

# Amador County Grand Jury Final Report



2006-2007

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# INTRODUCTION

# Functions of the Grand Jury

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

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

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

## **The Grand Jury is required to:**

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

## **The Grand Jury is also authorized to:**

- Inspect and audit county books, ensuring that public funds are properly and legally accounted for;
- Investigate and report on the performances of special districts or commissions;
- Investigate charges of willful misconduct by public officials or employees; and
- Investigate and report on “questionable business practices” of such agencies.

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

Superior Court of the State of California  
County of Amador



CHAMBERS OF  
DAVID S. RICHMOND  
PRESIDING JUDGE

108 COURT STREET  
JACKSON, CA 95642-2396  
(209) 223-6477

May 30, 2007

Robert Davis, Foreman  
Amador County Grand Jury  
P.O. Box 249  
Jackson, CA 95642

Dear Mr. Davis and Members of the 2006-2007 Grand Jury:

Thank you for the time and effort put into your preparation of this year's report. It is gratifying to see you rise to the challenge and produce an excellent, thoughtful document.

The Court knows this has been a rewarding yet demanding experience. The Court and all Amador County citizens appreciate the insight and expertise shown in your report. Your participation and willingness to serve in our justice system strengthens it and makes it better.

Thank you again for all your hard work, demonstrated professionalism and dedication.

Sincerely,

A handwritten signature in cursive script, appearing to read "David S. Richmond".

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

DSR/cp



**AMADOR COUNTY**  
**Grand Jury**

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

The Honorable David S. Richmond, Presiding Judge  
Amador County Superior Court  
108 Court Street  
Jackson, CA 95642

Dear Judge Richmond:

I am pleased to submit the 2006-2007 Final Report of the Amador County Grand Jury. This report represents the investigation and review of issues in the community that the Grand Jury believed were important to its citizens.

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

The 2006-2007 Grand Jury fulfilled its mandate to tour all the correctional institutions within Amador County boundaries. We evaluated several complaints, all of which were acted upon to the degree the Jury deemed appropriate.

We hope you will find each report enlightening and useful. Our intent was to act on behalf of the citizens of Amador County on items we thought would make a difference in our communities.

The 2006-2007 Grand Jury would like to thank the following individuals who provided legal advice, technical assistance and logistical support which enabled us to achieve our mission: County Counsel Martha Shaver and staff, and Ms. Betty Mann, Administrative Secretary, General Services Administration, and most importantly, Your Honor and Christine Price, Administrative Assistant. I would also like to thank each member of the Grand Jury for their diligence and dedication to the task of serving the citizens of Amador County.

Respectfully,

A handwritten signature in cursive script that reads "Robert L. Davis".

ROBERT L. DAVIS

Foreperson

Amador County Grand Jury 2006-2007

# **The 2006-2007 Amador County Grand Jury**

Steffani Abercrombie

Karen Baker

Patricia Busick

Robert Davis

Natasha Evans

Kimberly Fields

Lorretta Fine

Albert Imperial

Genise Inman

Paul Keeton

Carol Miller

Guy Miller

Rosemarie Nelson

Kristie Richards-Smallfield

Wayne Silliman

Peter Smith

Kenneth Streeby

William Uschmann

Kathryn Zeidler

**CIVIL  
GRAND JURY CHARGE**

LADIES AND GENTLEMEN OF THE GRAND JURY;

You have been selected to serve as members of the Amador County Grand Jury for the coming year. It is my duty under the law to give you instructions concerning your function as a grand jury, as well as certain rules of law that apply to your work.

The institution of the grand jury has an ancient origin. Its use as an instrument of government predates its introduction into our country during colonial times. It has been continued and used throughout American history.

It is the duty of a grand jury to examine local government and the conduct of public officials. You have a right to examine county and city governments, their boards, commissions, departments, and bureaus, and to look into the conduct of any elected or appointed official. This function is to assure yourselves and the public, of competent, ethical stewardship by public agencies in our county.

The grand jury shall also investigate and report on the needs of all county offices, including the abolition or creation of offices and equipment, or the method or system of performing the duties of such offices. It shall serve a copy of its Final Report to each member of the Board of Supervisors.

The grand jury, according to a special provision, may inquire into the case of every person imprisoned in the jail of a county on a criminal charge and not indicted. It shall inquire into the conditions and management of the public prisons within the county.

The grand jury is not intended to be a supergovernment for the county. The grand jury will not interfere with the discretionary policymaking powers of public officials (elected or appointed) according to law. Only if public officials violate criminal or procedural laws or abuse their discretion, do they become proper subjects for comment or action by the civil grand jury.

The grand jury is a deliberative body. Each individual grand juror has the right and the duty to act and vote according to the dictates of his or her personal judgment and conscience. Each juror will give fellow jurors all information received by the juror that touches on the subjects of inquiry, so the jury as a whole may evaluate, further investigate, and determine the relative importance of the subject.

There should be adequate discussion about the evidence for any proposed action. Do not surrender individual opinion because of the opinions of other jurors, or for the purpose of reaching a decision. Do not hesitate to change your opinion when, after

deliberation, you are convinced your original view was wrong. Do not let personal pride interfere with a sound result.

The foreperson is the chairperson of the grand jury and should, to a considerable extent, guide deliberations and direct investigations. Requests for advice should be made through the foreperson. No committee or individual members should attempt independent investigations without consulting the foreperson. The foreperson may secure advice from the court or the county counsel or district attorney, about the legality or propriety of any investigation.

It is the responsibility of the foreperson and the secretary to see that meetings are conducted and recorded in an orderly manner, according to the rules of parliamentary law. There should be an opportunity for full presentation and debate of any question.

All grand jury proceedings are secret. This secrecy guards the public interest and protects the confidentiality of sources. Matters before the grand jury should not be discussed outside the grand jury, even with closest relatives, friends and associates.

Because of your membership on the grand jury, you may be approached by individuals who will directly or indirectly try to discuss with you matters under consideration. They may be seeking to learn your views to obtain information for their purposes. They may attempt to influence you for or against some course of action in which they may be interested. Sometimes they may give you information they may claim to have, either orally or in writing. It is your duty to be prudent. Keep your own counsel and listen or read with a view to distinguishing between information given in good faith and that which represents special interest groups. If this information seems to involve serious matters and improper motives, report it to the jury, to the district attorney, or to the presiding judge. The dependability of an informant can be tested by reminding any informant that he or she can be called on to give formal testimony on the subject before the whole jury. Become a listener and restrict your conversation concerning grand jury business to the jury room. Be on guard. Avoid disclosures or commitments.

You are a member of a body that includes 18 other individuals. For best results, please work together, with patience, tolerance, courtesy and respect.

In Amador County criminal indictments are handled by a second, separate, grand jury whose members are randomly selected from the petit jury pool. The civil grand jury's function, is the civil investigation of government. It is a "citizen watchdog" panel with an agenda of its own choosing. The jury has a dual role. It is both a deliberative body (i.e. draws conclusions from evidence); and a fact-finding body, not requiring other agencies to collect information for it.

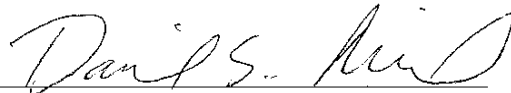
Jurors need to have realistic expectations. The jury's recommendations in civil matters are not self-executing. The end product of your work over the next year will be a Final Report delivered to the Board of Supervisors. The recommendations in the Report are not binding on the Board. The Board must respond to them, but its judgment

and that of other county officials will prevail. Because you cannot force acceptance of your recommendations, the Report must speak for itself. It should be clear, accurate, and its recommendations should make sense.

It is best to select a limited number of topics for a thorough investigation. Avoid spending time and effort “discovering” things that are already common knowledge.

On the grand jury, you represent the public, not yourselves, any organization or any groups with which you may be associated. It is your duty to think at all times in terms of the public interest.

There may be additional subjects that will have to be discussed in more detail on other occasions. This Charge is to give you some general ideas concerning your function and your responsibilities, and a few suggestions as guides for your conduct. I will continue to have an interest in the grand jury and hope you will have a constructive, successful year. Thank you very much for your attention to these remarks.

A handwritten signature in cursive script, reading "David S. Richmond". The signature is written in dark ink and is positioned above a horizontal line.

David S. Richmond

Presiding Judge, Amador Superior Court

# **ACKNOWLEDGEMENTS**

The 2006-2007 Amador County Grand Jury would like to extend our appreciation to the following individuals for their help and support during our tenure:

The Honorable David Richmond, Amador County Superior Court Judge; Christine Price, Administrative Assistant; John Hahn, County Counsel (Ret.); Todd Riebe, District Attorney; Martha Shaver, County Counsel; Rob Duke, Sutter Creek Chief of Police; Betty Mann, Administrative Secretary, General Services Administration; and Jennifer Magee, Deputy County Counsel

# NOTICE TO RESPONDENTS

## **Response Requirements:**

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

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

## **How to Respond to Findings:**

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

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

## **How to Report Action in Response to Recommendations:**

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

- The recommendation has been implemented, with a summary of the implemented action.
- The recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation.
- The recommendation required further analysis. If a person or entity reports in this manner, the law requires a detailed explanation of the analysis or study and timeframe not to exceed six months. In this event, the analysis or study must be submitted to the officer, director or governing body of the agency being investigated.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

## **Final Report Response Format**

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

### **Responding Agency**

Finding #1

State the finding as stated in the grand jury 2006/2007 report.

### **Response by Department Head**

State your detailed response to the finding.

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

### **Recommendations:**

Recommendation #1

State the recommendations as stated in the 2006/2007 grand jury report.

Follow this same procedure for each recommendation you respond to.

### **Response by Department Head**

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

This format is the standard format used by all agencies when responding to grand jury reports.

# Grand Jury Citizens Complaint Form

**GRAND JURY**

P.O. Box 249 Jackson, CA 95642

**GRAND JURY  
CITIZEN COMPLAINT FORM**

**TO: AMADOR COUNTY GRAND JURY  
P.O. BOX 249  
Jackson, CA 95642**

\_\_\_\_\_ (Date)

**1. THIS COMPLAINT IS AGAINST:**

\_\_\_\_\_ (NAME, TITLE)

\_\_\_\_\_ (ORGANIZATION)

\_\_\_\_\_ (ADDRESS)

\_\_\_\_\_ (CITY, STATE, ZIP CODE)

\_\_\_\_\_ (PHONE)

**2. MY COMPLAINT AGAINST THE ABOVE IS:**

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

**3. WHO HAVE YOU CONTACTED?**

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

**4. COMPLAINANT:**

\_\_\_\_\_ (NAME)

\_\_\_\_\_ (ADDRESS)

\_\_\_\_\_ (DAYTIME PHONE)

\_\_\_\_\_ (EVENING PHONE)

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

\_\_\_\_\_  
(SIGNATURE)

***ALL COMMUNICATIONS TO THE  
GRAND JURY ARE CONFIDENTIAL***

## AMADOR COUNTY CITIZENS COMPLAINTS

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

### CONFIDENTIALITY

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

### COMPLAINT PROCESS

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

**Mail your complaint to:**

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

The Grand Jury will acknowledge the receipt of your complaint.

1. The Grand Jury Citizen Complaint Form should be prepared after all other attempts to correct a situation have been explored and were unsuccessful.

11. Instructions for preparing the Citizen Complaint Form.

**1. THIS COMPLAINT IS AGAINST:**

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

**2. MY COMPLAINT AGAINST THE ABOVE IS:**

- a. Describe the problem in your own words.
- b. Be as concise as possible, providing dates, times and names of individuals involved.
- c. Cite specific instances as opposed to broad statements.
- d. Attach any available photographs, correspondence or documentation which support the complaint.
- e. If more room is required, attach extra sheets and include their number on the last line of the first sheet (i.e. 3 additional sheets attached).

**3. WHOM HAVE YOU CONTACTED?**

**4. COMPLAINANT (YOUR CONFIDENTIALITY WILL BE RIGOROUSLY PROTECTED):**

- a. Include your name, street address, city, state, zip code and telephone number including area code.
- b. Mail this compliant form to the address shown on the form.
- c. Please sign this complaint. (You may file an anonymous complaint if you desire however, it is highly unlikely that the Grand Jury will investigate complaint allegations).

III. The Grand Jury will respond to your complaint and advise you whether or not an investigation will be undertaken.

IV. The Grand Jury may contact you during the conduct of an investigation.

**ACTION REQUESTED:**

**DESCRIBE THE ACTION YOU WISH THE GRAND JURY TO TAKE:**

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2006-2007 GRAND JURY  
2006-2007 GRAND JURY  
REPORTS

# CRIMINAL JUSTICE

# Correctional Facilities

## **Introduction:**

Pursuant to Penal Code section 919, subdivision (b), the Grand Jury is required to conduct an annual review of the conditions and management of all correctional facilities located within Amador County. As a result, the 2006-2007 Amador County Grand Jury reviewed and toured the following correctional facilities:

1. Mule Creek State Prison, December 6, 2006
2. Preston Youth Correctional Facility, November 7, 2006 and April 10, 2007
3. Pine Grove Youth Conservation Camp, November 7, 2006
4. Amador County Detention Center, Amador County Sheriff's Department, November 15, 2006

## **Mule Creek State Prison**

### **Background:**

Mule Creek State Prison (MCSP) opened on June 10, 1987. The custody levels of the facility range from minimum security Level I to Level IV, the highest level of security inmate. The prison is located in the City of Ione, next to CAL Fire (formally named the California Department of Forestry) and Preston Youth Authority. The main focus of MCSP is to provide health care and rehabilitation through education for the inmates. Prison industries include coffee roasting, laundry, meat cutting, and digital mapping. Self-help groups such as Alcoholics, Narcotics and Gangs Anonymous are provided to the inmates. Community crews consisting of minimum security inmates are utilized in the local area. The on-site fire department responds to mutual aid calls. In addition, the "Arts-in-Corrections" project contributes funds to help local charities.

### **Method of Review:**

The 2006-2007 Grand Jury's review of MCSP consisted of the following:

Individuals Interviewed:

Chief Deputy Warden

Associate Warden - Central Services

Associate Warden - Programs and Housing

Associate Warden - Business Services

Correctional Captains-Minimum Support Facility; Facility A; Facility B; and Facility C

Correctional Health Services Administrator II

Administrative Assistant/Public Information Officer

Documents Reviewed:

MCSP Daily Movement Sheet dated December 5, 2006  
MCSP Industry Authority Facts Sheet  
MCSP Gangs Anonymous Facts Sheet  
MCSP Information and History of Facts

Sites Toured:

Administration Building  
Facility C - Main Kitchen  
Facility A - Prison Industries  
Education Classrooms  
Building 4 - Housing Unit  
Gymnasium  
Prison Industries - Meat Cutting  
Family Visiting

**Facts:**

1. MCSP was originally built to house approximately 1700 inmates. Currently, MCSP houses approximately 3996 inmates. There are approximately 1000 staff members at the facility providing around the clock supervision of the inmates.
2. Daily services provided to inmates at MCSP include medical, dental and mental health care, vocational and educational courses, self-help groups and access to libraries.

**Findings:**

1. MCSP is at 230% of design capacity. MCSP has over double the inmate population it was originally built to sustain.
2. As a result, the gymnasiums in Facilities A, B, and C have been converted into housing units with three tier bunk beds for the additional inmates.
3. Housing inmates in the gymnasiums present a dangerous situation to the inmates and Correctional Officers.

**Recommendations:**

1. The 2006-2007 Amador County Grand Jury recommends that MCSP reduce the number of inmates at the facility to the original design build of 1,700 inmates.

**Response Required:**

Response to this report is required from the Mule Creek State Prison pursuant to California Penal Code sections 933, subdivision (c), and 933.05.

## **Preston Youth Correctional Facility**

### **Background:**

Preston Youth Correctional Facility (PYCF), located in the City of Ione, originally opened its doors in 1894. It started as a reform school for boys ages 14 through 24, providing rehabilitation through education so that troubled youth of that time could turn their lives around and lead more productive lives once they re-entered society. This program was the dream of then Senator Caminetti, from the Jackson area. Preston also housed a dairy and many acres of farm land with which young boys would learn how to work and grow crops. Preston Castle, the original housing unit for juveniles, is located on Preston grounds and stands majestically overlooking the 264 acres that today make up PYCF.

Preston continues to provide the wards within its jurisdiction with a high level of academic training as well as aggressive medical and psychiatric care, so that the wards may be able to re-enter society with better skills to cope with their environments.

### **Method of Review:**

The 2006-2007 Grand Jury's review of PYCF consisted of the following:

#### Individuals Interviewed:

- Superintendent
- Program Administrator
- Group Supervisors
- Various Medical Staff
- Ward-High Risk
- Chief of Plant Operations
- Stationary Engineer
- James A. Wieden High School Principal
- Case Work Specialist

#### Documents Reviewed:

- Randomly Selected "Serious Incident Reports"
- Randomly Selected "Ward Grievance Report"
- Camp Criteria Application Process
- Summary of High School Program by the Assistant Academic Principal
- Monthly High School Credits and Requirements for Graduation
- Annual Victims Awareness Week Activities
- Vocational Instruction – Automotive Shop and Corresponding Certificates

#### Sites Toured:

- Tamarack Lodge
- Ironwood Lodge

Cedar Lodge  
Hawthorne Lodge  
Grounds  
Vocational and Educational Program Facilities  
Receiving and Release Facility  
Out Patient Housing Unit  
Plant Operations

**Facts:**

1. The PYCF is a juvenile facility in the County that houses wards fitting the criteria and housing needs for young men coming out of the court system throughout the State from other counties. The exception to this is if a ward fits the criteria and placement for a “camp” setting. Then, placement of the ward is most likely at the Pine Grove Youth Conservation Camp located within the County.
2. PYCF also serves as a reception center. A ward is received through the “Receiving and Release” facility and evaluated for his special needs, gang affiliations, medical and psychiatric needs. After these determinations are made, the ward is housed appropriately. He is assigned a Youth Counselor and continues to be evaluated for programming and education.
3. A 100 year old building known as Tamarack Lodge once housed the most violent of wards. This lodge has been closed for approximately two (2) years after a tour was conducted in which legislators attended and subsequently determined the environment was too depressing and prison-like for wards given the type of construction and single cell design. Currently, the Tamarack Lodge is utilized primarily for storage.
4. Located within the perimeter of PYCF is James A. Wieden High School which is fully accredited for six years. This high school provides a full education for all wards enabling them to attain a high school diploma or general education diploma. All educational staff is fully credentialed and compliant with the “No Child Left Behind Act.” There is a graduation ceremony each September for wards who complete the required credits.
5. The James A. Wieden High School is developing the pilot program for “English Language Learner” which will be implemented throughout the Juvenile Justice Department in August 2007.
6. In addition to academic classes, James A. Wieden High School offers a variety of vocational classes as follows:

Automotive Mechanics  
Auto Body and Fender  
Landscaping

Print Shop  
Janitorial  
Culinary Arts  
Masonry  
Keyboarding/Graphic Arts

**Findings:**

1. Wards coming into the system at Preston are given the full advantage of medical and psychiatric evaluations, as well as academic and vocational choices, allowing them to earn high school diplomas and vocational certificates upon completion of required course work.
2. For students who are exceptionally motivated, PYCF offers an opportunity to begin college studies through correspondence courses from Coastline Community College.
3. Wards with psychiatric or behavioral problems are assigned counselors to assist the wards with their varying needs. Counseling is available to help with gang affiliations, environmental issues, parenting, stress alleviations and drug intervention.
4. The recidivism rate currently ranges from 60% to 70%.
5. The current population is approximately 340 wards. The capacity is 1,200. Only the most violent juveniles or juveniles counties cannot accommodate are mandated for State incarceration.
6. Wards are paroled back to the original County of commitment.

**Recommendation:**

In order to enhance the rehabilitation of individual wards, PYCF should work towards offering more life skills so upon parole, the re-integration into society is more successful, therefore reducing the recidivism rate.

**Response Required:**

Response to this report is required by Preston Youth Correctional Facility pursuant to California Penal Code section 933, (c), and 933.05.

## **Pine Grove Youth Conservation Camp**

### **Background:**

The Pine Grove Youth Conservation Camp (PGYCC) is a training facility dedicated to the rehabilitation of young men and the conservation of California's natural resources. CAL Fire (formerly named the California Department of Forestry) and the California Department of Corrections and Rehabilitation, Division of Juvenile Justice, operate the camp together. The camp is located on 80 acres, just outside the town of Pine Grove, and has been in operation for 62 years. Wards who meet the specified criteria for this type of "open setting" sentencing receive education, fire training and basic life skills to prepare them for re-entry into society. In 2006-2007, the camp was budgeted for 120 wards between the ages of 18 and 25 years. The objectives of the camp include providing fire protection for the State of California, perform public conservation projects and provide wards with the skills required for their successful return to society.

### **Method of Review:**

The 2006-2007 Grand Jury's review of the Pine Grove Youth Conservation Camp consisted of the following:

Individuals Interviewed:

Superintendent of PGYCC

Documents Reviewed:

Pine Grove Youth Conservation Brochure-Open House November 3, 2005

Organizational Chart

53 Points of Light - Publication

Quarterly Public Service Report Statistics - April through June 2006

Staff News -Edition June 20, 2003

Today in California Youth Authority - Edition 2001

### **Facts:**

1. This State facility house only those wards who fit the criteria for a "camp" setting. Wards are carefully screened at intake as to their compatibility with the camp setting since there are no barriers around the facility to prevent escape. At the time of the Grand Jury tour in November 2006, the camp was almost filled to its capacity of 120 wards.
2. The camp wards often provide a great service to the surrounding community by clearing vegetation and brush from the countryside. Additionally, wards train and suppress wild land fires in conjunction with CAL Fire.

3. Pine Grove Youth Correctional Facility provide community service by crafting ornamental holiday wreaths which are distributed to the surrounding communities .
4. During their time at the camp, each ward must take academic classes totaling four hours a day. Wards also attend classes in counseling, parenting, gang awareness and decision making skills.
5. PGYCC provided 157,799.5 hours of public service during calendar year 2006.

**Recommendations:**

1. PGYCC should implement additional vocational training programs in order to provide wards with an employable skill upon their release from the camp.

**Response Required:**

Response to this report is required by Pine Grove Youth Conservation Camp pursuant to California Penal Code section 933, subdivision (c ) and 933.05.

## **Amador County Detention Center**

### **Background:**

The Amador County Detention Center is located within the city of Jackson and is maintained and operated by the Amador County Sheriff's Department.

### **Method of Review:**

The 2006-2007 Grand Jury's review of the Amador County Detention Center consisted of the following:

Individuals Interviewed:

Amador County Sheriff Department Captain in charge of the Detention Center

Documents Reviewed:

Organizational Chart

Jail Profile Survey

Amador County Detention Center Grievance Form

Sites Toured:

Central Control

Visitation Area

Kitchen

Laundry Facility

### **Facts:**

1. The Amador County Detention Center was constructed over 30 years ago and thus, has outlived its intended 20 year life span. Two years ago, the Amador County Detention Center received some improvements in the form of a much needed American Disabilities Act approved cell and new booking area. In addition, the Detention Center's kitchen and laundry room were renovated.
2. The Amador County Detention Center is constantly overcrowded. It was designed to house 11 female inmates and 63 male inmates. However, the Detention Center's average daily population is between 83 and 86 inmates. 15 to 25 percent of the inmate population consists of inmates released from Mule Creek State Prison doing local time for petty offenses committed while in state prison. The excess inmates are often housed in the Detention Center's day room and sleep on folding bunks. On the day of the Grand Jury tour, the detention center was at full capacity. As a result of the overcrowding, management must determine who and how many inmates to keep incarcerated each day.

3. The Amador County Sheriff's Department has submitted a Facility Needs Assessment Request to the Amador County Board of Supervisors for a new detention center. This is the initial step in securing a new detention center for Amador County.

**Findings:**

1. Despite the recent improvements, the detention center is an old and obsolete facility that no longer meets the necessary requirements to house both male and female inmates, safely and efficiently, at the local level.

**Recommendations:**

1. The Amador County Board of Supervisors should approve the Sheriff Department's request to do a facility needs assessment with respect to building a new detention center. In addition, the Board of Supervisors should join the Sheriff's Department in aggressively pursuing the construction of a new detention center in the near future.

**Response Required:**

Response to this report is required from the Amador County Sheriff's Department pursuant to Penal Code sections 933, subdivision (c), and 933.05.

# Ione City Police Department

## **Introduction:**

The 2006-2007 Amador County Grand Jury elected to review a citizen's complaint that the Ione City Police Department failed to properly investigate an alleged criminal incident in February 2003. This review was conducted pursuant to Penal Code section 925a.

It is important to emphasize that the focus of this review was whether the Ione City Police Department performed its investigatory duties with respect to this particular incident. The Grand Jury did not investigate whether the alleged crime actually occurred.

## **Method of Review:**

The Grand Jury's review of this issue consisted of the following:

Individuals Interviewed:

Ione City Chief of Police in 2003  
Ione City Sergeant/Captain of Police in 2003  
Ione City Interim Chief of Police  
Amador County District Attorney Investigator  
Amador County Sheriff's Department Deputy

Documents Reviewed:

Citizen's Complaint  
Computer Aided Dispatch (CAD) Incident Report of February 10, 2003  
Letter from Amador County Sheriff's Department dated July 12, 2006  
Written Response from the 2003 Ione City Chief of Police  
Amador County District Attorney's Office Report

## **Facts:**

1. On or about February 9, 2003, a suspect allegedly entered a residence in the City of Ione during the evening hours and proceeded to inappropriately touch one of the residents. In addition, the suspect may have unlawfully removed property from the residence.
2. On February 10, 2003, at approximately 11:59 in the morning, the Sergeant of the Ione City Police Department responded to a 9-1-1 call from the residence. Upon his arrival, the Sergeant spent two hours interviewing the victim and others about the alleged criminal conduct that occurred at the residence the night before. The Sergeant stated he tape recorded the interviews.
3. Upon his return to the Ione City Police Department, the Sergeant stated he wrote a summary of his investigation on his office computer. The Sergeant also indicated that he placed the

interview tape in his desk drawer, not the evidence locker.

4. The Sergeant further stated he directed, in general, three officers under his supervision to further investigate the alleged criminal incident.
5. Approximately two weeks later, the Sergeant discovered no further investigation had been conducted on the matter. Thereafter, in an attempt to do some follow-up work on the case, the Sergeant discovered that his written summary of the incident had been allegedly deleted from his computer and the victim/witness interview tape had been removed from his desk.
6. At the time of the incident, Ione City Police Department's computer system was tied into the Amador County Sheriff's Department computer system. A review of the Amador County Sheriff's dispatch computer indicated that the Sergeant did respond to the residence and stayed for two hours on February 10, 2003. The Sergeant cleared the call and classified it as an "Incident." The computer system did not have a record of a written summary of the matter.
7. According to the Captain (formerly the Sergeant referenced above) , the Chief of Police felt that the matter was "no big deal." The Chief of Police stated that at the time of the incident, he was under the impression a report had been taken, and that the matter involved a minor misdemeanor offense. According to the Chief of Police, he did not learn that a report was not taken until July 2006.
8. Ultimately, the Ione City Police Department conducted no follow-up work on the case. No subsequent report was taken and no temporary restraining order was sought on behalf of the victim against the suspect.

**Findings:**

1. The Ione City Police Department failed to properly investigate the incident.

**Recommendations:**

1. The Ione City Police Department should review, revise and amend its general orders and procedures to make certain that such a situation does not occur again.
2. If the victim agrees to do so, the Ione City Police Department should take a fresh report of the incident. Although the age of the incident may prevent prosecution of the matter, a fresh report will at least provide a record of the incident. Upon completion of the fresh report, the matter should be referred to the District Attorney's Office for review.

**Response Required**

Response to this report is required from the Ione City Police Department pursuant to California Penal Code sections 933, subdivision (c ) and 933.05.

# Education

# **Amador County Unified School District**

## **Introduction:**

The 2006-2007 Amador County Grand Jury elected to review three aspects of the Amador County Unified School District (ACUSD), including school safety and security, school maintenance, and the Transportation Department.

This review was conducted pursuant to California Penal Code section 933.5, as well as the opinion of the Office of the Attorney, State of California, at 78 Ops.Cal.Atty.Gen. 290, which concludes that "[a] grand jury may investigate and report upon the manner in which a school district performs its duties and functions."

It is important to emphasize at the outset that ACUSD is staffed by extremely competent teachers, dedicated staff, and innovative administrators, who work diligently to provide the students of the district with a quality education. In addition, ACUSD was extremely cooperative with the Grand Jury and its review of the school district.

## **Method of Review :**

The 2006-2007 Grand Jury's review of ACUSD consisted of the following:

### Individuals Interviewed:

- ACUSD Superintendent
- ACUSD Administrators/Principals
- ACUSD Director of Facilities
- ACUSD Director of Custodians
- ACUSD Maintenance Employees
- ACUSD Interim Director of Transportation
- ACUSD Retired Bus Driver
- ACUSD Teachers
- ACUSD Custodians
- ACUSD Assistant Superintendent of Business Services
- Amador County California Highway Patrol Officer
- Amador County Counsel

### Documents Reviewed:

- ACUSD 2006-2007 Budget
- ACUSD Emergency Preparedness Plan (2000-2001)
- ACUSD Emergency Preparedness Guidelines (2000-2001)
- ACUSD Volunteer Assistance Policy October 2005
- ACUSD Volunteer Assistance Administrative Regulation 1240(a)
- ACUSD Custodian Evaluation Form
- 2006-2007 Amador County Grand Jury Security Survey of Amador Schools

Grand Jury Final Report of 2005-2006  
California Education Code  
ACUSD Proposed Budget Reductions (March 2007) for the 2007-2008 School Year  
ACUSD Documentation Relating to Mold at Ione Elementary School

Sites Visited:

ACUSD School Campuses  
ACUSD Office  
ACUSD Transportation Office/Yard (behind Jackson Elementary School)

### **ACUSD School Safety and Security**

**Facts:**

1. ACUSD has a number of school campuses that vary in size, age and location. For example, Independence High School is the most recently built campus, has about 90 students and is located in a commercial/industrial area. Jackson Elementary School has about 300 students, consists of a mixture of some new but mostly older facilities, and is located two blocks from downtown Jackson. Amador High School is the largest school in ACUSD, consisting of mostly older facilities for its 800 or so student body and is found in a residential area. Pioneer Elementary School is an older facility with approximately 200 students and is located approximately 25 miles East of Jackson off Highway 88.
2. Each school campus has some protective fencing.
3. ACUSD has a school site visitor check-in/check-out policy with identification badges. Visitors to a campus must sign-in at the school office, indicating the date, time and purpose for their visit. Each visitor receives a badge identifying them as a guest on campus. At the end of the school visit, the policy dictates that a visitor sign-out and return the visitor's badge. The purpose of the policy is to monitor who is on a particular campus at all times during the school day and prevent strangers from wandering onto school sites. School administrators claim to be vigilant regarding detecting strangers on campus.
4. Amador High School, Argonaut High School and Jackson Junior High School share a school resource/safety officer.
5. Some school sites employ campus supervisors. These schools include Amador and Argonaut High Schools, as well as Jackson and Ione Junior High Schools.
6. ACUSD has an Emergency Preparedness Plan (2000-2001) and Emergency Preparedness Guidelines (2000-2001) that have been distributed to each campus. These materials provide school sites with guidelines on how to react in an emergency situation.

7. ACUSD's policy relating to volunteer assistance at schools was revised and replaced by ACUSD Administrative Regulation 1240(a) on October 16, 2006.
8. Taking the initiative, the Sutter Creek Police Department sponsored a training relating to school shootings. The training occurred at Amador and Argonaut High Schools on December 26 and 27, 2006, and was taught by the Delta College Police Department, which utilized a team of instructors from various law enforcement agencies in Northern California. Two deputies from Amador County Sheriff's Office, five officers from Jackson City Police Department and seven officers from Sutter Creek Police Department participated in this training. ACUSD was represented by some staff who attended the training.
9. ACUSD school administrators utilize radios, school phones and intercom systems to communicate at school sites during emergency situations. As of December 2006, Jackson Junior High School's intercom system had not been fully installed.
10. ACUSD has established a "Blue Ribbon" committee consisting of members from local law enforcement agencies and the school district to discuss and evaluate school safety and security, as well as revise ACUSD Emergency Preparedness Plan and Guidelines. The committee meets once a month.
11. ACUSD utilizes a leadership program entitled "Tomorrow's Leaders Today," where select high school students speak to junior high school children about "bullying" amongst students.
12. ACUSD employed two minimum days during the spring semester to discuss issues of school safety and security with staff at each school.

**Findings:**

1. For the most part, ACUSD's schools are safe. Teachers, staff and students are free to experience the learning process without being interrupted by violence. However, ACUSD is not immune from violence. School sites experience an occasional fight between students, some aggravated outbursts by emotionally troubled students, as well as random confrontations with verbally abusive and unreasonable parents. In addition, ACUSD has experienced three emergency situations this school year where site lock downs were required. All three lock downs were successfully performed and no student or staff member was hurt during these incidents.
2. Theft amongst students is a problem in the school district, particularly on secondary school campuses.
3. Each school campus is not completely enclosed by protective fencing. Such a measure is impractical given the physical location of some schools, the prohibitive costs to construct such barriers, and the detrimental result such a measure would have on the educational

process, i.e., giving the perception of penal institutions rather than halls of learning. Several school offices lack unrestrictive views of campus sites.

4. The school district's visitor check-in/check-out policy is not strictly enforced on school campuses. For instance, one site asked visiting grand jurors if they had a preference to sign-in or not. Another site told visiting grand jurors that they did not have to sign-in because school staff knew they were grand jurors. Some sites did not ask that the visitor's badges be returned. On each tour, visiting grand jurors could have walked off campus without signing out.
5. Some school sites are not vigilant in detecting strangers on campuses. Visiting grand jurors arrived early and gathered on school sites before scheduled tours. Only once did school staff come out and inquire as to why a group of strangers had gathered on campus. On two occasions, campus staff walked by grand jurors without asking why a group of adults were loitering on campus. School sites have problems with parents walking on campuses without regard to the visitor sign-in/sign-out policy.
6. The school resource/safety officer is a positive law enforcement presence on the three campuses the officer monitors. However, the officer's effectiveness is limited by time and the number of campuses he is assigned to cover. Such law enforcement interaction is nonexistent on other campuses. Generally, communication between ACUSD schools and law enforcement has been inconsistent. However, when the need for a law enforcement presence arises on a campus, the response from local law enforcement has been good.
7. The number of campus supervisors is inadequate. Campus supervisors can be an integral part of campus safety and security.
8. ACUSD Emergency Preparedness Plan and Guidelines were developed in 2000-2001.

Each school site has been responsible for establishing, implementing and subsequently revising its own site specific emergency preparedness plan. Other than establishing ACUSD Emergency Preparedness Plan and Guidelines, ACUSD has provided little assistance in developing specific school site emergency plans. Until recently, school administrators have not shared ideas, information or materials relating to common emergency issues with each other. Thus, the level of emergency preparedness at each school site depends on the attention each site gives to this issue.

Fortunately, ACUSD has some outstanding administrators, teachers and staff who constantly discuss, review and practice their emergency preparedness plans at individual school sites. One school has been particularly innovative by providing "safety buckets" containing necessary emergency information and materials for each classroom. Another school has focused its emergency plan around a simple and effective alert system known as the "Cougar Call." The Grand Jury found the majority of the school sites regularly practiced emergency drills with their students.

Unfortunately, a few schools were not as well prepared when the Grand Jury visited their campuses in November 2006. One school, for instance, had not yet practiced a lock down, despite the fact that Amador High School had recently experienced an emergency situation wherein it had to employ this safety measure in earnest. Another school had not practiced a fire drill, admitting that the school had not yet determined where all the students would convene in case of a fire.

9. ACUSD Administrative Regulation 1240(a) provides schools with proper guidelines in the use of volunteer assistance on school campuses and is a vast improvement to the hand written notes that constituted the policy before October 16, 2006.
10. ACUSD had a few staff members participate in the two-day training course relating to school shootings sponsored by the Sutter Creek Police Department. In addition, school administrators meet bi-weekly to discuss safety and security issues.
11. The "Blue Ribbon" committee on school safety and security has met to discuss school safety and security issues. Amador County Sheriff's Department has taken the lead with this committee and has introduced model emergency preparedness plans for review.
12. Based on the Grand Jury Security Survey of Amador Schools, some teachers and staff desire additional training relating to emergency preparedness, including more training in CPR and first aid.

**Recommendations:**

1. ACUSD should review its policies and procedures for protective fencing at school sites that have particular safety and security issues. For example, Pine Grove Elementary School's east border abuts up to a steep, wooded, downward slope. Although students are prohibited from playing on that side of the campus, the situation clearly presents a danger to a curious student. Protective fencing along this border would mitigate this safety and security issue.
2. ACUSD should mandate that each school site strictly and consistently enforce the visitor sign-in/sign-out policy. ACUSD should emphasize awareness of strangers on campus with students, teachers, staff and administrators.
3. ACUSD should review its policies and procedures regarding school resource/safety officers. An additional school resource/safety officer should be considered to alleviate part of the workload of the current officer, as well as including Ione Junior High School in the program.
4. ACUSD should review its policies and procedures regarding campus supervisors. Additional campus supervisors should be considered, particularly at secondary school campuses.

5. ACUSD should review and revise its Emergency Preparedness Plan and Guidelines immediately, as well as on a yearly basis. ACUSD should allow administrators, teachers, staff, law enforcement and interested parents to participate in the review and revision process. ACUSD should provide resources, assistance and guidance for the implementation and revision of site specific emergency preparedness plans. ACUSD should continue to provide school administrators an opportunity to share information, material and ideas regarding emergency preparedness with each other. ACUSD should continue to foster and promote communication throughout the school district on this issue.
6. ACUSD should continue to review and revise its Administrative Regulation 1240(a) relating to the use of volunteer assistance at schools.
7. ACUSD should increase participation in school safety and security training courses such as the one sponsored by Sutter Creek Police Department.
8. ACUSD should continue to participate and emphasize the "Blue Ribbon" committee on school safety and security.
9. ACUSD should expand the "Tomorrow's Leaders Today" program to the elementary school level.
10. ACUSD should enforce school district policy and state law regarding the practice of emergency drills at school sites. ACUSD should require the practice of emergency drills at the beginning of each school year so school sites are prepared sooner, rather than later, for an emergency situation. ACUSD should develop policies and procedures to monitor school sites to determine if they have conducted emergency drills as required.
11. ACUSD should develop policies and procedures to determine that each school site is sufficiently stocked with emergency equipment and supplies.
12. ACUSD should develop policies and procedures to provide additional education and training relating to emergency situations for administrators, teachers, and staff, including CPR and first aid training, on a routine basis.
13. ACUSD should develop policies and procedures regarding the use of security cameras. As suggested by some administrators, teachers, and staff, ACUSD should install security cameras at strategic locations at school sites to enhance visibility, deter theft, vandalism, and violence and possibly reduce wandering by students in the halls during school hours.

### **ACUSD School Maintenance**

#### **Facts:**

1. The Grand Jury toured 13 ACUSD school sites.

2. ACUSD school sites are maintained by custodian and maintenance employees. Custodians are employed at specific school sites on a part time/full time basis. Maintenance employees work from the maintenance yard and travel to school sites depending on their responsibility and work assignments. Custodians are responsible for the cleaning and upkeep of the schools to which they are assigned. Maintenance employees repair school facilities. This work includes general carpentry, painting, as well as plumbing and electrical work. Theoretically, custodians are supervised, in part, by school site administrators and, in part, by ACUSD Director of Custodians. Maintenance employees are supervised by ACUSD Director of Maintenance.
3. The ACUSD maintenance office is located on the campus of Ione Junior High School. The maintenance office houses the Director of Maintenance and the Director of Custodians.
4. The ACUSD maintenance yard is located at Argonaut High School. The maintenance employees work out of this location.
5. When a custodian cannot resolve a maintenance issue at a site, a work order is submitted to the maintenance office describing the problem and requesting that the Maintenance Department address the issue. The Director of Maintenance reviews the work orders submitted by school sites to determine whether they fall within the job responsibilities of the maintenance staff. If a particular issue does, the Director of Maintenance assigns the task to the appropriate skilled worker to address. If not, the work order is returned with a request that the custodian staff at the school site address the maintenance issue.
6. ACUSD has implemented an automated work order computer program. In theory, this program allows school sites to submit non-emergency work orders to the maintenance office via a computer. This is a much more efficient system than the old system, which involved each school site submitting a hard copy work order made in triplicate by way of office mail to the maintenance office.
7. If a repair presents an emergency or safety issue, the school site telephones the maintenance office and requests immediate assistance.

**Findings:**

1. Although there has been some welcome construction of new buildings throughout the school district recently, ACUSD's facilities are generally older and, in many ways, inadequate.

For example, many of the original classrooms built at Argonaut High School are too small for normal class sizes.

Jackson Elementary School has an insufficient number of electrical outlets in

classrooms for computer service.

The Amador High School boys' locker room is inadequate. There are no benches for students to sit on while dressing for an athletic activity. This problem is heightened by the fact that the floors throughout the locker room, including the floor in the training room and the carpet in the instructor's office, are unsanitary. The training room walls have sustained water damage, including an area around an electrical outlet. The ice machine is located in close proximity to this outlet. Many of the locker doors in the team room are missing and the locker room bathroom is offensive.

However, the boys' locker room at Amador High is more tolerable compared to the boys' locker room at Ione Junior High School.

Jackson Junior High and Community Court School present too many physical problems, primarily because of age and location, to list.

Nonetheless, despite the before mentioned concerns, some ACUSD school sites are in respectable shape. These sites include Plymouth, Pioneer, Sutter Creek and Jackson Elementary Schools, as well as Independence High School.

Notwithstanding the boys' locker room, Ione Junior High is experiencing a renaissance with the recent completion of its multipurpose room, new classrooms, and office.

The new track at Amador High School is a terrific facility, as is the new weight room at Argonaut High School.

Furthermore, Amador High School features outstanding auto-body, metal and construction shops and programs.

2. For the most part, custodian staffing at the elementary school level appears to be sufficient. With some exceptions, elementary school administrators throughout the district seem satisfied with the work being performed by the custodian staff. This is particularly true at Pioneer Elementary School. However, some school sites spend an unnecessary amount of time directing custodian staff on how to perform their work. Thus, additional custodian training would be welcomed and would certainly improve the day-to-day cleanliness of the elementary school sites.

There is some dissatisfaction with custodian job performance on secondary school campuses. The custodian job performance at this level, particularly at one school, is perceived to be inadequate. Some administrators, teachers and staff are frustrated because simple tasks are not being completed consistently or satisfactorily. For example, classroom carpets and floors are not cleaned on a regular basis. Bathrooms at some sites are unkempt. One administrator indicated that half of each day is spent dealing with facility issues.

On the other hand, custodians at secondary schools are frustrated because they feel they

are understaffed and overworked. For example, there is only one full-time custodian during the day at Argonaut and Amador High Schools. Both custodians are responsible for everything during school hours at these schools, including cleanup, grounds and set-up for such things as lunch. This issue is compounded by the fact that ACUSD provides little training or support for the custodian staff. This is particularly true for substitute custodians.

3. ACUSD maintenance staffing levels are inadequate. According to the Director of Maintenance, maintenance handles approximately 1500 school site work orders a year. Although the maintenance office indicated that they had completely caught up with the work orders as of December 2006, the Director of Maintenance stated that more skilled workers are needed to maintain school facilities.

Maintenance employees confirmed that they are understaffed. In the past, whenever ACUSD reduced their budget, the Maintenance Department lost positions. As a result, staffing has dropped to an insufficient level. For example, one maintenance worker is currently responsible for all heating and air systems in the school district. As a result, this employee maintains approximately 3200 pieces of equipment throughout the district by himself. The heating and air-conditioning system at Amador High School was designed for one full time maintenance employee alone to service.

Without proper staffing levels in maintenance, ACUSD facilities will continue to deteriorate to the detriment of the students and educational process in Amador County.

4. Supervision and performance evaluation of the custodian staff is partially done by some school administrators, in differing degrees, and in part by the Director of Custodians. Some school administrators are often too busy with other responsibilities to supervise and evaluate custodians. As a result, the Director of Custodians is left with the primary responsibility of supervising and evaluating custodian job performance. Because of the many other responsibilities the Director of Custodians must perform, his supervision and evaluation of custodian staff has been inconsistent.

The Director of Maintenance supervises and evaluates job performance of the maintenance staff. However, the Director of Maintenance has other tasks that prevent him from supervising and evaluating employees adequately and consistently.

5. The automated work order computer program has not been fully utilized by all school sites for various reasons. As a result, some school sites submitted work orders to the maintenance office during the school year by the old hard copy method, telephone, fax or e-mail.
6. ACUSD has a number of outstanding maintenance issues that vary in seriousness. The following are some examples of these issues:

Over the past year, Ione Elementary School has experienced the growth of a black mold in classrooms. The mold was first detected in one classroom in February

2006. ACUSD removed the mold and students returned to the particular classroom. However, in February 2007, a strong mildew odor was detected in the same classroom. In March 2007, some three weeks after a complaint was made to the administration of the school about the smell, ACUSD found mold growing in the classroom's attic. Upon finding the mold, ACUSD immediately moved the students to a different classroom and began work to correct the issue. As of late March 2007, mold was found in a second classroom, along with the possibility of it being in the attic of two other rooms on campus. At the same time, concerns over mold arose at Pine Grove Elementary School. In response, ACUSD began working with Amador County Environmental Health Department to remedy the mold problem in the school district.

The roof at Pine Grove Elementary School was resealed by a private contractor two years ago. However, the roof has leaked each winter since the repair work was completed despite the fact that the private contractor has repaired its original work each of the past two summers. The roof is leaking again this year. Maintenance employees familiar with the problem before the roof was resealed were not consulted about the issue. If they had been, the employees would have advised that a different course of repair was required to fix the problem.

A drinking fountain was removed from an outside wall at Jackson Elementary School leaving a gap in the wall. A piece of plywood was installed in the gap as a temporary solution. However, the plywood had not been replaced as of December 2006. As a result, when it rained, water seeped through the plywood and into the interior of an adjacent classroom.

The grass field at Pine Grove Elementary School was re-seeded twice with funds from a parent club. However, the field was not properly cared for and consequently, the grass has died.

During the basketball season, a member of a high school team slid out of bounds underneath a basket, hitting the wall and injuring his back. Amador High School did not have protective padding underneath either basket in its gymnasium. This protective measure is common in high school gyms.

The heating and air system in two classrooms in A Building at Amador High School has been malfunctioning for some time. As a result, the classrooms are extremely cold in the morning and then extremely hot in the afternoon, making it difficult to learn for the students.

There is a concern that there is the presence of natural occurring asbestos at Court School.

The athletic fields at the high schools are in poor condition. Both football fields are consistently worn-out. The baseball and softball diamonds deteriorate so badly during the off-season that it takes a major undertaking to revitalize them before the start of the season each year. Granted, the condition of these fields is due, in part, to over

use. However, more important, maintenance of these fields is inadequate because ACUSD lacks the appropriate level of staffing and proper equipment to perform the necessary maintenance work throughout the year.

For example, in preparation for the baseball season, the dirt skin of the infield at Amador High School baseball diamond had to be sprayed with Round-Up in order to kill weeds that had grown during the off-season. In doing so, part of the grass infield was sprayed, killing portions of the grass. To make matters worse, the truck used to spray the Round-Up on the infield was subsequently driven on other parts of the field, thereby leaving tracks due to the Round-Up saturated tires on the truck. The grass infield had to be replaced.

7. The maintenance of school facilities will be further hampered by ACUSD's proposed budget reductions (March 2007) for the 2007-2008 school year.

**Recommendations:**

1. ACUSD should review its policies and procedures for providing sufficient custodian and maintenance staff; whether dealing with old or new facilities, maintenance and upkeep of each school site is required, with additional custodian and maintenance staff.
2. ACUSD should provide regular training for custodian and maintenance staff. Custodian and maintenance staff cannot perform their tasks unless they are properly trained.
3. ACUSD should review the method of supervision of the custodian and maintenance staff to ensure these employees are properly performing their work.
4. ACUSD should review the method of evaluating job performance of the custodian and maintenance staff to hold them more accountable for work performed.
5. ACUSD should determine if the automated work order computer program is working to the satisfaction of all school sites, as well as the custodian and maintenance staff.
6. ACUSD should locate the maintenance office and yard at one site so as to improve the overall efficiency and effectiveness of the Maintenance Department. ACUSD should consider using the old bus yard for this purpose.
7. ACUSD should review its policies and procedures for providing sufficient, suitable, equipment to properly care for the facilities, particularly the athletic fields.
8. ACUSD should consult with custodian and maintenance staff on how to better improve the upkeep and maintenance of school facilities.

## **Transportation Department (Bus Yard)**

### **Facts:**

1. At the start of the school year, the Transportation Department was located behind Jackson Elementary School.
2. A new Transportation Department yard has been built and is located on Ridge Road near Independence High School.
3. ACUSD has had three Directors of Transportation in the past four years. A new director was hired in December 2006. The new director also serves as the department's bus driver trainer.
4. The Transportation Department employs a total of 20 part time bus drivers and has a total of 29 buses and vans in service. The department provides a total of 25 daily routes and transports most extracurricular groups/teams to off campus events. ACUSD hires expensive charter buses and rents vans to transport some school groups and teams to events.
5. Bus drivers communicate with the Transportation Department by way of radios.
6. Buses are equipped with digital security systems to assist bus drivers in monitoring student behavior.
7. The Transportation Department has three mechanics. According to the California Highway Patrol in Amador County, the mechanics do a very good job maintaining the buses.

### **Findings:**

1. The old transportation facility is run down and decrepit, and provided a poor working environment for department employees.
2. The new transportation facility provides a modern and safe environment. When the Grand Jury first contacted the Transportation Department in September 2006, the Grand Jury was told that the Transportation Department would move into the new facility within two to three weeks. The Transportation Department did not move into the new facility until Spring Break 2007.
3. The Transportation Department needs stability in its leadership.
4. The Transportation Department needs additional bus drivers and more bus driving training. The Transportation Department has trouble recruiting and retaining bus drivers

because positions are part time and involve split shifts.

5. ACUSD pays more for charter buses and rental vans to transport students involved in extracurricular activities than it costs to use school drivers and buses. On one occasion, ACUSD hired a charter bus to transport an athletic team to a play-off game. However, the bus got lost. As a result, the team arrived just minutes before the game was to begin.
6. The radio frequency utilized by the Transportation Department has experienced constant interference by other entities since May 2006, causing problems with radio communication between drivers and the Transportation Department office. As a result, the Transportation Department spends additional resources monitoring radio calls from buses each day. The Transportation Department has obtained a new frequency but has yet to implement it due to licensing issues.
7. At the start of the school year, the bus digital security system was not working properly. The Transportation Department corrected the problem.
8. Student behavior on school buses is getting worse. It is very difficult for drivers to enforce the rules and curb misbehavior.
9. Communication between ACUSD and the Transportation Department needs improvement.
10. The Transportation Department will be hindered by ACUSD's proposed budget reductions (March 2007) for the 2007-2008 school year.

**Recommendations:**

1. ACUSD should provide the Transportation Department with the resources to maintain their new facility so as to continue to provide good working conditions for the employees.
2. ACUSD needs to communicate with the new Director of the Transportation Department and provide him with the resources required to run the department effectively and efficiently. This includes hiring a bus driver trainer so that the director can focus solely on the administration of the Transportation Department.
3. ACUSD should review its policies and procedures for hiring and training bus drivers. Hiring additional bus drivers and providing bus drivers with proper training will insure the safety and well being of the students who ride the buses. Additional bus drivers would alleviate the need to hire expensive charter buses and vans to transport students/athletes to off campus events. It may also prevent such problems and inexperienced or unknowing charter bus drivers getting lost and delivering students late to events.
4. The Transportation Department should implement the new radio frequency as soon as possible. The Transportation Department should inquire into other forms of communications for its buses.

5. The Transportation Department should continue to monitor the digital security system on the buses so as to prevent further problems with the system not working.
6. ACUSD should consider returning to full time bus driver/custodian positions so as to attract more interest and stability in such jobs.

**Response Required:**

Response to this report is required from the Amador County Unified School District pursuant to California Penal Code sections 933, subdivision (c) and 933.05

WASTEWATER/WATER/  
INFRASTRUCTURE

# Mule Creek State Prison Wastewater

## **Introduction:**

The 2006-2007 Amador County Grand Jury received a request from the Amador County Board of Supervisors to investigate Mule Creek State Prison Wastewater Treatment Plant's (WTP) discharge of wastewater onto County property. Based on this request, the Grand Jury elected to investigate this issue pursuant to Penal Code section 925.

## **Method of Investigation:**

The Grand Juries investigation consisted of the following:

Individuals Interviewed:

Amador County Counsel  
Amador County Director of Environmental Health

Documents Reviewed:

The State Regional Water Quality Control Board's (RWQCB) Water Discharge Requirement Order #5-00-088.

The State Regional Water Quality Control Board's Notice of Violation dated September 5, 2006.

The Carlton Engineering Independent Consultant Report dated December 6, 2006.

The RWQCB's Cease and Desist Order dated December 8, 2006.

## **Facts:**

1. Mule Creek State Prison was built in 1987 and was originally designed to house 1700 inmates. The WTP services the prison, as well as its neighbors, the Department of Forestry and Preston Youth Authority.
2. Currently, Mule Creek State Prison houses approximately 3,996 inmates and employs approximately 1,000 staff members. Mule Creek State Prison population is currently at 230% of the original design capacity.
3. Mule Creek State Prison is a State of California facility. The WTP is located on prison grounds. The WTP is operated pursuant to a permit issued by the State of California.
4. Since 1988, several billion gallons of treated wastewater have been discharged onto the spray fields at Mule Creek State Prison.
5. The RWQCB regulates and monitors the WTP for compliance with the Water Discharge Requirement Order #5-00-088.

6. Amador County Environmental Health Department has no control over the operation or maintenance of the WTP at Mule Creek State Prison. Amador County Environmental Health Department periodically monitors Mule Creek State Prison for water quality during dry weather conditions on both State and County property. Samples taken by the Amador County Environmental Health Department found that the WTP was in violation of the RWQCB's Water Discharge Requirement Order #5-00-088. Amador County Health Department is not aware of any recent local health concerns that can be linked to the wastewater discharge at Mule Creek State Prison.
7. On September 5, 2006, the RWQCB issued a Notice of Violation, which listed multiple violations of the RWQCB's Water Discharge Requirement Order No. 5-00-088. These violations included: (1) Mechanical failure and operator error resulting in runoff conditions in violation of the Water Discharge Requirement Order No.5-00-088. Approximately 32,000 gallons were released in a month in violation of the order; (2) violation of the reporting process for notification of non-compliance; (3) failure to file required monthly reports in a proper fashion; (4) evidence of system overload at WTP; and (5) discharge from the WTP for May, July and August 2006, exceeded the prescribed limits.
8. The Amador County Board of Supervisors hired Carlton Engineering as an independent consultant to test the water in wells around Mule Creek State Prison. On or before December 2006, Carlton Engineering found that the level of nitrates in local wells exceeded the maximum contaminant level permissible for drinking water. The permissible maximum contaminant level specified by the State is 45 milligrams per liter for nitrates. The maximum level of nitrates found in a local well sample was 69 milligrams per liter. Carlton Engineering reported that there is a potential that a significant percentage of the contaminated groundwater in the area of Mule Creek State Prison comes from the spray fields located at the prison.
9. On December 8, 2006, the RWQCB issued a Cease and Desist Order pertaining to the operation of the Mule Creek State Prison Wastewater Treatment Plant. This order set forth the corrective measures Mule Creek State Prison is required to take to rectify the discharge of wastewater onto Amador County property.

**Findings:**

1. Mule Creek State Prison's Wastewater Treatment Plant cannot properly treat the wastewater being produced by the prison, CAL Fire (formerly named the California Department of Forestry) and the Preston Youth Authority Correctional Facility.
2. As a result, there is evidence that strongly suggests that discharged wastewater from the prison and the WTP is seeping into local wells and contaminating water supplies.
3. This problem will continue unless Mule Creek State Prison dramatically reduces its inmate population or rectifies and/or expands its ability to treat wastewater properly.
4. The Director of Amador County Environmental Health has been in direct and close contact

with State and local officials conducting investigations and sampling water supplies. The Director has been working with contract engineering firms to expedite independent testing and analysis of local water tables. This extensive effort should be recognized by county residents as reassurance that all efforts are being taken to ensure public health and safety.

**Recommendations:**

1. Amador County Environmental Health Department should continue to monitor the wells around Mule Creek State Prison.
2. Amador County Environmental Health Department should obtain and review copies of all monitoring and improvement reports relating to the WTP at Mule Creek State Prison required by the RWQCB.
3. Amador County Environmental Health Department should request that the RWQCB and Mule Creek State Prison notify the department whenever there is a violation of wastewater discharge requirements.
4. Amador County Environmental Health should provide the Amador County Board of Supervisors with a quarterly progress report concerning the wastewater issue at Mule Creek Prison and the surrounding areas.
5. The Amador County Board of Supervisors should continue to retain an independent consultant to test the water in wells around Mule Creek State Prison for contaminants.
6. Mule Creek State Prison and the appropriate county and state agencies should work in partnership to determine an immediate, safe, and economical solution to the wastewater problems.
7. Mule Creek State Prison should immediately implement the corrective measures set forth by the Regional Water Quality Control Board (RWQCB) on December 8, 2006, required to rectify the wastewater discharge problem.

**Response Required:**

Response to this report is required from Mule Creek State Prison pursuant to California Penal Code sections 933, subdivision (c), and 933.05.

PLANNING/COUNTY  
ADMINISTRATION

## **WESTOVER FIELD (Amador County Airport)**

### **Introduction:**

The 2006-2007 Amador County Grand Jury elected to continue the review of Westover Field (Amador County Airport) begun by the 2002-2003 Amador County Grand Jury. This review was conducted pursuant to Penal Code section 925.

### **Background:**

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

Amador County General Services Administration Director (GSAD) is responsible for overall operations and activities relating to Westover Field. The GSAD is appointed by the Amador County Board of Supervisors. The current GSAD was appointed in 2006 and had worked as an assistant to the previous GSAD for approximately seven years. The current GSAD responded to the 2005-2006 Amador County Grand Jury findings and recommendations in his capacity as an assistant. Therefore, he is familiar with the issues the Grand Jury has reviewed in the past.

The GSAD's staff includes a full time Public Services Director and Airport Manager, both of which are County employees.

### **Method of Investigation:**

Individuals Interviewed:

Current GSAD

Documents Reviewed:

Previous Amador County Grand Jury Reports on Westover Field

Westover Field Rules and Regulations, Chapter 12

Section 12.44.330 (Administrative Enforcement)

Section 12.44.320 (Penalties)

Section 12.44.250 (Vehicle Operations)

California Vehicle Code section 4000

Amador County Ordinance No. 10.12.380

### **Airport Parking**

#### **Facts:**

1. In the past, county and privately owned vehicles were parked directly across from the Amador County General Services Administration buildings at the airport in violation of

Amador County Ordinance No. 10.12.380. This ordinance prohibits vehicles from being parked directly across from and within 400 feet of the General Services Administration buildings.

2. The designated no parking and overflow areas at the General Services Administration buildings are clearly marked.
3. Also in the past, numerous vehicles were parked inside the airport perimeter fencing in violation of Westover Field Rules and Regulations section 12.44.250. Section 12.44.250 prohibits parking of vehicles in areas other than in a manner and location indicated by posted traffic signs and markings.
4. Airport vehicles are currently parked across from the terminal building inside the airport perimeter fence in an orderly fashion, as directed by the Airport Manager.

**Findings:**

1. There are no delineated parking areas for vehicles inside the airport controlled perimeter.
2. General Services Administration procedures allow the GSAD to designate areas for parking. The American Disabilities Act must be considered in establishing parking areas.
3. The GSAD and staff have proposed future delineated parking in the next revision of the Westover Field Master Plan.

**Recommendations:**

1. With respect to the vehicles parked in close proximity to the General Services Administration buildings, the GSAD should continue to monitor the area for future parking violations.
2. With respect to vehicles parked inside the airport fence, the GSAD should continue to seek approval for designated parking areas in the Westover Field Master Plan.

**Airport Master Plan**

**Facts:**

1. The Westover Field has a Master Plan.
2. The Westover Field Master Plan must be approved by the Amador County Board of Supervisors and the Federal Aviation Administration to receive federal funding.

**Findings:**

Revisions to the Westover Field Master Plan have been submitted to and approved by the Amador County Board of Supervisors.

**Recommendations:**

The GSAD and staff should continue to pursue approval of the Westover Field Master Plan.

**Airport Hangars****Facts:**

1. Westover Field has approximately one hundred hangars, sixteen of which are County owned.
2. Privately owned hangars lease County property, upon which the hangars stand, under County Administrative agreements.
3. Building inspection and code enforcement officials of the Amador County Land Use Agency inspect the hangars on a routine basis.
4. These inspections primarily look for violations relating to building and fire codes.
5. The Amador County Land Use Agency and General Services Administration are working on standardizing inspection documents to include requirements under building and fire codes and regulations.
6. The Westover Field Public Service Director and Airport Manager are active participants in the inspection of all hangars.

**Findings:**

1. Inspection efforts will take a few months to complete at the present rate.
2. Tenants found in violation of building and/or fire codes will be noticed in writing by the General Services Administration.
3. Records of violations and subsequent corrective measures will be kept by the General Services Administration.
4. The General Services Administration Airport Manager and county enforcement officials monitor the corrective measures as to violations as required.
5. The Amador County Land Use Agency and GSAD are working together to accomplish previous Grand Jury recommendations relating to hangar inspections and should be commended on their efforts.

**Recommendations:**

The Amador County Land Use Agency should continue to perform building and fire code inspections on an annual basis and document violations for review by the GSAD quarterly. The findings of the inspections should be forwarded to the Amador County Board of Supervisors for review as well.

**Hangars No. 3 through No. 6****Facts:**

1. It appears that several vehicles of all types are parked in the vicinity of hangars No. 3 through No. 6 on a semi-permanent basis in violation of Westover Field Rules and Regulations section 12.44.250.
2. Some of these vehicles display out-of-state license plates.
3. The person who leases hangars No. 3 and No. 6 from the County, provides airport security and is allowed to park one vehicle between hangars No. 5 and No. 6 for living purposes as approved by the Amador County Board of Supervisors.
4. Equipment and other materials required to support commercial activities around hangar No. 6 exist outside this hangar.

**Findings:**

The fifth wheel trailer/mobile home that had been located behind hangar No. 6 has been moved, and is now located next to hangar No. 5.

**Recommendations:**

1. Parking areas near hangars as provided for in lease agreements should be clarified to avoid misunderstanding.
2. The building inspection officials and General Services Administration staff should re-inspect hangars No. 3 through No. 6 for building and fire code compliance.
3. Amador County should remove all vehicles that are parked around hangars No. 3 through No. 6 in violation of Westover Field Code section 12.44.250.

**Airport Electricity Usage****Facts:**

Amador County pays for electricity usage at Westover Field.

**Findings:**

1. The GSAD and staff are reviewing all lease agreements relating to the airport.
2. The GSAD and staff are considering excluding County responsibility for payment of electrical usage in future lease agreements.

**Recommendations:**

The GSAD and staff should continue to review airport lease agreements to determine whether the County should be responsible for payment of electricity usage in the future.

**Response Required:**

Response to this report is required from the General Services Administrator Director pursuant to California Penal Code sections 933, subdivision (c), and 933.05.

# HEALTH AND HUMAN SERVICES

# **Amador-Tuolumne Community Action Agency Shelter**

## **Introduction:**

In response to a citizen's complaint, the 2006-2007 Amador County Grand Jury elected to review the financial operations of the Jackson Homeless Shelter pursuant to Penal Code section 925a. Specifically, the Grand Jury investigated how the shelter used the funding it received to run the facility in 2006.

## **Background:**

On May 25, 2006, the 2005-2006 Grand Jury received a citizen's complaint, with supporting documents, regarding the Jackson Homeless Shelter. This complaint was forwarded to the 2006-2007 Grand Jury for review. On June 27, 2006, an additional letter was received and placed with the original complaint and supporting documents.

The complaint and subsequent letter requested that the Grand Jury investigate the day to day operations and bookkeeping of the Jackson Homeless Shelter for discrepancies committed by the shelter's director at the time.

## **Method of Investigation:**

The 2006-2007 Grand Jury's review of this issue consisted of the following:

### Individuals Interviewed:

Complainant

Former Jackson Homeless Shelter Caretaker

Former Jackson Homeless Shelter Maintenance Person

Former Jackson Homeless Shelter Resident

Program Manager of the Amador-Tuolumne Community Action Agency

Executive Director of the Amador-Tuolumne Community Action Agency

Fiscal Services Coordinator of the Amador-Tuolumne Community Action Agency

Current Director of the Jackson Homeless Shelter

### Documents Reviewed:

Complainant's Supporting Documents

The Amador-Tuolumne Community Action Agency's Facility/Program Budget

The Amador-Tuolumne Community Action Agency's Accounting Standards and Procedures

The Amador-Tuolumne Community Action Agency's Cash Receipt Procedures

Sites Toured:

Jackson Homeless Shelter

**Facts:**

1. The Jackson Homeless Shelter is a non-profit facility that services those in the community in need of emergency shelter. The Amador-Tuolumne Community Action Agency oversees and funds the operation of the shelter.
2. The Amador-Tuolumne Community Action Agency receives funding from the following sources:

Federal Emergency Shelter Grant Program  
The State of California Emergency Housing and Assistance Program  
The Tuolumne County First Five Commission  
The Federal Child and Adult Food Program  
The National Board Emergency and Shelter Program  
Amador County  
Private Donations

3. The Amador-Tuolumne Community Action Agency is audited by the State of California on a yearly basis.

**Findings:**

1. The Grand Jury reviewed an accounting of the funding received and spent by the Jackson Homeless Shelter in 2006.
2. Based upon this review, the Grand Jury finds that the Jackson Homeless Shelter appears to have properly used their funding in 2006.
3. The Jackson Homeless Shelter provides a much needed service to the residents of Amador County.

**Recommendations:**

None

**Response Requested:**

None

GRAND JURY  
GRAND JURY  
FACILITIES AND  
FACILITIES AND  
EQUIPMENT  
EQUIPMENT

# Grand Jury Facilities and Equipment

## Introduction:

After the Grand Jury's initial meeting in July 2006, it was apparent to the members that the basic tools required to conduct general business meetings and perform minimal office tasks were inadequate. Therefore, the 2006-2007 Grand Jury elected to review itself. In doing so, the Grand Jury formed the Facilities and Equipment Committee to determine what equipment and resources were needed for the Grand Jury of Amador County to perform its duty.

## Background:

The Amador County Grand Jury consists of nineteen (19) sworn members, working as officers of the Court, but as an independent body. The sworn members serve for a period of one fiscal year (July 1 through June 30). All Grand Jury proceedings are confidential. The Grand Jury meets regularly as one body and in smaller committee groups. The first meeting of the 2006-2007 Amador County Grand Jury was held at 204 Court Street, Jackson, California. This building is currently designated as the official Grand Jury Office. The Grand Jury Office is technically is where the Grand Jury should meet, conduct interviews, and perform its business activities and duties in a confidential environment. It also serves as storage space for related data, records and files.

## Method of Review:

The Grand Jury's review of this issue consisted of the following:

- Inspection of the physical conditions of the Grand Jury Office
- Inventoried existing office equipment
- Reviewed the 2006-2007 Grand Jury Budget
- Identified essential office equipment and supplies for purchase
- Reviewed the official web-site of the Amador County Grand Jury
- Examined the Grand Jury Office's computer system and functions

## Facts:

### Building

1. The current Grand Jury Office is located in an old and dilapidated building. It is not large enough to accommodate all nineteen members at the same time. In addition, the building is poorly secured, thereby placing the confidentiality of the Grand Jury's work at risk. As a result, the Grand Jury meets at alternate sites which can accommodate all of its members and preserve the confidential nature of the issues discussed.

## **Equipment**

2. Much of the Grand Jury office equipment was either non-operational or antiquated. In addition, general office supplies were at insufficient levels. Consequently, the Facilities and Equipment Committee purchased the necessary office supplies in order to perform basic office functions.

## **Information Technology**

3. The Grand Jury web-site was outdated, and lacked an e-mail address web-site for the Grand Jury. The web-site also failed to post an official Amador County Grand Jury Citizen's Complaint Form utilized in filing a complaint with the Grand Jury. As a result, the Facilities and Equipment Committee had the Amador County Information Technology Department revamp the Grand Jury's web-site. The web-site now lists the Grand Jury's e-mail and physical address, as well as the Grand Jury's new telephone number. A citizen can also obtain a citizen's complaint form from the site. The Grand Jury's e-mail address is [grandjury@co.amador.ca.us](mailto:grandjury@co.amador.ca.us). The Grand Jury's web-site can be located at [www.co.amador.ca.us/depts/grandjury](http://www.co.amador.ca.us/depts/grandjury).
4. The Grand Jury Office computer systems were outdated. At the request of the Grand Jury, the Amador County Information Technology Department assisted with the updating of the computer systems, which included updating the computer software and installation of a DSL line.

## **Findings:**

1. Most of the Grand Jury's equipment issues were properly addressed by the Facilities and Equipment Committee during the year.
2. However, the one issue that remains outstanding is the physical location of the Grand Jury Office. The current Grand Jury Office is completely inadequate. Furthermore, the building itself is old and decrepit. Part of the exterior wall siding is falling off. The interior ceiling tiles have water damage and are beginning to fall. The carpets are worn and dirty. It is truly an insufficient space to do business.

## **Recommendation:**

The 2006-2007 Grand Jury recommends that the Amador County Board of Supervisors immediately re-locate the Amador County Grand Jury Office to a facility that will accommodate all nineteen sworn members at the same time while providing the necessary associated space for data, records, files and conducting business in a confidential and secure environment.

## **Response Required:**

Response to this report is required by the Amador County Board of Supervisors pursuant to California Penal Code sections 933, subdivision (c), and 933.05.

# CITIZENS COMPLAINTS

# CITIZEN COMPLAINTS

## Introduction

Throughout its term, the Grand Jury receives complaints filed by citizens. Serious consideration is given to each complaint. Responding to a citizen complaint may prompt the Grand Jury to conduct a full investigation of the subject matter of the complaint. A copy of the complaint form is included in this report.

Due to legal or discretionary reasons, the Grand Jury may not necessarily investigate every complaint it receives. The Penal Code prohibits the Grand Jury from investigating a complaint if any of the following conditions apply to the subject of the complaint:

- It is currently under litigation
- It involves agencies not located within the county
- It involves privately-held companies
- It is a dispute between private parties
- It involves fiscal or administrative operation of the Superior Court

The Grand Jury considers several discretionary factors when deciding whether to investigate a complaint:

- Do the facts warrant an investigation?
- Is there sufficient time to conduct a proper investigation?
- Has the matter been investigated by a previous Grand Jury?

Following is a list of the Citizen Complaints received and any actions taken. The first four complaints were received late in the 2005-2006 Grand Jury term, and were forwarded to the 2006-2007 Grand Jury.

**COMPLAINTS RECEIVED BY THE 2006-2007 AMADOR COUNTY GRAND JURY**

0001-06	10-19-05	<b>Anonymous complaint against the Amador County Mental Health Department alleging negligence when applying for federal grant funds.</b> <i>No return address was provided; therefore, no further action was taken.</i>
0002-06	10-30-05	<b>Citizen complaint against the Ione City Council alleging misuse of restricted funds and wasting tax dollars.</b> <i>The 2006-2007 Grand Jury is conducting an investigation.</i>
0003-06	01-02-06	<b>Citizen complaint against Mule Creek State Prison Warden alleging inadequate electrical resources. Further review resulted in that the 2006-2007 Grand Jury lacked the authority to investigate the complaint.</b> <i>A letter was sent to the citizen recommending they contact the appropriate state agency.</i>
0004-06	05-08-06	<b>Citizen complaints against Amador County Planning Department regarding a code violation. Further review resulted that the 2006-2007 Grand Jury lacked the authority to investigate such matters.</b> <i>A letter with a recommendation that they contact the Board of Supervisors or appropriate county agency was issued.</i>
0005-06	06-12-06	<b>Citizen complaint against River Pines Public Utility District Board of Directors. Further review resulted that the 2006-2007 Grand Jury lacked the authority to investigate such matters.</b> <i>A letter with a recommendation that they contact the Board of Supervisors or appropriate county agency was issued.</i>
0006-06	06-27-06	<b>Citizen complaint against the Amador County Health Department and engineered septic systems. Further review disclosed that the matter is currently before the court/pending litigation.</b> <i>California Penal Code does not permit the Grand Jury to investigate under said condition; therefore, complainant was advised; no further action was taken.</i>
0007-06	08-07-06	<b>Anonymous complaint against Sutter Amador Hospital (SAH) regarding physicians leaving prior to the end of their "Contract Terms."</b> Further review determined that SAH is a privately owned entity; therefore, the 2006-2007 Grand Jury lacked the authority to investigate the complaint. <i>A letter with a recommendation to contact the Board of Supervisors, or the CEO of SAH was issued.</i>
0008-06	08-31-06	<b>Citizen complaint against Amador County Mental Health Department and the Homeless Shelter, alleging misuse of funds.</b> <i>Further review resulted in an investigation by the 2006-2007 Grand Jury. See page 53 in this report.</i>
0009-06	09-02-06	<b>Anonymous complaint against the Mental Health Department.</b> <i>Since no return address was provided, no further action could be taken.</i>
0010-06	12-13-06	<b>Citizen complaint against the fuel distributors in Amador County regarding gas tax mark-up.</b> <i>Further review resulted in an investigation by the 2006-2007 Grand Jury.</i>

**CITIZEN COMPLAINTS CONTINUED**

0011-06	01-13-07	<b>Anonymous complaint against a member of the 2006-2007 Amador County Grand Jury alleging bias regarding the investigation of school issues. Upon investigation, bias was not found. Since no return address was provided, notification to the complaint was not provided.</b>
0012-06	02-21-07	<b>Citizen complaint against the District Attorney's office regarding the "Gastankgate" case. Upon further review, the matter is currently before the court/under litigation. The 2006-2007 Grand Jury is currently reviewing this complaint to determine the specific authority in which to investigate.</b>
0013-06	03-21-07	<b>Citizen complaint against the Transportation Commission alleging misuse of public funds. Due to time constraints, the 2006-2007 Grand Jury will forward this issue to the 2007-2008 Grand Jury for their disposition. A letter with this information was issued to the citizen.</b>
0014-06	04-01-07	<b>Citizen complaint against River Pines Public Utility District alleging a violation of the Brown Act. Due to time constraints, the 2006-2007 Grand Jury will forward this issue to the 2007-2008 Grand Jury for their disposition. A letter with this information was issued to the citizen.</b>

# FOLLOW-UP REPORTS

# GRAND JURY FOLLOW UP

## Introduction

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

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

All respondents are given the criteria to follow in responding to all Grand Jury findings and recommendations. For the convenience of the reader, the responses have been matched up with the facts and findings from the previous year's report to which they refer. Other than that, the responses contained in the following pages are exactly as they were received from the responding parties.

### **California Penal Code section 933.05:**

- (a) For the purposes of subdivision (b) of section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
  - (1) The Respondent agrees with the finding.
  - (2) The Respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) For the purposes of subdivision (b) of section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following actions:
  - 1. The recommendation has been implemented, with a summary regarding the implemented action.
  - 2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame from implementation.
  - 3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - 4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a County agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release

# **AIRPORT INFRASTRUCTURE FOLLOW-UP REPORT**

## **Introduction:**

The 2005-2006 Amador County Grand Jury elected to continue the review of Westover Field, Amador County Airport begun by the 2002-2003 Amador County Grand Jury. Westover Field is a General Aviation Airport with hangars, tie downs, fuel and aircraft maintenance services.

The Amador County General Services Administration (GSA) and the Amador County Board of Supervisors responded in accordance with Penal Code section 933, subdivision (c) and 933.05.

## **Grand Jury Report Findings Section**

1. Vehicles (including county owned vehicles) are routinely observed parked at the airport not in compliance with Airport code 12.44.250.
2. In November 2005 the County Board of Supervisors authorized the GSA Director to publish a Request for Proposals offering for lease airport property in the “commercial” zone. Lessees would construct buildings to house aviation related businesses. The Grand Jury applauds this effort to develop Westover Field in a manner that will benefit Amador County and generate revenues to support airfield improvements listed in the Airport Master Plan.
3. Numerous hangar lease agreement and County code violations persist at Westover Field.

## **Responses:**

### **General Services Administration - Department Head**

#### Finding One: **Disagree**

“The Director disagrees with this finding. Not enough information was provided to determine which vehicles the finding refers to. If the finding is referring to County owned vehicles parked outside the fence line near the north gate on County property designated for Airport use, the County may designate alternative uses for portions of this property. The County is also aware of the use and has designated County owned vehicles to be parked in this area. This use is temporary and the vehicles are being removed for auction. Other violations are unknown to the respondent; however, respondent agrees that if any observed parked vehicle is not in compliance with Airport Code 12.44.250, then it should be removed.”

#### Finding Two: **Agree**

“The Director agrees with the finding.”

#### Finding Three: **Agree**

“The respondent agrees with the finding. The respondent (New Director) is aware this process

has been slow and will work with the Airport Manager to prioritize and resolve known violations, and attempt to resolve remaining issues.”

### **Amador County Board of Supervisors**

#### **Finding One: Partially agree**

“The Board of Supervisors partially agrees with this finding. The Board notes that while vehicles are often observed at the airport, some may be there as a result of County actions.”

#### **Finding Two: Agree**

“The Board of Supervisors agrees with this finding.”

#### **Finding Three: Agree**

“The Board of Supervisors agrees with this finding.”

### **2005-2006 Grand Jury Recommendations Section**

1. A copy of Westover Field Rules and Regulations (County code chapter 12.44) commonly known as “Airport Code,” shall be mailed to all airport hangar tenants. A cover letter should explain that in addition to the terms of lease agreements, all users are subject to the Airport Code.
2. Building inspectors and County code enforcement officers should perform an inspection of all airport hangars.
3. Provide copies of the Amador County Customer Service Survey form at the Airport Terminal building and the lobby of the GSA building.
4. Amador County shall hire a dedicated grants writer to aggressively seek funding for projects listed in the Airport Master Plan as well as provide support to other County departments that could benefit from available grants.
5. GSA Director shall schedule excess equipment auctions whenever the volume of surplus vehicles and equipment threaten to exceed the vehicle maintenance yard or warehouse capacity.
6. Increase hangar lease fees annually by the percentage provided by the Bureau of Labor Statistics commonly known as the Cost of Living Index (COL).

#### **Responses:**

#### **Department Head**

**Recommendation One:** “**Not yet implemented**, but will be implemented by October 2006. A letter will be sent to all tenants with their monthly rent statements informing them of their requirement to adhere to lease agreements and the Amador County Airport Rules and Regulations (Airport Code). Included in this letter will be instructions as to where the “Airport Code” can be obtained, either on the Amador County Web page or at the Airport Manager’s office.”

Recommendation Two: “**Not yet implemented**, but will be implemented. The Airport Manager will begin coordinating inspection schedules with tenants and the Building Official beginning in September. Code Enforcement would not be involved with inspections unless the inspection resulted in a violation where no action was taken by a tenant exceeding statutory time limits. Currently one hangar at the Airport has exceeded statutory time limits. The matter is being handled by Code Enforcement and is anticipated to be resolved shortly.”

Recommendation Three: “**Implemented**. Copies of the Customer Service Survey form are available at the Airport Terminal building and the lobby of the GSA building.”

Recommendation Four: “**Not yet implemented**, but the County has approved a Public Services Director position that includes oversight of the Airport. One of the individual primary responsibilities will be to seek out sources of revenue, grants included. In addition, the County has hired a grants writer under contract whom will be looking for grant opportunities County wide.”

Recommendation Five: “**Implemented**, for vehicles and heavy equipment exceeding the maintenance yard capacity. An auction will be held September 9, 2006. The recommendation relative to the warehouse will not be implemented because no vehicles or equipment are stored in a warehouse that impact Airport operations.”

Recommendation Six: “**Requires further analysis**. Leases currently in place use the Consumer Price Index (CPI) as the basis for rent increases. Rent increases are currently enacted when the Airport Budget requires rate increases.”

#### **Amador County Board of Supervisors**

Recommendation One: “This recommendation will be implemented by October 2006.”

Recommendation Two: “This recommendation will be implemented in Fall 2006.”

Recommendation Three: “This recommendation will be implemented September 2006.”

Recommendation Four: “**Implemented**”

Recommendation Five: “**Implemented**”

Recommendation Six: “**Not implemented**. This recommendation will not be implemented due to the existing lease component noted above.”

## **EXCESSIVE WATER BORNE CONTAMINANTS FOLLOW-UP REPORT**

### **Introduction:**

The 2005-2006 Amador County Grand Jury received a citizen's complaint regarding the Amador Water Agency (AWA) Buckhorn Water Treatment Plant located in Pioneer. The complainant was concerned that Environmental Protection Agency (EPA) standards may have been exceeded for a group of by-products of the purification process known as Haloacetic Acids (HAA5s).

The Amador Water Agency responded in accordance with Penal Code section 933 (c) and 933.05.

### **2005-2006 Grand Jury Report Findings Section**

1. The AWA is complying with current notification requirements.
2. Unusually high readings for the second quarter of 2005, at the Buckhorn facility, has driven the running annual average above the MCL of 60 and will likely cause this average to remain high for another few quarters. This will require customer notification for the next few quarters, even if the new readings are well below the MCL.
3. The AWA is investigating methods of pre-treating the water at the Buckhorn Facility, with forms of activated carbon that will bind with the precursors to they can be filtered out before the purification process. Equipment is available from the old Buckhorn facility to facilitate the treatment process.
4. **The AWA is investigating the addition of a chlorination substation midway in the length of the delivery system. This would allow for smaller amounts of the disinfecting agent to be used at the Buckhorn facility. This option may reduce the "chlorine smell" in the water of customers living near the Buckhorn facility.**
5. An agenda item for the March 9, 2006 AWA Board of Directors meeting was the Buckhorn water treatment plant water quality report. The report led to a discussion of the regulations involving HAA5.

### **Responses:**

**AWA General Manager**

Finding One: **Agree**

Finding Two: **Agree**

Finding Three: **Agree**

Finding Four: **Agree**

Finding Five: **Agree**

### **2005-2006 Grand Jury Recommendations Section**

1. The AWA continue to aggressively pursue solutions to reduce high levels of HAA5s occurring at the Buckhorn facility.
2. When agenda items of high interest to AWA customers are scheduled for AWA Board of Directors meetings, the agency issue a press release to encourage greater public participation.

### **Responses:**

#### **AWA General Manager**

Recommendation One: “**Will be implementing** the recommendations of the Grand Jury. The first step to resolve this issue is to construct a chlorine booster station. This item is budgeted and will be constructed in Fiscal Year 2006-2007.”

Recommendation Two: “**Will be implementing.** The Amador Water Agency will be working with the local press to notify and publicize items that are of high interest to the public, such as public health and safety matters, security matters and other matters of a broad public interest.”

## **EDUCATION FOLLOW-UP REPORT**

### **Introduction:**

The 2005-2006 Grand Jury elected to review and evaluate the Amador County School District (ACUSD). Previous Grand Jury reports indicated deficiencies in various facets of the school district including transportation, safety, and building maintenance. Overall, the 2005-2006 Grand Jury noted improvements in these areas.

The Amador County Unified School District responded in accordance with Penal Code section 933 (c) and 933.05.

### **2005-2006 Grand Jury Report Findings Section**

1. ACUSD now has detailed record keeping and preventative maintenance plans. Buses are inspected before every shift and regular maintenance inspections are done every 45 days or 3,000 miles, whichever comes first. A computer program keeps track of mileage, scheduled maintenance dates, and the status of each bus.
2. ACUSD now uses buses manufactured after 1990. The only exceptions being spare buses that were manufactured in 1980.
3. A complete inspection was done by the California Highway Patrol in July and August of 2005. The maintenance program, driver records and the equipment were all given a “satisfactory” rating. (Possible ratings are Satisfactory, Unsatisfactory, and Conditional.)
4. Some safety issues have been addressed by the ACUSD, including installation of locks on the classroom doors and telephones in each room.
5. The school district received two awards for safety improvements that resulted in lower insurance premiums.
6. ACUSD has a process in place for reporting and completing maintenance at all schools.
7. Two ACUSD Board of Trustee members residing outside the district boundaries had resigned from the Board.

**Responses:**

**ACUSD Superintendent**

Finding One: **Agree**

Finding Two: **Agree**

Finding Three: **Agree**

Finding Four: **Agree**

Finding Five: **Agree**

Finding Six: **Agree**

Finding Seven: **Agree**

**2005-2006 Grand Jury Recommendations Section**

1. The 2005-2006 Grand Jury recommends that the wooden border around the jungle gym play area at Plymouth Elementary shall be replaced immediately to reduce the risk of injury to students.

**Responses:**

**ACUSD Superintendent**

Recommendation One: “**Implemented;** the wooden border around the jungle gym play area at Plymouth Elementary School has been removed, for safety reasons cited in the Grand Jury Report.”

# **AMADOR COUNTY TECHNICAL ADVISORY COMMITTEE FOLLOW-UP REPORT**

## **Introduction:**

The Amador County Technical Advisory Committee (TAC) is established under Amador County Ordinance 2.94. The TAC shall review all discretionary projects and actions coming within the provisions of Title 7 (Health and Safety), Title 14 (Water and Sewage), Title 15 (Buildings and Construction), Title 17 (Divisions of Land) and Title 19 (Zoning) of this code, prior to said projects being heard and decided by the Planning Commission, Board of Supervisors, or other hearing and decision-making body or officer. The TAC shall also review any other matter referred to it. The TAC shall report its findings, recommendations, and comments to the hearing and decision-making or referring body or officer.

Interest in the planning and development process in Amador County prompted the 2005-2006 Grand Jury to review the TAC.

## **2005-2006 Grand Jury Report Findings Section**

1. In compliance with the Ralph M. Brown Act, agendas for meetings of the TAC have been made public. However, since October 24, 2004, minutes for those meetings have not been publicly posted nor made available on the Amador County website.
2. The position of County “Water Resources Director” does not exist. The responsibility for representing that position is now part of public works.
3. Amador County Water Agency is currently an “ex-officio” member of the TAC, communicating with the committee via e-mail or an occasional attendance at their meetings.

## **Responses:**

### **Amador County Planning Department (on behalf of TAC), Planning Director**

#### **Finding One: Agree**

“The finding is correct. TAC agendas are and have been posted in compliance with the Ralph M. Brown Act. A decision was made in October 2004 to discontinue producing formal minutes due to the limitations of our staff resources. Since that time, notes have been taken and the issues discussed, recommended conditions and any other recommendations made at the TAC meetings are relayed in the staff report that eventually is produced when the project is taken to the decision making body (i.e. Planning Commission or Board of Supervisors). The TAC does not make any decisions on projects, only recommendations.”

#### **Finding Two: Agree**

“This finding is correct. The County “Water Resources Director” position was eliminated several years ago when that department was consolidated with the then Public Works Department.”

Finding Three: Agree

“This finding is correct. Pursuant to County code section 2.94.020 the Amador Water Agency and the U.S. Department of Agriculture Soil Conservation Service are the two agencies that “may provide representatives to the technical advisory committee, which representatives shall be nonvoting members said committee...”

**Amador County Board Of Supervisors**

Finding One: Agree

“The Board of Supervisors agrees with this finding.”

Finding Two: Agree

“The Board of Supervisors agrees with this finding.”

Finding Three: Agree

“The Board of Supervisors agrees with this finding.”

**2005-2006 Grand Jury Recommendations Section**

1. The Amador County Board of Supervisors amends County Ordinance, Chapter 2.94, to formally grant Technical Advisory Committee membership status to a representative of the Amador Water Agency and allow that member voting status on the committee.
2. To conform to the spirit of the Ralph M. Brown Act and avoid the appearance of impropriety, the Technical Advisory Committee should publish and/or post a summary of their meeting minutes and the agenda items addressed therein, including the date of the meeting and attendees, within a reasonable time following its meetings; not to exceed 15 days.

**Responses:**

**Amador County Planning Department (on behalf of TAC), Planning Director**

Recommendation One:

“This recommendation is beyond the scope of authority of the Planning Department or the TAC as the Board of Supervisors is responsible for the makeup of the TAC.”

Recommendation Two: Not Implemented. “A decision was made in October 2004 to discontinue producing formal minutes due to the limitations of our staff resources. Since that time notes have been taken and the issues discussed, recommended conditions and any other recommendations made at the TAC meetings are relayed in the staff report that eventually is produced when the project is taken to the decision making body (i.e. Planning Commission or Board of Supervisors). The TAC does not make any decisions on projects, only recommendations. For these reasons no change in our procedures will be made.”

**Amador County Board of Supervisors**

Recommendation One: **Not Immediately Implemented.** “This recommendation will not be immediately implemented. The Board will agendaize this issue for discussion at a future Joint Water Committee meeting. The Joint Water Committee includes representatives from the Board of Supervisors and the Amador Water Agency governing board.”

Recommendation Two: **Not Implemented.** “This recommendation will not be implemented. The County no longer has sufficient funds to provide the level of staffing needed to maintain TAC minutes.”

# LOCAL AGENCY FORMATION COMMISSION FOLLOW-UP REPORT

## **Introduction:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes procedures for local government changes of organization, including city incorporations, annexations to a city or special district, and city and special district consolidations.

Local Agency Formation Commissions (LAFCO) have numerous powers under the Act, but those of primary concern are the power to act on local agency boundary changes and to adopt spheres of influence for local agencies. Among the purposes of LAFCOs are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies.

Growth and planning continue to claim the attention of the population of Amador County as well as the various agencies involved in the process. The LAFCO plays a large role in development of local growth issues.

## **2005-2006 Grand Jury Report Findings Section**

1. Currently, Amador County does not have an effective LAFCO.
2. There are no available written policies or procedures for Amador County's LAFCO.
3. There is not Amador County LAFCO website.
4. There are no readily available forms for petitioning LAFCO.
5. Amador County Administration states that LAFCO has "no planning function within the county."
6. No evidence has been found that the current Amador County LAFCO has defined or adopted "spheres of influence" in the county.
7. Growth and planning continue to claim the attention of the population of Amador County, as well as the various agencies involved in the process.

## **Responses:**

### **LAFCO Chairman**

#### **Finding One: Disagree**

"Amador LAFCO disagrees with this finding. Amador LAFCO has received and acted on applications presented without objection or challenge. No application has been delayed by LAFCO. The foregoing notwithstanding, as applications increase in volume and complexity Amador LAFCO has not had administrative staffing with the knowledge and especially the time

necessary to comply with all state laws and requirements. This situation was exacerbated in 2001 with the enactment of new state laws (Cortese-Knox-Hertzberg Act; AB 2838 of 2000). These laws substantially increased the duties and responsibilities of each LAFCO. No funding to support the increased workload was provided by the Legislature. County staff, with a full workload due to their primary assignments for the County, has made progress to partially implement state laws as time allowed. LAFCO has recently engaged a contract Executive Officer to complete this work.”

**Finding Two: Disagree**

“Amador County LAFCO has procedures for many activities and programs conducted by LAFCO. While the Amador County LAFCO “Guide to LAFCO Procedures” (1988) needs updating for the 2001 changes, much of the essential information contained in this document is still applicable. One of the tasks included in the scope of work for the new Executive Officer is to prepare an update of these procedures as part of the first year’s work assignment from LAFCO.”

**Finding Three: Not yet Implemented**

“Currently some information, including agendas, is available on the County website. LAFCO believes that this meets the minimum requirements of law, but the public will be better served with the planned, improved website. Development of a web page will be tasked to the new Executive Officer.”

**Finding Four: Disagree**

“An application form is available for petitioning LAFCO. Inquiries should be made to the Planning Department at this time. The new Executive Officer will be tasked to coordinate the development and update of application forms, applicant instructions, and necessary documents for processing boundary changes.”

**Finding Five: Disagree**

“While some county staff may be unaware of LAFCO’s planning functions, these functions are specified in statute.”

**Finding Six: Disagree**

“Each city does have a sphere of influence adopted by LAFCO. Amador County, like most small or more rural counties, has significant deficiencies in the updating of spheres of influence. Historically funding was not available nor was it provided by the legislature, to complete studies and spheres of influence updates. LAFCO understands that all boundary change actions are required to be consistent with the spheres of influence. Under the new laws, all spheres must be adopted or updated no later than January 1, 2008. Once the administrative “start-up” activities are complete, LAFCO will review priorities and develop a work plan to adopt and update spheres.”

**Finding Seven: Noted**

“Finding Noted.”

## **Amador County Board of Supervisors**

### **Finding One: Disagree**

“The Board of Supervisors disagrees with subjective finding. The Board notes that the LAFCO Board has identified and implementation of an ambitious program to achieve statutory compliance.”

### **Finding Two: Disagree**

The Board of Supervisors disagrees with the finding. While the policies may be dated, LAFCO does have a complete set of written policies and procedures.”

### **Finding Three: Agree**

“The Board of Supervisors agrees with this finding.”

### **Finding Four: Partially Agree**

“The Board of Supervisors partially agrees with this finding. While LAFCO has some forms available, the type of form sought by the Grand Jury may not be available.”

### **Finding Five: Disagree**

“The Board of Supervisors disagrees with this finding. Administration attempted to clarify that LAFCO’s responsibility lies in jurisdictional boundary planning, not the type of regional growth planning sought by the Grand Jury. Administration noted that other communities often use Councils of Governments (COGs) or similar regional planning structures to address growth planning, and not LAFCO.”

### **Finding Six: Disagree**

“The Board of Supervisors disagrees with this finding. This information, though in need of updating, is available.”

### **Finding Seven: Agree**

“The Board of Supervisors agrees with this finding.”

## **2005-2006 Grand Jury Recommendations Section**

1. Establish an effective Amador County LAFCO by December 31, 2006. (By effective it is meant that the County LAFCO adhere to the principles addressed in State of California Documents regarding the setup of a LAFCO.)
2. If Amador County finds the need to issue a Request for Proposal (RFP) in order to seek guidance and advice for the proper establishment of the county LAFCO, this Grand Jury recommends that:
  - a. An impartial proposal evaluation committee, including members of the general public, be formed.
  - b. A proposal evaluation schedule and LAFCO implementation schedule be published.

3. Amador County and the incorporated cities provide funding (at the 50/10 ratio specified by state law) to implement the establishment of LAFCO.

**Responses:**

**LAFCO Chairman**

Recommendation One: “**LAFCO concurs** and is presently in the process of negotiating a contract for Executive Officer services. The scope of work for the new Executive Officer includes tasks to undertake this work, and a budget will be adopted no later than June 15, 2006 to support the effort.”

Recommendation Two: “**Recommendation noted.** A request for proposals (RFP) for Executive Officer services was prepared and distributed to a wide array of consultants and others. The RFP was posted on the CALAFCO web page and circulated to all known contractors who might meet the qualifications for the position. Responses were received and reviewed by LAFCO. A candidate has been selected and the Commission is in the process of negotiating a contract.”

Recommendation Three: “The funding formula contained in the Cortese-Knox-Hertzberg Act is **slightly different than that cited by the Grand Jury report, but the apportionment procedures are noted.** The 2006-2007 LAFCO budget will be adopted by LAFCO no later than June 15, 2006 and will be transmitted to the County Auditor for apportionment among the agencies as provided for in §56381(b)(2). This funding apportionment was implemented in fiscal year 04-05. The budget resolution being prepared by staff includes direction to the County Auditor as authorized by Government Code §56381.”

**Amador County Board of Supervisors**

Recommendation One: “The Board of Supervisors agrees with this recommendation but does not have the power to implement it. LAFCO and its Board are independent of the County and the Board of Supervisors. The Board notes, however, that the LAFCO Board has, over the last year, developed and implemented strategies to ensure compliance with State statute.”

Recommendation Two/Three: “Again, it is important to note that because LAFCO and its Governing Board are independent of the County the Board of Supervisors does not have the authority to implement this recommendation. The Board of Supervisors does note, however, that LAFCO, and not the County, has already conducted an RFP, selected a recommended Executive Director and is in the process of executing a contract. LAFCO has also identified a series of tasks that they expect the Executive Director to achieve during the initial contract period in order to ensure statutory compliance. Lastly, the Board notes that LAFCO is currently funded by the County and cities in compliance with State statute.”

# CRIMINAL JUSTICE FOLLOW-UP REPORT

## **Introduction:**

The Grand Jury is required to conduct an annual review of the conditions and management of all penal facilities located within the county. The 2005-2006 Grand Jury toured:

Mule Creek State Prison  
Preston Youth Correctional Facility  
Pine Grove Youth Conservation Camp  
Amador County Detention Center

Responses from Mule Creek State Prison, Preston Youth Correctional Facility, Pine Grove Youth Conservation Camp, Office of Sheriff – Coroner, and the Amador County Board of Supervisors responded in accordance with Penal Code sections 933, subdivision (c), and 933.05 are reported here.

## **2005-2006 Grand Jury Recommendations Section – Mule Creek State Prison**

1. The 2005-2006 Amador County Grand Jury recommends that, in order to address the continued question of prison over-crowding, the State of California explore all options available to it, including the privatization of the State Prison system.
2. The 2005-2006 Amador County Grand Jury also recommends changes in the California State Parole System to reduce the recidivism rate at Mule Creek.

## **Responses:**

### **Warden, Mule Creek State Prison**

Recommendation One: “The California Department of Corrections and Rehabilitation (CDCR) are gathering critical information regarding the number of inmates throughout the CDCR that are interested in transferring to a California Out-of State Correctional Facility (COCF). These transfers are currently the only method available to CDCR to relieve the serious overcrowding that exists within our prison system. More specific information is now available to the inmate population and the COCF program unit as it relates to the out-of-state inmate transfers. The ongoing efforts will continue and inmates at the 33 prisons who have previously expressed interest in COCF placement will be assessed for eligibility. To date, 118 inmates have been transferred out of state.”

Recommendation Two: “Mule Creek State Prison acknowledges the Grand Jury’s request for changes in the Division of Adult Parole Operations (DAPO); however, such changes require legislative action and or approval by the Governor of the State of California. Mule Creek State Prison continues to be proactive in providing self-help groups and pre-release programs to

inmates with imminent parole release dates. Such programs include the Criminals and Gang Members Anonymous program, Alcoholics Anonymous, Narcotics Anonymous and the Pre-Release program. The DAPO is offering new programs to assist parolees in sustaining a productive lifestyle within their community. Such programs include the Police and Corrections team meeting; one is currently being held weekly in the Sacramento Area Parole Unit. The program is mandatory for parolees and offers numerous resources for housing, food, job placement, counseling, medical services, etc. Parole Agents and local Law enforcement are on site to ensure the parolee completes the orientation process and shows proof of speaking with a minimum of three resource providers. In addition, the parole system is currently conducting a Correctional Offender Management Profiling for Alternative Sanctions study with inmates and parolees. The end result is expected to:

- Provide assessments and resources to a greater parolee population;
- Provide evidence based risk and needs assessment of a parolee;
- Produce a printable Resource Report/Case Plan that is given to the parolee prior to release; and Case Plan accessible to parole field staff via desktop computer and/or hard copy.”

### **2005-2006 Grand Jury Report Findings Section – Preston Youth Correctional Facility**

1. Preston staff personal alarm systems are inadequate.
2. Ward-on-ward assaults prior to the closing of Tamarack Lodge averaged 18 per month; following closure, they average 61 per month.
3. The current electrical supply at Preston is at capacity and the heating; ventilation and air conditioning systems (HVAC) are inefficient.

#### **Responses:**

##### **Superintendent**

Finding One: **Agree**

Finding Two: **Agree**

Finding Three: **Agree**

### **2005-2006 Grand Jury Recommendations Section**

1. Staff personal alarm systems need to be upgraded as soon as possible.
2. Because Preston houses youth who are otherwise difficult to place in the youth correction and rehabilitation system, housing, such as that provided by Tamarack Lodge, needs to be available at the facility.
3. Upgrades in the electrical and HVAC systems need to be implemented.

**Responses:**

**Superintendent (A)**

Recommendation One: **Implementing** – “After review of the findings, we can report the new personal alarm system is being installed. The installation is almost complete. We should begin the training of staff and the implementation within the next several months.”

Recommendation Two: “As part of the Remedial Plan in the Farrell Litigation, we will begin making changes in the manner in which we house some of the more difficult wards. These modifications, and some additional staff, should assist in the reduction of violence.”

Recommendation Three: “The current plans call for an upgrade to our electrical system in fiscal year 2007-2008. This is a very expensive undertaking. Once completed, we will have the electrical power to upgrade our HVAC systems.”

**2005-2006 Grand Jury Report Findings Section – Pine Grove Youth Conservation Camp**

1. The present rate of recidivism is 70%

**Response:**

**Superintendent**

Finding One: **Agree**

**2005-2006 Grand Jury Recommendations Section**

1. Vocational training should be a priority. This Grand Jury encourages Amador County to partner with Pine Grove Camp and the community to facilitate parolee placement.

**Response:**

**Superintendent**

Recommendation One: **Disagree** – “The recommendation will not be implemented because it is not warranted. The Grand Jury was under the impression that we parole into Amador County. This is incorrect. We don’t receive commitments from Amador County; therefore, we do not parole here. We did clear up this misunderstanding with the current Grand Jury when they visited this year.”

**2005-2006 Grand Jury Report Findings Section – Amador County Detention Center**

1. Jail overcrowding creates a potentially dangerous situation for inmates and staff.
2. The Sheriff’s Department addressed letters to the Judicial Branch, Superior Court of Amador requesting on-site release of non-violent felons, per State guidelines, to reduce inmate population.

**Response:**

**Sheriff/Coroner**

Finding One: **Agree**

“The Sheriff agrees that jail overcrowding creates a potentially dangerous situation for inmates and staff. The budget imposed understaffing of the jail only exacerbates the danger that the Grand Jury points out. The jail was operating with a staff level appropriate for 55 inmates. The jail now operates at an average inmate population of 84 inmates. However, we now have four less staff members, due to budget cuts, than we had for the 55 inmates.”

Finding Two: **Agree**

“The Sheriff agrees that we requested that the Court authorize the jail to release certain non-violent felons pending court appearance.”

**Amador County Board of Supervisors**

Finding One: **Agree**

Finding Two: **Agree**

**2005-2006 Grand Jury Recommendations Section**

1. Home electronic surveillance should be a sentencing option.
2. Amador County should investigate building an additional detention facility. The County owns 100 acres near Carbondale Road that could be considered.

**Responses:**

**Sheriff/Coroner**

Recommendation One: **Not Implemented** – “This recommendation will not be implemented because it is not reasonable. The recommendation is not reasonable from the standpoint that Home Electronic Monitoring is not a sentencing option as a matter of state law. It would take action by the California Legislature to make Home Electronic Monitoring a sentencing option. The Sheriff lacks the authority to direct the California Legislature; therefore, it is not reasonable for the Sheriff to implement the recommendation.”

Recommendation Two: **Implemented** – “The recommendation has been implemented. The County and the Sheriff have engaged in ongoing investigation relative to the construction of additional jail space. We have investigated the possibility of the use of the County owned land in Carbondale. We have investigated the possible use of the (currently unused) “Fire Training Camp” at the Preston School of Industry as a possible minimum-security facility. We are investigating the possible expansion of the current jail facility. The problematic part is that there is currently no funding authorized to actually build any of these possibilities. The Sheriff lacks the budgetary authority to direct funding to the construction of additional jail space no matter how warranted. The Board of Supervisors is the body that has budgetary authority.”

**Amador County Board of Supervisors**

Recommendation One: “For reasons noted above (by the Sheriff/Coroner), this recommendation will not be implemented.”

Recommendation Two: **Implemented** – “The recommendation is being implemented. The Board of Supervisors has adopted a county facility mitigation fee. Revenue from this fee will support a future detention facility. Currently, however, it is estimated that adequate funding to complete a new facility will not be available for at least ten years absent the Legislature approving a funding program that includes a State contribution. Meanwhile, once the Courthouse project is complete, staff will establish a detention facility project team to begin the initial planning for a new facility.”

## **HEALTH AND HUMAN SERVICES FOLLOW-UP REPORT**

### **Introduction:**

In November 2004, California voters passed Proposition 63, which became known as the Mental Health Services Act. This act provides grant monies to each county in the State. It is to be used for innovative mental health services. The State of California requires each county to present a plan. The State then approves the plan and the funding for that particular county. The State can reject the plan and the county will be required to re-submit after appropriate changes are made.

An anonymous complaint was received by the Amador County 2005-2006 Grand Jury alleging Amador County did not receive a grant it was entitled to for the fiscal year 2004-2005 while other counties did receive this grant. The Amador County 2005-2006 Grand Jury investigated this complaint and included a report in the 2005-2006 Grand Jury Final Report. Responses required from the Amador County Department of Health and Human Services and the Amador County Board of Supervisors was received in accordance with Penal Code sections 933, subdivision (c), and 933.05 are reported here.

### **2005-2006 Grand Jury Report Findings Section**

1. Amador County's first plan submitted under the Act was rejected. Amador County has hired a writer experienced in soliciting grants to prepare the next plan for submission to the State.
2. The Grand Jury of 2005-2006 finds that no counties received their grants.
3. The first grant was funded to Stanislaus County in January 2006.
4. As of March 2006, only one other grant has been approved. That grant was awarded to Los Angeles County.

### **Recommendations:**

#### **Amador County Health and Human Services – Director**

Finding One: **Agree**

Finding Two: **Agree**

Finding Three: **Agree**

Finding Four: **Agree**

**Amador County Board of Supervisors**

Finding One: **Agree**

Finding Two: **Agree**

Finding Three: **Agree**

Finding Four: **Agree**

**2005-2006 Grand Jury Recommendations Section**

In as much as the County has hired a grant writer to submit a new plan, the Grand Jury offers no recommendations and no additional actions are required.

# **AMADOR COUNTY RECREATION AGENCY FOLLOW-UP REPORT**

## **Introduction:**

Amador County Recreation Agency (ACRA) owns and maintains three parks within the County and jointly operates a fourth with the Sacramento School District. The five cities are responsible for care and maintenance of parks within their city limits. There are two State Parks (Fairgrounds and Chaw'Se) and one church-owned public ball field in the County, also maintained by the owners.

In accordance with Penal Code sections 933, subdivision (c), and 933.05, the Amador County Recreation Agency has responded to the Grand Jury's report and is noted below.

## **2005-2006 Grand Jury Report Findings Section**

1. ACRA has been unsuccessful in negotiating an agreement with the Boy Scouts regarding restroom facilities at Pioneer Park.
2. ACRA is working to acquire public land to expand recreational opportunities for county residents.
  - a. ACRA is negotiating with Bureau of Land Management to purchase 100 acres of land across Buckhorn Ridge Road from Pioneer Park. If successful, this new public land could be developed to include mountain bike and hiking trails.
  - b. The Agency is working with Sacramento School District to formalize a lease agreement that would permit further development of Molly Joyce Park in Pioneer. This development may include a horseback riding arena and ropes course.
  - c. Sutter Creek Lions Club has contacted ACRA regarding the donation of Lions Park to the County.
  - d. One-hundred, fifty-five (155) acres of land between the Jackson Senior Center and Kennedy Mine site is being considered as county parks.
3. Amador County Recreation Agency continues to work to provide recreation opportunities and special events for the County.

## **Response:**

### **Amador County Recreation Agency – Department Head**

#### **Finding One: Disagree**

“ACRA is currently working with the boy scouts at this time to find a suitable location for an ADA accessible facility. Through conversation and collaboration it was determined by both parties that the existing facility is unsuitable for full-time unsupervised public access. It is anticipated that a permanent public access restroom facility will be in place by March 2007.”

Finding Two: **Concur**

Finding Two (a): **Concur**

Finding Two (b): **Partially Concur**

“ACRA partially concurs with finding number 2b. The Recreation Agency is working with the Sacramento City Unified School District to develop the Molly Joyce Environmental Center into an outdoor education center. A letter of Intent was sent in June 2006. A memorandum of Understanding needs to be in place prior to operation of the facility.”

Finding Two (c): **Concur**

Finding Two (d): **Partially Concur**

“ACRA partially concurs with finding number two d. The City of Jackson is in the due diligence stage of acquisition of the Oro de Amador property. Should the city move forward with the acquisition, this property will be developed as a city or regional park. ACRA and the City of Jackson are likely to partner in the operations of this park.”

Finding Three: **Concur**

**2005-2006 Grand Jury Recommendations Section**

1. Restroom facilities located in the Scout Hut in Pioneer Park are in a County-owned building and on public land. The facilities should be available to all users of the park. This Grand Jury recommends ACRA and the Boy Scouts complete negotiations for public access by July 1, 2006. In addition, all community organizations should have complete access and use of the Scout Hut facility.

**Response:**

**Amador County Recreation Agency – Department Head**

Response One: “The Amador County Recreation Agency and Boy Scout Troop 888 have come to agreement that this facility is unsuitable for full-time unsupervised public access. A separate restroom facility must be built to accommodate outdoor users of this park. It is anticipated that such a building will be constructed by March 2007. The Boy Scout Troop is willing to share access to the building with community groups on a regular basis. Reservations for the scout facility will be made through ACRA.”

