand Jury Finding 10**

Deputies, corporals, and sergeants received a seven-point five percent (7.5%) pay increase in March 2018 and will received 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.

#### ***County Response to Finding 10***

The Board of Supervisors agrees with the finding.

#### ***Grand Jury Finding 10, Recommendation 1***

Calaveras County needs to continue to follow the Grand Jury's recommendations for more equitable wage increases.

Gary Tofanelli  
District 1  
286-9002

Jack Garamendi  
District 2  
286-9003

Michael C Oliveira  
District 3  
286-9007

Dennis Mills  
District 4  
286-9050

Clyde Clapp  
District 5  
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***County Response to Finding 10, Recommendation 1***

The Board of Supervisors requires additional information to respond to this recommendation. The Board of Supervisors feels that the County has been equitable in approving salary equity adjustments and has followed a consistent process. The Board of Supervisors requested the Human Resources Department to conduct a complete salary survey of all County positions and then rank positions based on how large the disparity was with comparison counties. The positions that were the furthest below the comparison counties were given additional equity adjustments, beyond the cost of living adjustments (COLA) that was given to all employees. In the negotiations with the Calaveras County Public Safety Employees Association (CCPSEA), the correctional officers, corporals, and sergeants each received a 5% increase on March 3, 2018 and will receive another 5% on September 29, 2018. The positions will also receive 5% in COLAs.

**GRAND JURY FINDINGS ON THE MEASURE E ELECTION 2016**

**Grand Jury Finding 1**

The Calaveras County Clerk-Recorder-Registrar of Voters, as head of the Elections Division, is charged with multiple, complex duties and finite resources.

***County Response to Finding 1***


The Board of Supervisors agrees with the finding.

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

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.

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

This recommendation requires further analysis. The Board of Supervisors is fully committed to ensuring every voter in Calaveras County has ample opportunity to vote. The Board of Supervisors concurs with the County Clerk-Recorder-Registrar of Voters in wanting to ensure funding is appropriated at the State level to purchase the necessary equipment and voting system and that the issuing of ballots is being tracked in real time. The Board of Supervisors will continue to monitor the discussion as it unfolds at the State level.

Sincerely,  


Gary Tofanelli  
Chairman, Calaveras County Board of Supervisors

Gary Tofanelli  
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286-9002

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District 2  
286-9003

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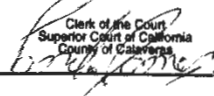
Calaveras County  
**Environmental Management Agency**

Government Center, 891 Mountain Ranch Road, San Andreas, CA 95249-909  
Brad Banner, Administrator

**FILED**

July 29, 2018

Calaveras County Superior Court  
400 Government Center Drive,  
San Andreas, CA 95249

AUG -2 2018  
Clerk of the Court  
Superior Court of California  
County of Calaveras  
By  Deputy

Attn: Honorable Timothy S. Healy, Presiding Judge

Attached are responses to the Grand Jury Final Report 2017-2018 on behalf of Animal Services.



Brad Banner, Administrator  
Environmental Management Agency

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|--|--|---|--|---|
| <b>Environmental Health</b><br>(209) 754-6399 Ext. 1<br>(209) 754-6722 Fax | <b>Onsite Wastewater</b><br>(209) 754-6400<br>(209) 754-6722 Fax | <b>Air Pollution Control</b><br>(209) 754-6399 Ext. 4<br>(209) 754-6722 Fax | <b>Animal Services</b><br>(209)754-6509<br>(209)754-6815 Fax | <b>Agriculture &amp; Weights and Measures</b><br>(209) 754-6504<br>(209) 754-9256 Fax |
|--|--|---|--|---|



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.

*Partially disagree. Developing backup staffing for the Office Technician would result in some increased licensing revenue due to stabilization of office hours. Revenue from licenses could be increased more effectively by providing officers with computer access in the field to determine licensure status of animals encountered, through a streamlined system of license renewal, and through re-prioritization of staff's time to put greater emphasis on license enforcement. It is highly unlikely that the cost of hiring an additional Animal Services Officer would be offset by additional licensing revenue.*

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.

*Agree. The open field staff position has been filled by an Animal Services Officer II. The Animal Services Manager could benefit by someone to back him up within his department. The new Animal Services Manager needs to become familiar with the operation of the shelter and field program and provide a recommendation concerning the type of support that he will need, whether it be an Animal Services Officer III, an Animal Services Supervisor, a second Office Technician, or an Administrative Assistant. The timing for creation of this position will be based on an assessment of departmental priorities and available funding.*

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.

*Partially disagree. It is very important that the department's wages and benefits be roughly equivalent to the wages of benefits of staff in other counties, especially with those of the neighboring foothill counties. After reviewing the salary survey spreadsheets generated by Human Resources, and comparing Calaveras County wages with wages of comparable staff in the neighboring foothill counties of Amador and Tuolumne, it appears that the department's shelter staff wages are roughly equivalent with similar positions in those counties, with the department's shelter staff wages exceeding Tuolumne shelter staff wages by 6.4%, but lagging behind Amador shelter staff wages by 16.8%. Questions regarding the salary survey are best directed at Human Resources.*

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.

*Partially disagree. The existing shelter was built in the 1960s and needs to be replaced. However, the current number of buildings and their age alone does not create an unsafe condition for staff, provided the facilities are managed and maintained adequately.*

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 should have streamlined services and expenses for a new facility.

*Partially disagree.* While a partnership with the Calaveras Humane Society (CHS) for development of a new shelter would have potentially been an optimal solution, a variety of issues left unanswered by the preliminary MOU were not addressed in the proposed "final" MOU. Final distribution of costs and funding were issues that were discussed, but they were not the primary focal point of negotiation prior to CHS deciding to withdraw from the process.

Questions still needing to be clarified included: (1) Would CHS take possession and responsibility for all animals brought into the shelter after the required holding period or just ones desirable for adaption?; (2) Would the responsibility for euthanizing animals fall entirely on Animal Services staff or could duty be shared by the partners?; (3) What should be the process for resolving disputes? The issue of dispute resolution needed to be addressed.

CHS also noted that: (1) Significant progress has been made by Animal Services in the management and re-homing of animals received at the shelter reducing the urgency in fund raising for a new shared shelter; and (2) Starting with a smaller adaption center would allow CHS to gain experience in sheltering animals on a smaller scale, rather than immediately taking on the entire sheltering operation for the county.

Animal Services continues to maintain a positive working relationship with CHS overall and remains open to exploring new avenues for collaboration and partnership.

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.

*Agree.* Funding remains a challenge and Animal Services will continue to work toward establishment of a new shelter.

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.

*Partially disagree.* Animal Services staffing level is adequate when all the positions are filled, but there has been a significant turnover in staff and staff who have taken extended leave, making it difficult to operate 7 days a week. Addressing the office coverage issue, providing staff with the tools needed to do their job in the field, streamlining the online licensing renewal process, and actively managing staff priorities should have an immediate positive impact on licensing revenue.

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.

*Agree.* The department will explore this alternative with the County Administrative Officer and Board of Supervisors this fiscal year and will implement it based on the outcome of this analysis.

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.

*Agree.* Replacement of aging equipment is a priority.

F10. There are industry standards established such as found in "Guidelines for Standards of Care in Animal

Shelters (2010),” or similar guidelines.

*Agree. Development of policies and procedures for assuring best management practices for animal shelter operations will be a major focus for the Animal Services Manager the first half of this fiscal year.*

F11. The ACS does have a web site and in addition uses Facebook as a social media source.

*Agree. Development of enhanced website presence and utilization of social media platforms, consistent with county web-security requirements, will be an objective for the second half of this fiscal year.*

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.

*Disagree. While policies and procedures were presented to the Grand Jury, many are outdated and not readily available to staff. Comprehensive policies and procedures are urgently needed and will be a high priority for the new Animal Services Manager.*

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.

*Agree. FOCAS provides invaluable assistance to Animal Services in terms of financial assistance and volunteer help. FOCAS members are tremendously dedicated to all aspects of animal welfare and the work performed by Animal Services.*

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

*Agree. This no-kill rate applies to dogs at the shelter and is the result of the hard work of staff and volunteers in providing animals with medical treatment, socialization, and a variety of placement options, including adoption out of other centers and rescue groups.*

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.

*Recommendation requires further analysis. Core management issues such as prioritization of staff time, efficient scheduling, improved systems of communication, and comprehensive policies and procedures need to be put into place before an assessment of budgetary needs can be completed.*

*When this assessment has been completed and a facility plan for shelter replacement has been developed, we believe that the Board of Supervisors will support the department's budgetary requests within the constraints of available resources.*

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.

*Recommendation requires further analysis. The new Animal Services Manager needs to become familiar with the operation of the shelter and field program and recommend the type of support that he will need, whether it be an Animal Services Officer III, an Animal Services Supervisor, a second Office Technician, or an Administrative Assistant. The vacant field position referenced in the report has been filled by an Animal Services Officer II.*

F3.R1. The Grand Jury recommends the Board of Supervisors continue to approve "equity" adjustments until wages are comparable to adjoining counties.

*Recommendation requires further analysis. This will depend upon a variety of factors to be reviewed by Human Resources and the Board of Supervisors, who are charged with aligning salaries for the staff throughout the county governmental system.*

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.

*Recommendation has not yet been implemented, but will be implemented in the future. The department will strongly advocate for a facility development plan to lay out the path, with milestones, for development of a new shelter.*

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.

*Recommendation has not yet been implemented, but will be implemented in the future. It should be noted that while a partnership with the Calaveras Humane Society (CHS) for development of a new shelter would have potentially been an optimal solution, a variety of issues left unanswered by the preliminary MOU still needed to be addressed in the "final" MOU that had been drafted by CHS.*

*Questions still needing to be clarified included: (1) Would CHS take possession and responsibility for all animals brought into the shelter after the required holding period or just ones desirable for adoption?; (2) Would the responsibility for euthanizing animals fall entirely on Animal Services staff or could duty be shared by the partners?; (3) What should be the process for resolving disputes? The issue of dispute resolution needed to be addressed.*

*CHS also noted that: (1) Significant progress has been made by Animal Services in the management and rehoming of animals received at the shelter reducing the urgency in fund raising for a new shared shelter; and (2) Starting with a smaller adoption center would allow CHS to gain experience in sheltering animals on a smaller scale, rather than immediately taking on the entire sheltering operation for the county.*

*Animal Services continues to maintain a positive working relationship with CHS overall and remains open to exploring new avenues for collaboration and partnership.*

F6.R1. The Grand Jury recommends again that the Board of Supervisors approve an ACS budget for a new facility.

*Recommendation has not yet been implemented, but will be implemented in the future. The department will strongly advocate for a facility development plan for development of a new shelter.*

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.

*The recommendation has not yet been implemented, but will be implemented in the future. Compliance with licensing laws will be increased by providing officers with computer access in the field to determine licensure status of animals encountered, through a streamlined system of license renewal, and through re-prioritization of staff's time to put greater emphasis on license enforcement. It is anticipated that these measures needed to increase compliance will be put into effect this fiscal year.*

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.

*Recommendation requires further analysis. The department will explore this alternative with the County Administrative Officer and Board of Supervisors this fiscal year and will implement it accordingly based on the outcome of this analysis.*

F9.R1. Director of Environmental Health and the Board of Supervisors needs to budget for the purchase of two additional new specialized vehicles.

*The recommendation has not yet been implemented, but will be implemented in the future. One new vehicle has been approved by the Board of Supervisors for purchase during the current budget for this fiscal year. The department will request a second vehicle as part of the Fiscal Year 2019/20 budget.*

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.

*The recommendation has not yet been implemented, but will be implemented in the future. Development of policies and procedures for assuring best management practices for animal shelter operations will be a major focus for the Animal Services Manager the first half of this fiscal year.*

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

*The recommendation has not yet been implemented, but will be implemented in the future. The department will work with the county's Information Technology Division to improve the Animal Services website, consistent with web-security requirements, and expand use of social media to promote our programs as an objective for the second half of this fiscal year.*

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.

*Animal Services Manager needs to have a direct-report position that assists him in his duties. The recently hired Animal Services Manager needs to become familiar with the operation of the shelter and field program and recommend the type of support that he will need, whether it be an Animal Services Officer III, an Animal Services Supervisor, a second Office Technician, or an Administrative Assistant. The vacant field position referenced in the report has been filled by an Animal Services Officer II.*

F3.R1. The Grand Jury recommends the Board of Supervisors continue to approve "equity" adjustments until wages are comparable to adjoining counties.

*It is very important that the department's wages and benefits be roughly equivalent to the wages of benefits of staff in other counties, especially with those of the neighboring foothill counties. Equity adjustments are useful in achieving this goal.*

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.

*A new shelter is needed. The optimal number of buildings should be a part of the architect's design, which will include a secondary fence. Animal Services staff will work with the EMA Administrator and County Administration to develop a facility development plan for moving forward this fiscal year.*

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.

*It should be noted that while a partnership with the Calaveras Humane Society (CHS) for development of a new shelter would have potentially been an optimal solution, a variety of issues left unanswered by the preliminary MOU still needed to be addressed in the "final" MOU that had been drafted by CHS.*

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*Animal Services continues to maintain a positive working relationship with CHS overall and remains open to exploring new avenues for collaboration and partnership*

F6.R1. The Grand Jury recommends again that the Board of Supervisors approve an ACS budget for a new facility.

*While a new shelter is badly needed and will require the fiscal support of the Board of Supervisors, a new shelter will be a very costly venture and needs to be based on a development and funding plan that sets out specific milestones for achieving the goal of a new shelter. The development plan will set out the path for moving toward the design and funding of a new shelter.*

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.

*Planning is currently taking place to upgrade the department's dog licensing enforcement program by providing a computer for use in our vehicles that can identify unlicensed dogs in the field when the dogs are encountered. In addition, planning is taking place to make license renewal easier by improvements in the web-based license renewal process.*

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.

*The department will explore this alternative with the County Administrative Officer and Board of Supervisors this fiscal year and will implement it accordingly based on the outcome of this analysis.*

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.

*One of the department's highest priorities will be to establish and monitor policies and procedures that are consistent with best shelter management practices.*

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.

*The department will work with the county's Information Technology Division to improve the Animal Services website, consistent with web-security requirements, and expand use of social media to promote our programs.*

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.

*Calaveras County Human Resources has not authority to increase the Animal Services budget but has supported Animal Services by assisting in recruitment of a new Animal Services Manager and by working with Animal Services to address office coverage issues when there are only 1 office support staff, 2 shelter staff and 3 field staff, working under MOUs from 2 different labor unions, that are charged with serving and protecting the public 7 days a week.*

*Care management issues such as prioritization of staff time, efficient scheduling, improved systems of communication, and comprehensive policies and procedures need to be put into place before an assessment of budgetary needs can be completed.*

*When this assessment has been completed and a facility plan for shelter replacement has been developed, we believe that the Board of Supervisors will support the department's budgetary requests within the constraints of available resources.*

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*Animal Services Manager needs to have a direct-report position that assists him in his duties. The recently hired Animal Services Manager needs to become familiar with the operation of the shelter and field program and recommend the type of support that he will need, whether it be an Animal Services Officer III, an Animal Services Supervisor, a second Office Technician, or an Administrative Assistant. The vacant position referenced in the report has been filled by an Animal Services Officer II.*

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*A new shelter is needed. The optimal number of buildings should be a part of the architect's design, which will include a secondary fence. The department will work with County Administration to develop a facility development plan for moving forward this fiscal year.*

FS.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.

*It should be noted that while a partnership with the Calaveras Humane Society (CHS) for development of a new shelter would have potentially been an optimal solution, a variety of issues left unanswered by the preliminary MOU still needed to be addressed in the "final" MOU that had been drafted by CHS.*

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*While a new shelter is badly needed and will require the fiscal support of the Board of Supervisors, a new shelter will be a very costly venture and needs to be based on a development and funding plan that sets out specific milestones for achieving the goal of a new shelter. The development plan will set out the path for moving toward the design and funding of a new shelter.*

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.

*Compliance with licensing laws will be increased by providing officers with computer access in the field to determine licensure status of animals encountered, through a streamlined system of license renewal, and through re-prioritization of staff's time to put greater emphasis on license enforcement. It is anticipated that these measures needed to increase compliance will be put into effect this fiscal year.*

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.

*The department will explore with the County Administrative Officer and Board of Supervisors this fiscal year the feasibility of a ballot measure and will implement it accordingly.*

F9.R1. Director of Environmental Health and the Board of Supervisors needs to budget for the purchase of two additional new specialized vehicles.

*The Board of Supervisors approved a specialized vehicle in the last fiscal year that was not purchased, and has approved a specialized vehicle in the budget again this fiscal year. Our Animal Services Manager and County Administration are currently working to identify a vehicle that will best serve the needs of the Department.*

# CALAVERAS COUNTY SUPERVISORIAL DISTRICTS

