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October 12, 2004

The Honorable Eric L. DuTemple, Presiding Judge
Superior Court of California
County of Tuolumne
41 West Yaney Avenue
Sonora, CA 95370

RE: Amended Response to 2003-2004 Grand Jury Report

Dear Judge DuTemple:

The Board of Supervisors has amended its response to the 2003-2004 Grand Jury Report in order to comply with Penal Code §§933 and 933.05. The Board met in public session over two (2) Tuesday meeting dates in order to review each of the Grand Jury's findings and recommendations and take appropriate action as required.

It became evident to the Board at the first meeting to review the Grand Jury's findings and recommendations, that the way the 2003-2004 Grand Jury report was written made it very difficult for the Board to comply with Penal Code §§933 and 933.05. Many of the Grand Jury's findings contained testimony or opinion provided by witnesses who the Grand Jury interviewed. This testimony or opinion can not be commented on by the Board. Many of the written findings by the Grand Jury contained more than one (1) finding per paragraph or sentence making it almost impossible for the Board to determine what the Grand Jury was really trying to find.

The recommendations written by the Grand Jury were also difficult to address. Many of the recommendations contained numerous recommendations within one (1) paragraph or sentence. The Board of Supervisors would like to suggest to the 2004-2005 Grand Jury that any findings that are made should not contain testimony or opinion by a witness and each finding should be a separate paragraph. The same can be said of any recommendations. The Board found the recommendations in the 2003-2004 Grand Jury Report under Tuolumne General

Hospital, page 15, to be easy to follow and concise because they were listed individually. The Board would request that any recommendations by the 2004-2005 Grand Jury be in the same format as those contained in the 2003-2004 Grand Jury Report on page 15.

The Board had verbatim minutes transcribed for the public sessions where this response was discussed. A copy of the approved minutes for the first session is attached to this amended response for the Grand Jury's information. The second session's minutes will be forwarded to the Grand Jury once they have been approved by the Board at a subsequent meeting. In addition, the Board has created a permanent record of the audio tape recordings and the video tape recordings of both public sessions which will be retained by the County for ten (10) years. The Grand Jury may listen or view those recordings by contacting the Clerk of the Board of Supervisors.

Below is the Board of Supervisors amended response to the 2003-2004 Grand Jury Report. The responses provided below are the Board's response to each finding and recommendation. In some instances, the vote by the Board of Supervisors on any one (1) response was not unanimous. The verbatim minutes are provided so that the Grand Jury can determine when individual Supervisors voted against a particular Board response. Each Grand Jury finding and recommendation will be responded to individually.

Tuolumne County Budget:

FINDINGS:

County Administrator and Budget Officer:

(1) The majority of county income is received from Federal and State Funds.

Response: The respondent agrees with the finding.

(2) By law the county's annual income and expenses must balance and be reported to the state.

Response: The respondent agrees with the finding.

(3) The budget is prepared in a bottom up process whereby the individual departments estimate their income and expenses (based on previous year's results and perceived new needs) and submit them to the County Administrator for consolidation. The budget is then submitted to the Board of Supervisors for approval.

Response: The respondent agrees with the findings

(4) The budget thereafter is reviewed by the Board of Supervisors on a quarterly basis for any adjustments to income or expenses. Except for the quarterly reviews, the Board of Supervisors' input and guidance to the budget process is limited. Mr. Wallace stated additional input from the Board of Supervisors would be welcomed. There is a Board Budget Policy (see Addendum).

Response: The respondent disagrees partially with the finding. The respondent disagrees to the portion referring to quarterly reviews because the Supervisors provide weekly input into the budget. Every time the board votes on a budget item that is Board direction on changing a budget policy. Otherwise the respondent agrees with the finding.

(5) State funding during this fiscal year has been severely reduced, and disbursements have been unstable. The County Administrator and staff departments have kept the budget in balance. They have cut expenses, reduced contingency reserves, used two staff furlough days and implemented an early retirement program in order to keep the budget in balance.

Response: The respondent agrees with the finding.

(6) The Board of Supervisors has stated that job retention is a high priority and laying off would be a last resort.

Response: The respondent agrees with the finding.

The Golden Pond:

(1) The Golden Pond (Jamestown Mine) property is currently in litigation. The State's Attorney General is suing the County and all previous mine owners over cleanup of the mine. The County property is only the tailings at the mine and does not include the open pit that is at the heart of the State's suit.

Response: The respondent disagrees partially with this finding. The respondent disagrees to the portion referring to the amount of property owned and would clarify that the county owns substantially more land down there than just the tailings at the mine. Otherwise the respondent agrees with this finding.

(2) The County is responsible for capping the tailings, and is being kept from completion, because the Attorney General has recommended no changes be made to the property until the suit is settled. The delay is causing the County substantial costs increase. The estimated cost to cap the tailings when the County acquired the property was \$3,000,000; it is now estimated at \$5,000,000. The County does not have a reserve for this liability.

Response: The respondent disagrees partially with this finding. The respondent is not sure that the \$3,000,000 and the \$5,000,000 dollar figures are correct.

Tobacco Securitization Program:

(1) The Tobacco Securitization Program was established on August 1, 2002 when the County opted to sell its \$12,000,000 share of the tobacco settlement, which was payable over twenty years, for a one-time immediate cash payment of \$6,900,000 through the sale of bonds secured by the settlement. The one-time cash payment allowed the County to establish the Tobacco Securitization Fund as a revolving loan fund and avoid long-term borrowing for much needed capital equipment. The funds went to the following departments to be repayable in six annual principal payments plus interest at 4%.....

Response: The respondent agrees with the finding.

Road Department:

(1) A meeting was held with Peter Rei, Director of the Public Works department and his staff. The County has over 600 miles of roads to maintain. These roads have an average life of fifteen years if property maintained. The County funded \$643,000 in the 2004 budget.

Response: The respondent agrees with the finding.

(2) The reduction in Vehicle License Fee funds from the State eliminated

most money normally available for material purchases. The department was left with only enough funds to retain staff, to repair potholes and shoulder drainage and to do brush removal.

Response: The respondent agrees with the finding but would like to clarify that the road workers did more work than just what was stated due to other funding sources that were available to provide the additional work.

(3) Mr. Rei stated much of the County road system was built without a proper road base and therefore fails faster and needs more than normal maintenance. It costs approximately \$4,600 annually per mile to maintain a properly constructed road and \$1,000,000 to replace one mile of road. If the lack of funding continues many County roads will be eventually returned to gravel. He also cited one Northern California county where this has already occurred.

Response: The respondent disagrees partially with the finding. The respondent would like to clarify that it is their position that they believe Mr. Rei may have slightly overstated the nature of the road system and our agreement in part that some of the County road system was built without proper road base, etc. The respondent would further wish to clarify that some of the county roads were well built at the outset and thanks to the exemplary work of the road crews, they have maintained them far beyond their normal life expectancy. .

(4) In addition he stated the department's liability insurance premium is \$600,000 annually and will go higher if maintenance continues to deteriorate.

Response: The respondent disagrees partially with the finding. The respondent would like to clarify this amount is premium and losses and that the premium may go higher, not will go higher, if maintenance continues to deteriorate.

(5) On a positive note, the equipment maintenance yard does a superior job. Through purchases of new and used equipment from various government agencies and in-house fabrication, substantial money is saved for the County.

Response: The respondent agrees with the finding.

(6) During a tour of the road maintenance facility, staff stated funding for road maintenance has declined for several years. Previously there were four road crews with twelve to fourteen people now there are three crews with nine people.

Response: The respondent agrees with the finding.

Tuolumne General Hospital:

(1) Meetings were held with Tuolumne General Hospital's Barry Woerman, Hospital Administrator, and Kent Johnson, Chief Financial Officer. Substantial improvements have been made over the last two years in the Hospital operation and cash management, but the Hospital continues to be a major drain on the County's discretionary funds

Response: The respondent disagrees with the finding. The Respondent does not believe in the finding that it is a "major drain". The respondent believes "drain" is a value judgment and does not necessarily support commitment, clearly, and it is an ongoing commitment of the respondent.

(2) The Audit Department reported as of March, 2004 the County fiscal year contribution (subsidy) to the Hospital was \$2,000,000 and the Hospital loan from the County was 5,000,000.

Response: The respondent agrees with the finding.

(3) Another financial concern for the hospital is the requirement for the building to meet earthquake standards.

Response: The respondent agrees with the finding

(4) Due to the lack of a positive cash flow at the Hospital any retrofit cost will have to be paid through additional advances from the County general fund and/or other sources not yet identified such as grants and government programs.

Response: Respondent disagrees wholly with the finding due to the fact that cash flow is an operational issue as opposed to capital outlay retrofit costs which will come from capital and it will not necessarily have to be paid as an advance to the general fund retrofit costs, it would come through other sources as they stated yet to be identified.

(5) In addition to the Hospital costs, the County is obligated to provide care for indigent patients (patients without insurance and who do not qualify for Medi-Cal insurance). The County fulfills this obligation by participating with other

counties in the State in the County Medical Services Program. Tuolumne County's contribution to the program this fiscal year is \$1,400,000. This money comes from the County's Vehicle License Fee funds.

Response: Respondent disagrees partially with this finding because the last sentence is incorrect. Those funds come from realignment funds, not vehicle license fees.

(6) The County Medical Services Program is currently under-funded due to the State's failure to make its contributions. If the program is discontinued, the County will be obligated to fund indigent care from the general fund.

Response: Respondent would agree with the finding but amplify that the state not only did not make its contributions, it actually withdrew money from CMSP.

(7) Mr. Johnson said of all the patients utilizing Tuolumne General Hospital, approximately 35% are from adjacent counties. Patients come primarily for psychiatric and long-term care.

Response: Respondent disagrees wholly with the finding. Respondent's statistics don't support that percentage breakdown and the respondent concurs in the response of Barry Woerman, Tuolumne General Hospital Administrator.

(8) Tuolumne General Hospital has not generated adequate cash flow to repay its \$5,362,000 cash deficit loan owed to the Internal Services Fund. The Board of Supervisors decided to use the Tobacco Securitization Program's first four annual loan repayments from the various departments to reduce the Hospital's Internal Services Loan.

Response: Respondent agrees with the finding.

(9) The Hospital operations were discussed with Mr. Wallace. He was asked why there are not credit terms and conditions to monitor the loans to the Hospital. He stated they would be ineffective because the Board of Supervisors could forgive the debt at any time.

Response: Respondent disagrees wholly with the finding, see transcript of Mr. Wallace's explanation in the Board's verbatim minutes of September 7, 2004, page 347.

Town Hall Meetings:

(1) Sheriff Rogers gave an update on his department and staffing. He discussed his concern regarding the lack of a Juvenile Detention Center. Currently the juveniles who require detention are sent to an out-of-county facility.

Response: Respondent moved to skip the responsibilities of the Sheriff due to the fact that he is an elected official other than the respondent.

(2) The Sheriff is concerned that mixing of juveniles will result in increased gang activity in the County. Several years ago, three counties attempted to obtain grant funding for a new facility in Tuolumne County, but the funding was not approved because the County did not possess adequate property. This lack of planning was the cause of losing grant funding.

Response: The Respondent disagrees in part with this finding as there was substantial planning.

(3) One member of the Board of Supervisors in another Town Meeting stated that a Senior Center is planned and will be funded to the amount of \$300,000 when appropriate property can be found.

Response: The respondent disagrees with the finding in whole. The respondent would clarify that it was Supervisor Thornton at a town hall meeting discussing the Groveland Senior Center and said that there was a Board commitment for CDBG funding for up to \$300,000.00 when appropriate property can be found. This is a proper finding, not what was represented by the Grand Jury.

Board of Supervisors Meetings:

(1) All supervisors felt the County's fiscal policies should be more conservative in the future.

Response: The respondent agrees with the finding.

(2) All supervisors have a high degree of confidence in the CAO and therefore rely on him and his staff to prepare the County budget.

Response: The respondent agrees with the finding.

(3) One supervisor felt that any savings realized from the early retirement program should be used to increase contingencies.

Response: Respondent gives no response

(4) Most supervisors felt road repairs could not be addressed because of the lack of funds.

Response: The respondent agrees with the finding.

(5) Most supervisors did not feel goals should be set for TGH. One supervisor felt the County needs two hospitals.

Response: The respondent disagrees wholly with the findings due to the fact that goals have been set.

(6) Most supervisors felt a reserve should be established for Golden Pond.

Response: The respondent agrees with the finding.

(7) None of the supervisors had any solution to the illegal dumping problem. Most felt that a mandatory garbage fee and collection should be avoided.

Response: The respondent disagrees partially with the findings. Solutions to this issue are being worked on by the Solid Waste Committee in the past and currently. The respondent agrees with the second sentence of the finding.
(SUPERVISOR ROTELLI ABSTAINED FROM ANY VOTING ON THIS ISSUE)

(8) In all the weekly board meetings attended by the Grand Jury, the Board approved every recommendation made by the County Chief Administrative Officer and staff.

Response: Respondent gives no response.

RECOMMENDATIONS:

Board Budget Policy:

(1) The Board of Supervisors reviews, updates as required, and adheres to the Board Budget Policy. The Board should include a long-term plan and milestones for development of new facilities. The plan should include how facilities will be maintained after the facility is constructed (Referenced #5 Planning).

Response: The recommendation has not yet been implemented, but will be implemented in the future, with a final report to adopt before the end of the calendar year.

Tobacco Securitization Fund:

(1) The County Administrator reports the Tobacco Securitization Fund annually in the County Budget, so that all activity can be more easily tracked. The report should include progress and failures in the use of the funds, as well as secured and actual repayments.

Response: The recommendation has been implemented. This measure is already being done in the budget, at mid-year.

Golden Pond:

(1) The Board of supervisors must establish a reserve for Golden Pond liability. The reserve should be funded annually, even if that requires cuts in all departments.

Response: The recommendation will not be implemented because it is not warranted or is not reasonable due to the fact that this matter is currently in litigation.

Road Repair:

(1) The Board of Supervisors funds a minimum of \$1,000,000 annually for road repair materials. This should be in addition to any State funding. This should be funded annually, even if that requires cuts in all departments.

Response: The recommendation will not be implemented because it is not warranted or is not reasonable due to budgetary constraints that we have on an annual appropriation.

Planning:

- (1) Board of Supervisors develops a 10-year plan addressing future needs such as:
- A. Juvenile Detention Center - reviews the need for this facility and establishes its priority in the plan.
 - B. Senior citizen center.
 - C. New jail facility - see Jail report

Response: The recommendation has not yet been implemented, but will be implemented in the future by the end of the calendar year 2004.

Tuolumne General Hospital:

- (1) Indigent Care. The Board of Supervisors should initiate a study to determine if the County's indigent care responsibilities and care for Medi-Cal patients can be more economically provided by a less costly facility than TGH.

Response: The recommendation has not yet been implemented, but will be implemented in the future within the current fiscal year 2004/2005.

- (2) County Funding Limit. Board of Supervisors must develop a time-line to reduce need for County funding to \$500,000 annually.

Response: The recommendation will not be implemented because it is not warranted or is not reasonable because the Board can't know what the circumstances will be in any particular future year.

- (3) Long-term Plan. Board of Supervisors must initiate a long-term plan for TGH. The Plan should address benchmarks for deficit reduction, earthquake retrofitting, the need for a County hospital (few counties have one), and a the feasibility of making TGH a regional hospital, privatizing the Hospital or shutting it down.

Response: The recommendation has not yet been implemented, but will be

implemented in the future sometime within the first of the fiscal year 2005/2006.

Tuolumne General Hospital:

FINDINGS:

(1) Mr. Woerman stated that although there are no benchmark dates for completion of specific items in the recovery plan, several new programs/services have already been implemented and are showing promise. For example, computerized billing has been in place since June 2004. At this time there has not been significant improvement in accounts receivable turnover, but there has been significant improvement in net revenue collected per day. Mr. Woerman is confident that the accounts receivable turnover and cash flow will continue to improve over the next 6 months

Response: The respondent disagrees wholly with the finding in that Mr. Woerman in both his verbal comments before the board and in his written response to the Grand Jury last May or June does not concur with this finding.

(2) Mr. Woerman stated that plans to reduce the number of acute-care beds and increase the availability of long-term care have been accomplished. There has also been an increase in acute-psych occupancy by an average of two patients per day. There remains a 30-40 patient waiting list for long-term care at TGH. It is not unusual for TGH to accept out-of-county patients when care is not available in their home area. Due to excessive cost, the Groveland Adult Day Health Care Program (ADHC) has been reduced. A new dental program has been implemented with two dentists currently on staff. These program changes are intended to improve TGH's response to the needs of the community and enhance revenue.

Response: No comment as this is a comment and not a finding.

(3) Mr. Woerman stated that the population growth projection for Tuolumne County is 1,000 people per year. The percentage over age 65 is increasing. The TGH Psychiatric Department specializes in the treatment of dementia and Alzheimer disease. The Hospital receives very good reimbursement for this level care

Response: No comment as this is a comment and not a finding.

(4) Mr. Woerman and his staff have recently completed renegotiating the Rates for Service as paid by MediCal. The old contract had been in effect for six years and the new contract has rates locked in for the next three years. They believe that this will be beneficial considering the state's ongoing budgetary problems.

Response: No comment as this is a comment and not a finding.

(5) Due to changes in federal guidelines for reimbursement for services by the Visiting Nurses Association, these services have been separated from TGH and are no longer a department of the hospital. This change increased revenues collected for the same level of service.

Response: The respondent agrees with the finding.

(6) Mother Lode Medical Center (MLMC) has also been established as a provider-based Medicare provider that has also enhanced revenues.

Response: The respondent agrees with the finding.

(7) Staff reductions needed to cut costs have been completed.

Response: The respondent agrees with the finding.

(8) Of future concern is the possible bankruptcy of the County Medical Services Program (CMSP) that provides care for indigent patients who do not qualify for Medicare and MediCal. The CMSP is a cooperative program between the state and 34 individual counties to provide this service. For the last four years, the state has failed to contribute their portion. Of the funding necessary to provide the service. The state has also started charging an administrative fee to the fund. The fund is projected to be bankrupt by 2005 if immediate changes are not made at the state level.

Response: The respondent agrees with the finding.

(9) Increasing revenues to TGH is a complex problem; simply eliminating a costly or revenue-losing department is not necessarily an answer. For example, maintaining the emergency room costs more than the revenue generated in that department. However, most admissions into the acute-care areas of the hospital

are through the emergency room.

Response: The respondent agrees with the finding.

(10) Another goal set by Mr. Woerman is improved patient/client satisfaction. Programs to reduce patient wait time and improve satisfaction with care are being implemented. There is very good access to surgeries, etc. with a relatively short wait for procedures. To date a patient satisfaction survey has not been developed.

Response: The respondent agrees with the finding.

(11) When asked how new state staffing requirements have impacted the hospital's operation and/or budget, Mr. Woerman stated that guideline waivers available to small community hospitals would allow TGH to maintain consistent staffing levels during this fiscal year without major changes.

Response: The respondent has no comment but would clarify that those are state staffing requirements, not federal requirements.

(12) The projected cost for earthquake retrofitting at TGH has been a concern in the past. At present there has been no progress made towards these requirements. There are possible bills before the legislature that would rescind this requirement. There is also a possibility of federal funds being made available for construction.

Response: The respondent disagrees partially with the finding, in that there has been significant progress but would agree with the last two sentences regarding possibility of further funding.

(13) Financial reports presented to the Grand Jury in February 2004 were dated November 2003. These were the most recent reports available to Mr. Woerman at the time.

Response: No comment.

(14) There are no weekly or monthly benchmarks for assessing and regulating financial or operational performance.

Response: The respondent disagrees wholly with the finding as there are weekly updates regarding financial operation and performance.

(15) The prior Grand Jury (2002-2003) Tuolumne County Grand Jury recommended, "Debt borrowing limits need to be established and enforced by Board of Supervisors." This has not been done.

Response: The respondent disagrees in part with this finding as there are two debt limit caps and weekly updates are made to the Board. In addition, a deficit reduction plan has been adopted and there are limits in place.

RECOMMENDATIONS:

(1) Get financial reports to Mr. Woerman and the Board of Supervisors within 30 days of the period end.

Response: The recommendation has been implemented. Updates are provided within that time frame.

(2) Establish financial and operational benchmarks and regularly record and report progress.

Response: The recommendation has been implemented. Updates are already being provided.

(3) Expand long-term care.

Response: The recommendation will not be implemented because it is not warranted or is not reasonable at this time because the situation has changed.

(4) Expand psychiatric care.

Response: The recommendation has been implemented as there are existing contracts with other county agencies under way.

(5) Implement a patient satisfaction survey.

Response: The recommendation has not yet been implemented, but will be implemented in the future by the end of 2004.

(6) Establish and enforce a debt limit. (This was also recommended by the 2002-2003 Grand Jury.)

Response: The recommendation has been implemented, the annual budget is one example of this.

(7) Continue to monitor CMSP funding status.

Response: The recommendation has been implemented, again the annual budget is one example of this.

(8) Continue to monitor seismic retrofitting requirements and funding sources.

Response: The recommendation has been implemented as there are current studies underway.

Tuolumne County Farm Advisor Department:

FINDINGS:

(1) University of California Cooperative Extension came to Tuolumne County in 1947. It links residents to research centers at the University of California Berkeley, Davis, and Riverside campuses. Cooperative Extension is a collaborative effort between the University and Tuolumne County in problem solving and applied research, with the County residents helping to guide that effort.

Response: The respondent agrees with the finding.

(2) The Tuolumne County office of the Farm Advisor includes, Agricultural, Natural Resources, Home Economics, Master Gardeners, and 4-H Youth Development Programs.

Response: The respondent agrees with the finding.

(3) The University of California Cooperative Extension, Tuolumne County, USDA, grants, and donations fund the Farm Advisor Department. The Department's annual budget is \$450,000, of which Tuolumne County contributes \$128,213.

Response: The respondent agrees with the finding.

(4) The Farm Advisor is responsible for establishing research and education programs that meet agriculture and natural resource needs of Tuolumne County residents.

Response: The respondent agrees with the finding.

(5) The Farm Advisor is currently working on several projects. One of these projects is *Vegetation Management After Wildfire And Fuel Reduction*. The Tuolumne County Resource Advisory Committee and the University of California Kearney Foundation for Soil Science sponsor this project. The University of California Cooperative Extension is partnering with The Bureau of Land Management, Southwest Interface Team (SWIFT) and the Stanislaus National Forest in this project.

Response: The respondent agrees with the finding.

(6) The Grand Jury Members met with Dorothy Smith, the Dietitian and Nutrition Advisor with the University of California Cooperative Extension and were given an overall view of her duties as Advisor. The Youth Development Department, that she supervises, works with the schools and their nutrition program to help educate our children on the need for better food choices.

Response: The respondent agrees with the finding.

(7) The Home Economics Department along with the Farm Advisor and Master Gardener, write articles in the *Union Democrat* on such subjects as *Overweight Adults and Children* leading to diabetes, *The Problem with Turf Grass* and other subjects about agriculture and natural resources in our area.

Response: The respondent agrees with the finding.

(8) The nutritional departments in conjunction with the Master Gardener's are currently working on several projects. One such project involves Sonora High School and the planting of 15 redwood trees that were donated by the US Forest Service to replace a tree that was taken down.

Response: The respondent agrees with the finding.

(9) The Master Gardener Advisor Rebecca Miller-Cripps has 55 Certified Master Gardener volunteers and 6 Master Gardener interns. To become a certified Master Gardener one must have completed a 15-week training course through the University of California Cooperative Extension system, pass a written test, and complete a 1-year internship. To maintain a Master Gardener certification one must continue training, 12 hours a year, and volunteer 25 hours a year.

Response: The respondent agrees with the finding.

(10) The Grand Jury members met with Susan Moore, 4-H Department Head. This department works with the youth of Tuolumne County enriching knowledge of agricultural needs and ways of growing up to be a better person in our community.

Response: The respondent agrees with the finding.

RECOMMENDATIONS:

(1) We the Grand Jury recommend the Farm Advisor continue to publish articles in the *Union Democrat* to keep the citizens of Tuolumne County informed on the current affairs of our County regarding Agriculture, Nutrition, Health Issues Gardening Hints, 4-H projects, and upcoming issues that are of importance.

Response: The recommendation has been implemented. A reporter from the Union Democrat has been in attendance at the Board of Supervisors meetings.

(2) We the Grand Jury recommend that the Board of Supervisors continue to fund the Farm Advisor and to support efforts in securing the Old Poverty Hill School for the soil analyses research area.

Response: The recommendation has been implemented insofar as the funding of the Farm Advisor as shown on the budget. As the supportive efforts in securing the Old Poverty Hill School for the soil analyses research area, that recommendation will not be implemented because it is not warranted or is not reasonable as it already falls within the purview of the Farm Advisor to do so without seeking Board approval.

(3) We the Grand Jury advise the citizens of our County to visit the office of the Farm Advisor, *52 N. Washington Street* or visit the website at <http://cetuumne.ucdavis.edu>, and take advantage of the information available.

Response: The recommendation has been implemented, the Grand Jury Report was published in the newspaper with this advisement.

Tuolumne County Jail:

FINDINGS:

(1) The jail facilities are very old and much in need of replacement. The entire facility is working at or near capacity; the building is cramped, dark and has very poor ventilation. The jail capacity is 148 inmates. The actual population at the present time averages 166 or 112% of capacity. The following areas of concern were discussed with jail management and staff.

Response: The respondent agrees with the finding.

(2) Staffing: The jail lost a booking clerk who may or may not be replaced due to the hiring freeze. The jail was down to 4 booking clerks, which necessitated 12-hour shifts beginning in January 2004. The jail was short-staffed by 3 deputies and 3 booking clerks. During our subsequent interview with Sheriff Rogers we were informed that he was able to get the hiring freeze lifted to enable him to replace 2 of the 3 booking clerks, because the jail cannot function with fewer.

Deputies are required to work overtime. The schedule is four 10-hour shifts per week. If longer hours are required, the deputies may not work longer than 16 hours. The new captain positions created do not impact the jail.

Response: The respondent agrees with the finding based on the best of their recollection.

(3) Conditions of the Jail: The issue of mold in the jail was addressed. We were told and shown that the "mold room" is sealed but has cleared and cleaned of mold. The next step is to flood the area to see if it can be determined exactly where the leakage occurs so a "fix" can be made. The hallway is also sealed, awaiting a "fix". An outside contractor is handling these matters. There are currently no firm plans for a much needed new jail facility. The current facility

was built in 1962. The second story was added in 1985, and in 1991 the booking clerk section was added. There is not much else that can be done to improve the condition of this building due to lack of property space and unavailability of funds.

Response: The respondent agrees with the finding based on the time they were originally issued.

(4) During a subsequent visit, Lt. Childers gave us the Tuolumne County Fire Marshal's report resulting from an inspection conducted pursuant to Section 13146.1, California Health and Safety Code, and applicable requirements of Titles 19 and 24, California Code of Regulations (copy of which is included as Tuolumne County Jail Addendum to this report). There were several "minor deficiencies affecting fire/life safety". Fire clearance was granted. Lt. Childers has submitted a work order pursuant to the Fire Marshal's report and stated that maintenance personnel have been in the facility on a daily basis taking the corrective measures required. We spoke by telephone with Kary Hubbard, the Tuolumne County Fire Marshall, on April 22 as a follow-up to the written report. Ms. Hubbard stated during the conversation that the Fire Marshall's office is conducting ongoing inspections of the jail facilities. She is very pleased with the work being done so far. As noted, the jail is very outdated; therefore, it is difficult to obtain equipment and parts for needed repairs, such as fire suppression doors, and the fire alarm system. Her major concerns are ongoing fire safety training for the staff, evacuation plans being formulated and kept current, and the outdated fire alarm system.

Response: The respondent agrees with the finding based on the time they were originally issued.

(5) The jail does not have maintenance personnel on staff and therefore all maintenance work must be requisitioned from the County Maintenance Department. At the present time, inmates under the supervision of deputies accomplish minimal maintenance. All other requirements must wait until County Maintenance personnel are available.

Response: The respondent agrees with the finding based on the time they were originally issued with one correction, that our maintenance department is formally known as the County Facilities Management.

(6) Availability of Medical Staff: The jail now has nursing staff coverage for all but 4 hours (between 3:00 a.m. and 7:00 a.m.) on a daily basis. This is an improvement. The medical staff appreciates it because it gives the duty nurse more time to complete reports, etc. prior to shift change.

Response: The respondent agrees with the finding.

(7) Computer Upgrading: During our first visit, Sgt. Bouscall and Lt. Bailey described the Jail Management System (JMS) that is being considered for Tuolumne County. Sgt. Bouscal, during our second visit, updated us by stating that between the two computer vendors being considered, the team doing the research on the systems has recommended DSSI be installed. The Sheriff has the final say; however, and hopefully the jail will be on-line by June 1, 2004. This will be an improvement.

Response: The respondent agrees with the finding and has just approved \$207,000.00 for the upgrade.

(8) A new communications system is being installed that will enable the jail to communicate with other County departments. Currently this is not possible because the jail's system was "stand alone" and not linked to any of the other systems.

Response: The respondent agrees with the finding and has just approved \$207,000.00 for the upgrade.

(9) All of the sergeants' computers are being upgraded to enable the sergeants to view and update data.

Response: The respondent agrees with the finding and has just approved \$207,000.00 for the upgrade.

(10) Employment Classification: We learned from Lt. Childers that a "jail deputy" is not a "peace officer" by definition of the law. Jail deputies and patrol deputies are hired under separate sections of the code. Due to this difference in classification, the wording in the code prohibits "jail deputies" from conducting strip-searches of new arrestees. The current law reads that this type search must be performed by a "peace officer". Therefore, the arresting officer must stay with the prisoner until the search is completed, a nonproductive use of the officer's time.

Some counties have challenged this procedure and have been successful in getting the "jail deputy's" classification changed to eliminate this problem. Lt. Childers is working on getting this classification change for Tuolumne County to enable jail deputies to conduct strip-searches. Lt. Childers explained that the jail deputies, and all positions, including his own, inside the Jail, are non-sworn positions. Under Code Section 181 the classification is "Public Officer" as opposed to the "Peace Officer" classification of patrol deputies.

Response: The respondent agrees with the finding.

(11) Differences in Pay and Retirement Packages: Lt. Childers talked about the differences in pay and also in the retirement packages between the jail and patrol. Patrol is entitled to 3% at age 50, while the jail is only entitled to 2% at age 55. Lt. Childers feels that this is certainly not an incentive to retain good personnel. Although the medical coverage is the same, it is very expensive for the employee and family. Jail wages are approximately 5% less than patrol wages.

Response: The respondent does not care to respond on this matter because of ongoing labor negotiations and labor contracts.

(12) Additional Security Equipment: Lt. Childers has submitted a proposal to obtain additional security equipment via the Department of Homeland Security. The items would be walk-through metal detectors (2 costing \$5,100) and a digital surveillance system (costing \$1,723). The latter would provide continuous loop recording of the jail facility, enabling infractions or other possible problems to be identified immediately.

Response: The respondent agrees with the finding within the context that it was made.

(13) The prior year's Grand Jury commented on the fact that the jail does not have self-contained breathing apparatus to assist deputies should they need to perform search or rescue operations in a smoked-filled environment. We asked about this lack of equipment and were informed the Code of Regulations does not mandate this equipment. Lt. Childers and Sgt. Bouscal both stated that it is felt that this equipment is not needed in the Tuolumne County Jail because of the close proximity of the Fire Department and subsequent excellent response time. The equipment is very expensive.

Response: The respondent agrees with the finding within the context that it was made.

RECOMMENDATIONS:

(1) The Tuolumne County Grand Jury 2003-2004 strongly recommends the Board of Supervisors formulate a plan for building a new jail facility with primary emphasis on inmate housing and secondary emphasis on administrative offices. Plan should include a time line for completion of various phases of construction once funds become available.

Response: The recommendation has not yet been implemented, but will be implemented in the future with the Capital Improvement Program being submitted for approval in the 2005/2006 fiscal year.

(2) Board of Supervisors actively seeks any available sources of funding for new jail facility.

Response: The recommendation has been implemented and is a continuing process.

(3) Hiring of a full-time maintenance person to be dedicated to the Tuolumne County Jail facility.

Response: The recommendation will not be implemented because it is not warranted or it is not reasonable because of all maintenance being handled through the County Facilities Management.

Child Welfare Services:

FINDINGS:

Foster Homes:

(1) There are 30 licensed foster homes in Tuolumne County. This is unchanged from the Grand Jury 2002-2003 findings. Some children are still being placed out-of-county. Tuolumne County does not have Family Agency Homes or Group Homes. There are homes that provide the high level of care required by a very troubled child.

Response: The respondent agrees with the findings to the best of our understanding.

(2) CWS is actively trying to recruit foster parents. There are license plate frames on County vehicles promoting foster parenting, with a telephone number to call. At least weekly a social worker addresses a community group such as teachers, day care, church groups, P.T.A. or the Mountain Women's Resource Center about the need for foster parents, and other matters.

Response: The respondent agrees with the findings to the best of our understanding.

(3) The Department doesn't just sign up new foster parents. They must be licensed. The process includes a background check, medical screening, fingerprinting, references and interviews. Twelve hours of training is required before licensing.

Response: The respondent agrees with the findings to the best of our understanding.

Pamphlet of Rights:

(1) Child Welfare Services has not created a new "pamphlet of rights" for use in addition to the State mandated brochure. The Department feels there is no need. Counsel represents clients.

Response: The respondent agrees with the finding.

Other Information:

(1) Mr. Skellenger and Ms. Dykes gave other interesting information.

Response: Unable to comment.

(2) There is improvement in staff turnover. Because of salary increases, Tuolumne County can now recruit social workers from other counties.

Response: The respondent agrees with the finding.

(3) The new Children's Shelter is open. A child can stay at this facility for up to 90 days. The County's aim is to keep the stay at 30 days or less. Capacity is six children.

Response: The respondent agrees with the finding.

(4) Reported cases of abuse and neglect have remained stable in number for the last four years.

Response: The respondent agrees with the finding.

RECOMMENDATIONS:

(1) Determine the reason the number of foster home has remained constant.

Response: The recommendation has been implemented.

(2) Make effort to increase the total number of foster homes in the County.

Response: The recommendation has been implemented, and is an ongoing matter.

If there are any questions or comments concerning these responses, the Board is available to respond as needed. The Board of Supervisors wishes to extend its thanks and appreciation to the 2003-2004 Grand Jury members for the dedication of their time and effort during the past year.

Very Truly Yours,



RICHARD H. PLAND, Chairman
Board of Supervisors

Enclosure

Tuolumne County
Administration Center
2 South Green Street
Sonora, California 95370



Alicia L. Jamar
Clerk of the Board
of Supervisors

Phone (209) 533-5521
Fax (209) 533-6549

Elizabeth Logan
Assistant Clerk

Larry A. Rotelli, *First District*
Mark V. Thornton, *Fourth District*

Paolo Maffei, *Second District*

Jim Peterson, *Third District*
Richard H. Pland, *Fifth District*

October 20, 2004

The Honorable Eric L. DuTemple
Presiding Judge
Tuolumne County Superior Court
41 W. Yaney Street
Sonora, CA 95370

Dear Judge DuTemple:

Enclosed please find approved verbatim minutes from the September 5, 2004 Board of Supervisors meeting which reflect discussion on the Grand Jury Report.

Thank you for your ongoing cooperation, and should you have any questions or comments, please contact me at your convenience.

Very truly yours,

Alicia L. Jamar
Clerk of the Board of Supervisors

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Enclosures

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BOARD OF SUPERVISORS COUNTY OF TUOLUMNE

October 5, 2004

9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors Richard H. Pland, Chairman; Larry A. Rotelli, Vice-Chairman; Mark V. Thornton; Jim Peterson; and Paolo Maffei being present. Also present were County Administrator C. Brent Wallace; Gregory J. Oliver, County Counsel, Alicia L. Jamar, Clerk of the Board, and Elizabeth Logan, Assistant Clerk of the Board.

Absent: None

Supervisor Rotelli led the Pledge of Allegiance.

Oral Comm-Area
12 Agency on
Aging

Gerald Mayland addressed the Board on Area 12 Agency on Aging.

Oral Comm
Physics

Bruce Engstrom addressed the Board on physics.

Consent Calendar

On motion of Supervisor Maffei, seconded by Supervisor Rotelli, the following items on the Consent Calendar were approved by unanimous vote.

Ordinance
Summaries

1. Finding that a summary of Ordinance Nos. 2583, 2584, and 2585 were published on September 24, 2004, in The Union Democrat as required by law.

Conflict of Interest
Groveland Comm
Serv. Dist.

2. Amend Conflict of Interest Code for Groveland Community Service District.

Carter Cemetery
Dist. Reappt.

3. Reappointment of Jess Taylor, to the Carter Cemetery District, for terms to expire May 30, 2006.

First 5 TC Comm.
Resign and NOV

4. Accept the Resignation of Jennifer Rapp from the First 5 Tuolumne County Commission and direct the Clerk of the Board to post a Notice of Vacancy.

4-H 50th
Anniversary

5. Resolution No. 168-04 honoring the Tuolumne County 4-H Youth Development Program on their 50th anniversary, and recognize October 3-9, 2004 as National 4-H Week.

Chairman presented the Resolution.

Sue Moore, 4-H Youth Development Program Manager, addressed the Board and

introduced the 2004/05 4-H All-Star Team.

Alicia Thompson, Sam Sheffield, and Lauren Mojica addressed the Board.

Minutes

The Board considered approving the Minutes of the meetings held on September 7, 2004, September 14, 2004, and September 21, 2004.

Discussion ensued on making a CD of the audio and/or video of the September 7, 2004, meeting.

It was moved by Supervisor Thornton, seconded by Supervisor Maffei, and carried by unanimous vote to approve the Minutes of the meetings held on September 7, 2004, September 14, 2004, and September 21, 2004, and direct Information Systems and Services (ISS) to make a CD of the video tape of the September 7, 2004 meeting.

Property Sale- Scott Brothers Drive

The Board considered authorizing the sale of a 2.50± acre parcel of unimproved real property with APN 062-040-28, located on Scott Brother's Drive off of North Tuolumne Road near the Black Oak Casino and accept sealed bids at 10:30 a.m. on November 9, 2004 at the Board of Supervisors Chambers for a minimum bid of \$180,000 plus the assumption of all liability and indemnity of the County of Tuolumne for any and all environmental issues arising from the parcel as more particularly described in the term of sale attached to the Resolution, as Exhibit "A".

Gregory Oliver, County Counsel, responded to questions from the Board.

On motion of Supervisor Maffei, seconded by Supervisor Thornton the following resolution was adopted by unanimous vote.

Resolution No. 169-04

Authorizing the sale of a 2.50± acre parcel of unimproved real property with APN 062-040-28, located on Scott Brother's Drive off of North Tuolumne Road near the Black Oak Casino

TC Bikeway and Trail Plan

The Board considered approving the adoption of the Tuolumne County Bikeway and Trail Plan previously approved by the Tuolumne County Transportation Council on September 22, 2004.

Discussion ensued on whether trails are forced on property owners, and eminent domain issues.

Peter Rei, Director of Public Works, responded to questions from the Board on the importance of the plan, and whether this plan is a requirement for State Grants.

Supervisor Thornton left the dais at 9:29 a.m. and returned at 9:30 a.m.

Christopher DeMars addressed the Board on whether the County would petition the State to lift the ban of bicycles and pedestrians on the new bypass.

Mr. Engstrom addressed the Board.

Darin Grossi, Assistant Director of Public Works-Transportation Division, responded to questions from the Board on corrections and changes to the Plan.

Discussion ensued.

It was moved by Supervisor Peterson and seconded by Supervisor Maffei, to approving the adoption of the Tuolumne County Bikeway and Trail Plan previously approved by the Tuolumne County Transportation Council on September 22, 2004, with noted changes.

Discussion ensued.

Mr. Rei responded to questions from the Board on communication with property owners with a proposed trail near or on their property.

Motion carried by 4-1 vote, Supervisor Thornton dissented.

TGH-Personnel
Nurse Supervisor
to Sr. Mid-Level
Practitioner

Bill Morse, Senior Human Resources Analyst, requested consideration of approving the request to eliminate the position of Nurse Supervisor in Tuolumne General Hospital's Surgery Department and replacing it with the position of Sr. Mid-Level Practitioner, and responded to questions from the Board on whether this has been reviewed by the Tuolumne General Hospital Board of Trustees; and whether this meets the state and federal guidelines.

It was moved by Supervisor Thornton and seconded by Supervisor Rotelli, to approve the request to eliminate the position of Nurse Supervisor in Tuolumne General Hospital's Surgery Department and replacing it with the position of Sr. Mid-Level Practitioner.

Mr. Morse responded to questions from the Board on the increase of salary, and the role of a physician's assistant.

Motion carried by unanimous vote.

MOU-TC Road
Operation Unit

Mr. Morse requested consideration of approving the Memorandum of Understanding between the County of Tuolumne and the Tuolumne County Road Operations Unit, and responded to questions from the Board on the definition of "cafeteria".

On motion of Supervisor Peterson, seconded by Supervisor Rotelli, the following resolution was adopted by unanimous vote.

Resolution No. 170-04

Approving the MOU between Tuolumne County and Tuolumne County Road Operations Unit.

Risk Management
ims/Expend.

Jennifer Penrose, Risk Management Analyst, requested consideration of approving the annual report on settlement of risk management claims and expenditures for July 1, 2003 to June 30, 2004.

The Chairman congratulated Ms. Penrose on her hard work on the Return to Work Program.

Ms. Penrose responded to questions from the Board on stress claims.

Mr. Pedro responded to questions from the Board on how the claims are paid.

Ms. Penrose responded to questions from the Board on the number of claims generated compared to the number of claims paid; the reason Social Services has a large number of claims; on the current changes on workers compensation claims; and on Tuolumne County's current deductible on property damage.

Mr. Pedro addressed the Board on past and current deductibles.

Ms. Penrose responded to questions from the Board on current worker's compensation claims; and on the current work release program.

It was moved by Supervisor Thornton, seconded by Supervisor Peterson, and carried by unanimous vote, to approve the annual report on settlement of risk management claims and expenditures for July 1, 2003 to June 30, 2004.

The Board recessed at 9:59 a.m. and reconvened at 10:09 a.m.

Sheriff- Fee
for Violation of
"Promise to
Appear"

Richard L. Rogers, Sheriff, requested consideration of imposing a Fifteen Dollar (\$15) assessment on each person who willfully violates their written "promise to appear", and responded to questions from the Board on the process of informing a violators that are in the military.

On motion of Supervisor Thornton and seconded by Supervisor Maffei, to adopt the amended resolution.

Resolution No. 171-04

Imposing a Fifteen Dollar (\$15) assessment on each person who willfully violates their written "promise to appear".

Motion carried by unanimous vote.

Agreement-
CDF and TC Fire
for Grant Funds
under Volunteer
Fire Assist. Prgm.

Michael Noonan, Assistant Fire Warden, requested consideration of approving an agreement between the California Department of Forestry and Fire Protection and Tuolumne County Fire for the distribution of grant funds under the Volunteer Fire Assistant Program, and responded to questions from the Board on the reason the signature requires blue ink.

On motion of Supervisor Thornton and seconded by Supervisor Rotelli, to adopt the following resolution.

Resolution No. 172-04

Approve an agreement between the California Department of Forestry and Fire Protection and Tuolumne County Fire for the distribution of grant funds under the Volunteer Fire Assistant Program.

Mr. Noonan responded to questions from the Board on the fire shelter.

Motion carried by unanimous vote.

Building Board of
Appeals Appt.

Greg Lamb, Building Department Official, requested consideration of appointments to the Building Board of Appeals.

It was moved by Supervisor Thornton, seconded by Supervisor Maffei, to appoint Jim Runde, Robert Job and Jorge Mercade to the Building Board of Appeals, and responded to questions from the Board on the number of vacancies.

Mr. Lamb responded to questions from the Board on the meeting schedule.

Chris Hatler addressed the Board on the importance of the members on the Appeals Board.

Mr. Lamb responded to questions from the Board on whether these resumes are applications to this Board; the credentials of the applicants, and whether contractors are encouraged to apply.

Motion carried by unanimous vote.

Report-Rotelli

Supervisor Rotelli reported that on September 29, 2004, he spoke before the Sunrise Rotary; on October 1st, he spoke before the Board of Realtors, and attended a Town Hall meeting on the North/South Connector.

Report-Maffei

Supervisor Maffei reported that on September 28, 2004, he attended a meeting of the Developmentally Disabled Board; on October 1st, he attended an Economic Development Company (EDC) meeting, and attended a play entitled *Rashomon*; and announced the upcoming National Depression Screening Day.

Report-Thornton

Supervisor Thornton announced the vacancies on the Commission on Aging.

Law Enforcement
Block Grant

Public hearing was declared open to discuss the proposed usage of Local Law Enforcement Block Grant (LLEBG) funds in the amount of \$11,260 (including matching funds) toward the acquisition of computers and associated equipment and software for the Sheriff's Department.

Sheriff Rogers presented the staff report.

No one wished to speak, public hearing was declared closed.

It was moved by Supervisor Thornton, Seconded by Supervisor Maffei, and carried by unanimous vote, to approve the usage of Local Law Enforcement Block Grant (LLEBG) funds in the amount of \$11,260 (including matching funds) toward the acquisition of computers and associated equipment and software for the Sheriff's Department.

Amend 1.10 of
TCOC

The Board continued consideration of amending Chapter 1.10 of the Tuolumne County Ordinance Code regarding procedures, penalties, and remedies.

Paul Griebel, Deputy County Counsel, responded to questions from the Board on potential conflict of interest by a member or members of the Board of Supervisors.

Mr. Griebel presented the staff report.

Mr. Lamb addressed the Board on building permits.

Mr. Griebel responded to questions from the Board on the process of turning in your neighbor.

Discussion ensued on which violations to impose.

Mr. Griebel responded to questions from the Board on whether the penalties will be retroactive.

George Segarini, President and CEO of Tuolumne County Chamber of Commerce, Kathy Kauffman, Mary Sayer, Jim Grossman, James Scovone, Robert O'Connor, Sharon Marovich of the Tuolumne Heritage Committee, William Balbuena, Jerry Dobbs, Rose Cutting, Patricia Jagger, Tina Sharon, Phil Balbuena, Jeff Sargo, addressed the Board.

Supervisor Thornton left the dais at 11:24 a.m. and returned to the dais at 11:30 a.m.

Carol Tidwell and Darrell Sarina, addressed the Board.

Sheriff Rogers addressed the Board on Penal Code Section 4.

Mr. Griebel responded to questions from the Board on whether there is an equivalent to Penal Code Section 4 in the Civil Code.

Mr. Hatler addressed the Board

Mr. Griebel responded to questions from the Board on the administrative review and court review process.

Melanie Parent, Robin Coon, Bill Lauren, Gary Smith, Mark Howell, and Stuart Hatler, addressed the Board.

Beverly Shane, Community Development Department Director, responded to questions from the Board on whether and when this matter could be reviewed by the Board of Supervisors Planning Committee (BOSPC).

Discussion ensued.

Mr. Griebel responded to questions from the Board on how this matter is agendized.

It was moved by Supervisor Thornton, and seconded by Supervisor Rotelli, to direct staff to present the proposed ordinance to the BOSPC for their review, and include the concerns by the public and Board of Supervisors in the packet to the BOSPC, and once the BOSPC has reviewed the ordinance, it be returned to the Board of Supervisors.

Discussion ensued.

Motion carried by unanimous vote.

The Board recessed at 12:03 p.m. And reconvened at 1:33 p.m.

Rezone-
Sutherland

Public hearing was declared open to consider the following item that was recommended for approval by the Tuolumne County Planning Commission on September 15, 2004: SUTHERLAND, Ordinance for Zone Change (04RZ-10) to rezone a 1.45+ acre project site from C-1:MX to C-S:MX. The site is located at 30040 and 30050 Highway 108, Cold Springs; Assessor's Parcel Number 23-110-52.

Beverly Shane, Community Development Department Director, presented the staff report and responded to questions from the Board on whether this matter was approved by the Tuolumne County Planning Commission; whether landscaping is required along the frontage; and on Tuolumne County's standard conditions of live music.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Peterson and seconded by Supervisor Rotelli, to approve the zone change 04RZ-10 from C-1:MX to C-S:MX, finding that **A)** the proposed Zone Change is consistent with the Tuolumne County General Plan; **B)** the proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; **C)** The project site is suited to the uses permitted under the proposed zoning districts; and **D)** The proposed project entails rezoning the subject property to a zoning district that is consistent with the General Plan Land use designation. Therefore, pursuant to Section 15162 of the State California Environmental

Quality Act (CEQA) Guidelines, no additional review under the CEQA is required for the proposed zone change, and the adoption of the following ordinance.

Ordinance No. 2586

A Special Ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

Ms. Shane responded to questions from the Board on whether a building is proposed for demolition.

Discussion ensued.

Motion carried by unanimous vote.

Reports-Thornton

Supervisor Thornton reported that on October 4, 2004, he attended the Commission on Aging meeting; and last week he met with a representative from ComCast.

Report-Pland

Supervisor Pland reported that on September 29, 2004, he attended the North/South Connector presentation; on September 30th, he met with a representative from ComCast; and on October 4th, he attended a medication attempt on the Jamestown litigation in Sacramento.

Closed Session

The Chairman announced that closed session: CONFERENCE WITH LABOR NEGOTIATORS: Craig Pedro, Assistant County Administrator; Eric Larson, Human Resources Risk Manager; and Bill Morse, Senior Human Resource Analyst, (Authority: Gov. Code §54957.6) All Bargaining Units, has been cancelled.

Grand Jury
Report (Cont.d)

The Board continued consideration of amending the County's response to the 2003/04 Tuolumne County Grand Jury Report to comply with the provisions of Penal Code §§ 933 and 933.5.

CLERK: Continued consideration of amending the County's response to the 2003/2004 Tuolumne County Grand Jury Report to comply with the provisions of Penal Code Section 933 & 933.5

PLAND: Ok and lets really make an effort to get through this today I understand that there has been some communication between the Judge and County Counsel regarding the progress we are making on this response and if we cut down on pontificating today we ought to be able to get done with it I think and there is going to be some time while the thing is reviewed and put into some sense of order I presume, rather than the verbatim, and then it will come back for our approval before it goes to the judge. So we've still got some time here but lets see if we can't get through this part of it today and according to my notes, I think we finished up on page 11. I think that's where we ended, so we will proceed on page 12 with the findings and in front of you there is a very useful document prepared by Mr.

Oliver so we don't have to keep referring back as to the findings. You'll see you've got two choices and for the recommendations you've got four choices. So, that will be the way we'll progress on this and we'll see if we can't get through it.

THORNTON: Mr. Chairman?

PLAND: Supervisor Thornton.

THORNTON: I have a question for Mr. Oliver. Having reviewed the verbatim minutes alarmed me greatly so I have a question for you. The Judge didn't ask for an individual response, he asked for a board response.

OLIVER: Correct.

THORNTON: So if I disagree with the Board, I can just say I disagree and end it at that?

OLIVER: And vote no or whatever you want to do if there is a motion.

THORNTON: Thank you.

ROTELLI: I Think we can move right along in that either one of us actually.

PLAND: Well the board response, every one of them is covered by a motion and whatever the vote is the vote is as far as the Board is concerned but anybody can do anything they want individually I'm sure. Ok do you need a packet? Well I've got a packet for you.

THORNTON: I don't know what I did with it, it's been too long.

PLAND: Final report, there you go.

PLAND: Where does it start?

OLIVER: I think we are on page 12.

THORNTON: Thank you Mr. Chairman

PLAND: Ok everybody get to page 12 and we do have some findings, somewhat complicated, but first paragraph in what we need to do with each of these after it's been, when we have discussion and someone make a motion, a second and we will vote on them. So, first paragraph.

PETERSON: Mr. Chairman?

PLAND: Supervisor Peterson.

PETERSON: Thank you I was just reviewing the first, second, third, fourth paragraphs. These are all statements of what Mr. Woerman apparently reported on February 27. So, if these are, if these findings, we have no idea what Mr. Woerman said, but he's present so if he, if this is a correct characterization of what he said, maybe we can just really make a finding that we agree with these findings. That's just a suggestion.

PLAND: Or we can say we weren't there, we don't know whether to agree or not agree do we? Didn't we tackle this last time and what was the result?

OLIVER: The result was that we did not comment on statement's made by employees of the county, however you did pick out anything in there that appeared to be a finding. For example, on the first paragraph on page 12 under finding, the sentence that reads "at this time there has not been significant improvement in accounts receivable turnover but there has been significant improvement in that revenue collected per day". That to me appears to be a finding because it's not attributable to anybody in particular. It doesn't say Mr. Woerman stated that or that's the closest thing I can get out of that entire paragraph, that is a finding.

PLAND: Well, its, still it's trying to quote Mr. Woerman, and that's the problem that we have.

OLIVER: I don't know that for a fact, I would not make that assumption. They could have investigated that and came up with that conclusion on there own somewhere else. Both the sentence before and the sentence says Mr. Woerman stated and put what he stated. That's the only sentence that's just kind of dangling there without attributable to anybody in particular.

ROTELLI: So we either agree or disagree right? I agree with what he said.

OLIVER: Did you say that?

ROTELLI: I'm just saying.

WOERMAN: Actually if you have a copy of my response I addressed my response I addressed that first paragraph.

THORNTON: State your name.

WOERMAN: I'm sorry, Barry Woerman, Administrator Tuolumne General Hospital. In my responses on page two of my response, I said that I had very few disagreements with the statements that they made with their findings. There were some overall misconceptions on their part. And what I said to them was that there was a misunderstanding that there were no benchmarks. When we presented our financial recovery plan to this Board and to the Board of Tuolumne General Hospital's Trustees, there were very specific recovery plan dates. But I also said was that those recovery efforts would be ongoing into the future, so there is no real end to our efforts it was just the beginning and the benchmarks as to when

they would be, they would meet their milestones. So I did clarify that. And also there was also a misunderstanding about the computerized billing. Since the hospitable began our electronic billers toward payers several years ago what we did was recently was put together a new program in DSS to transmit, so I also corrected that, but most of the information was correct with those minor modifications.

PLAND: Well I think we're meeting ourselves coming back on this, I don't think we want to read more into this more than there is. My interpretation is that they are quoting Mr. Woerman.

OLIVER: And it sounds like they are.

PLAND: And I don't think we need a response from Mr. Woerman, he's already given his response...

OLIVER: Well and his statement is not a finding.

PLAND: Exactly, so I, from my perspective I think we just ought to say this is not something we can respond to because we were not there. But anyway, I look for discussion or a motion, you've got something Mr. Thornton?

THORNTON: I certainly do. Mr. Woerman the sentence in the middle of that paragraph, I just want to get clarity from you that says "at this time there has not been significant improvement in accounts receivable turnover but there has been significant improvement in net revenue collected per day" did you or did you not make that statement or do you or do you not agree with that statement?

WOERMAN: Well I do not recall the context that was made in, and I'm not sure exactly what time.

THORNTON: Today, would you agree or disagree with the statement?

WOERMAN: I would disagree with it today.

THORNTON: Then I would move Mr. Chairman that we disagree with the finding in this paragraph because it does not correspond to with what he put into his record today and in that written record.

ROTELLI: I agree.

PLAND: Do you make a motion?

THORNTON: That's it.

PLAND: Is there a second?

ROTELLI: Right here.

PLAND: Well ok, we do have a motion any further, any discussion?

PETERSON: Is this a finding or what is it? A motion?

PLAND: It's a finding.

PETERSON: That we disagree and we disagree because...

ROTELLI: Things have improved.

THORNTON: The paragraph that's in writing in front of us does not correspond to what Mr. Woerman has said today, nor does it jive with what he wrote in his response. So, there finding is incorrect.

PLAND: But it's not what he says today, it's not what he put in his response, it's what he told the Grand Jury at some unknown date.

ROTELLI: It changed it, you're right your correct Mr. Chairman but as of now with us looking at it in the present the statement has changed and I think we should recognize it. I don't think we should just blindly agree with Mr. Woerman said to the Grand Jury 6 months ago.

PLAND: Well I don't think we ought to respond at all because we weren't there.

MAFFEI: Mr. Chairman?

PLAND: Yes Mr. Maffei.

MAFFEI: Was this a fair representation of the situation at the time you were being asked that in June?

WOERMAN: Well at that time, it was not in June it was back in February. I would just say that.....

MAFFEI: It is not a representation of what the situation is today at least?

WOERMAN: Correct.

PLAND: It would have nothing to do with nothing as far I'm concerned.

THORNTON: So what do you suggest Mr. Chairman?

PLAND: We have a motion on the floor.

ROTELLI: Now wait a minute.

PLAND: Is there any more discussion. Mr. Rotelli?

ROTELLI: I'm just curious about what you're saying that you don't think that we should be doing anything on this, is that correct?

PLAND: That's correct.

ROTELLI: So what, can we do that? You said before when I read in the minutes that we had to make a finding on the finding or something.

OLIVER: You have to make a response to the finding, however, the problem is that all of these statements that you hear are attributable to individuals, those are not findings....

ROTELLI: We went through this.

OLIVER: Those are statements by individuals.

ROTELLI: Mr. Oliver we went through that. When did we discuss this? Two weeks ago we went through the same thing you're talking about and we

OLIVER: You did not respond, you had no comment.

ROTELLI: On some we are responding on some we aren't responding?

OLIVER: I know.

ROTELLI: Alright then.

OLIVER: For example on this one I pointed out the only part of this that I think could be a finding is that middle sentence and Supervisor Thornton addressed that finding by making the motion that he made that's currently on the floor.

ROTELLI: I think that he is correct in that regard at this point in time.

PLAND: Ok, lets go ahead. Can you repeat the motion.

THORNTON: I have no idea.

CLERK: Supervisor Thornton moved that he disagrees with the sentence at this time there has been no, has not been significant improvement in the accounts receivable turnover but that there has been significant improvements in that revenue collected per date, and Supervisor Rotelli seconded it.

PLAND: Ok any further discussion?

PETERSON: Then we have to include an explanation of the reasons. So are we going to come up with the reasons next?

ROTELLI: Yeah because it's the current, current information we have.

THORNTON: The motion actually included the fact...

ROTELLI: Right.

THORNTON: That Mr. Woerman in both his verbal comments today and in his written response to the Grand Jury last whenever, does not, that information does not concur with that statement. And so that actually is A.J. part of the motion, is that I'm citing this disagreement with the Grand Jury finding based on his verbal testimony today and his written response to the Grand Jury that was put out back in May or June, whenever that was. Ok with that Mr. Woerman?

WOERMAN: Yes, I'm comfortable with that.

PLAND: Ok any other discussion? I'll call the question all in favor of the motion signify by saying aye.

BOARD: Aye

PLAND: Opposed? Nae? Motion carried four to one.

PETERSON: I was going to abstain because I don't think we are doing the right thing here. I basically agree with it, but...

PLAND: Ok, motion still passes, three to one, one. Ok second paragraph bottom of page 12. Again Mr. Woerman stated. It's incorrect about this big waiting list for long term care as I understand, but way back in February it might have been true.

WOERMAN: It was true at that time.

PLAND: It's not true today, but are we going to correct everybody's statement in this thing? I don't know.

PETERSON: That's what the Judge wants.

MAFFEI: I think in fairness we should comment on it, that it was a correct statement at the time...What happened to the waiting list?

Laughter

WOERMAN: There was a large, a lot of the people on our waiting list.

MAFFEI: Died?

WOERMAN: That's correct.

ROTELLI: Well that's....

WOERMAN: Before they could get in.

PLAND: What do we want do to with this? Look for a motion?

ROTELLI: No, lets just.

PLAND: No comment?

ROTELLI: No comment.

PLAND: Do I hear anything?

THORNTON: Well.

PLAND: Ok lets hear something. Mr. Thornton?

THORNTON: On the next page are we dealing with that whole thing?

PLAND: We're dealing with the paragraph. Yes sir.

THORNTON: Ok. I guess it's a matter of semantics. It's not necessarily due to excessive costs in the Groveland Adult Day Health Care.

PLAND: Ok I don't hear anything? Go on to the next paragraph.

ROTELLI: Growth population.

PLAND: Top of page 13, Mr. Woerman stated.

ROTELLI: Yea.

PLAND: Any comments there?

ROTELLI: I'm just curious, is it that many? A thousand a year? Population increase?

WOERMAN: That's...

ROTELLI: I don't argue with it, I'm just curious.

WOERMAN: That was taken from the Chamber of Commerce statistics.

ROTELLI: Do you think that the Chamber is correct all the time?

WOERMAN: I, have no way of venue to, I was quoting though the statistics I had received.

THORNTON: All from George? Maybe we should.....

Laughter

PLAND: Ok anybody want do to anything with that paragraph?

ROTELLI: No.

PLAND: Ok no comment then.

PETERSON: No comment that would help us with this. Is there any finding in that paragraph Mr. Oliver?

PLAND: Nothing that's pertinent I don't think, a statement of fact, I don't know.

OLIVER: It appears to all be statements attributable to Mr. Woerman. It's....the struggle we have is just a poorly written document its very difficult when you try to pick out the findings or the need boiler point findings where one boiler point is a finding and it's not attributable to any one individual or a statement or an opinion. So that you can make a determination about whether or not you agree or disagree with the finding. That is something that we will put in the cover memo that transmits your response back to the Grand Jury that say, for next year when do your findings and recommendations please put one per bullet point or one per paragraph or however they want to write it.

PLAND: Ok, if we are on the Mr. Woerman and staff statement. Anything there to respond to? It's something he said, I don't hear anything. Next one down starting due to changes in federal guidelines.

MAFFEI: Mr. Chairman?

PLAND: Yes Mr. Maffei.

MAFFEI: We basically agree with these statements right? What does that imply, that we agree with them? That we support the statement? Are they findings?

OLIVER: Well that....

MAFFEI: I don't understand the findings.

PLAND: Right back, we can't. I don't know how you can respond to something that somebody said and we don't know whether he said it or not. So I mean we beat that to death and I don't know what more we can do about it.

MAFFEI: Makes sense to us. I don't disagree.

PLAND: Ok down to that one that says due to changes to federal guidelines.

PETERSON: I move that we make a finding that we agree with the statement.

PLAND: And I'll second that because that is a finding. Any discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Second one. Mother Lode Medical been established to provider based medicare provider. True statement? Finding?

PETERSON: I don't know if it has enhanced revenues though.

WOERMAN: 17 percent increase last year.

PLAND: And I think that we have been shown information that it has.

PETERSON: Alright then if that is the case then I would move that we agree with this finding.

PLAND: Do we have a second?

MAFFEI: Second.

PLAND: That's a motion and a second on that.

MAFFEI: And that 17 percent is read into the record, right?

PLAND: All in favor signify by saying aye.

BOARD: Aye

PLAND: Opposed, Abstained, so ordered. Staff productions needed to cut cost have been completed. I don't know, do we agree with that?

THORNTON: What staff?

WOERMAN: That again was part of the, these questions were in relationship to the budget recovery plan and as part of that plan we outlined some staffing modifications and those were all completed. That's what they were asking.

PLAND: And that was the 9 point recover plan or whatever it was?

WOERMAN: That's correct.

PLAND: 9 point.

WOERMAN: 10 point.

PETERSON: So as of the time of this report or of the interview this was a true statement so I would move that we adopt this finding.

ROTELLI: You make it? Second.

PETERSON: We agree with the finding, yeah.

PLAND: You agree, as a motion, and a second. Discussion?

THORNTON: Well the difficulty with the statement that is in the text is that we had to have additional information that placed a context of the statement and I really am, I mean just saying the same thing you're saying but I just want the Judge and the current Grand Jury and the past Grand Jury know that if you don't properly link your statement's with the context from which that information came from, I'll agree with a motion but I'm not sure that I totally understand the context of the motion because the statement doesn't have the context there without them explaining it.

PLAND: If it had referred to the nine point improvement plan.

THORNTON: Right.

PLAND: Then you could buy it, but what I think your saying Mark is that its open ended and subject to reductions and changes going on and where is it now.

THORNTON: Most definitely, right.

PLAND: Anyway, we have a motion.

ROTELLI: Now wait a minute I have the second are you saying now that we don't really have enough facts to support this and its just another conclusion by Mr. Woerman which we can ignore? That's fine, lets do it then. Ignore it.

Laughter.

PLAND: Well we have a motion and a second unless you want to withdraw it?

ROTELLI: Go ahead take the vote, lets do it.

PLAND: Ok. All in favor of the motion say aye.

BOARD: Aye

PLAND: Opposed, abstained, so ordered. Next one of future concern. Ok.

THORNTON: Basically true.

PLAND: I don't know when its projected to be bankrupt but, I just, you know Mr. Pedro?

PEDRO: I'll just give a general update I know that Mr. Wallace has spoken about this. He is on the CMSP Board and they have made program changes so I don't believe today that would be true, that it's projected for bankruptcy in 2005, but it may have been at the time.

PLAND: Alight, right back to where we are.

PETERSON: I think we need to make our findings as of, like the date of the report or something rather than as of today's date.

OLIVER: Correct.

PLAND: That should be in the cover letter maybe that all our responses on these findings are as of some prior time, not today, that we are not trying to upgrade the findings, that's not our job.

OLIVER: As of June 2nd.

THORNTON: I would move that we agree with the findings that are in this paragraph because they were true at the time they were issued.

PLAND: Good I'll second that. Any further discussion? Supervisor Maffei?

MAFFEI: I think that the usefulness of the document is, as it relates to the situation today. So we can agree that that was a correct statement at the time and put it in context, but I think that its not useful that we pretend that we are going back in time, months prior and say this is true, forget what's happened.

OLIVER: Well

MAFFEI: How do we address that?

OLIVER: Because your response is so late, you're way past the statutory deadline for doing a response you only have 60 days from the date they release the report to do your response you wouldn't have had this issues but for the fact that we had to do our response.

MAFFEI: Ok. Ask the Judge?

PLAND: A lot is as of February prior to June so we still would have been stale?

OLIVER: Correct.

ROTELLI: So why don't we just forget it then.

PLAND: Well I think that we have a motion and a second on the floor. Any discussion? All in favor signify by saying aye?

BOARD: Aye

PLAND: Opposed, abstained, so ordered.

THORNTON: Mr. Chairman I have a question for Mr. Woerman on the next one.

PLAND: Yes sir.

THORNTON: Most admissions or MA admissions. Most admissions into acute care come through ER or many?

WOERMAN: 60 percent.

THORNTON: The most. I would move that we concur with the finding in the next paragraph.

ROTELLI: Where are you?

PLAND: I'll second that. It's the paragraph, second from bottom, starting increasing revenues. Any discussions? All in favor signify by saying aye.

BOARD: Aye

PLAND: Opposed, abstained, so ordered. Bottom paragraph. Something Mr. Woerman said.

PETERSON: I agree.

THORNTON: At that time you hadn't completed it?

WOERMAN: Pardon me?

THORNTON: At that time you hadn't completed that?

WOERMAN: That's correct.

THORNTON: Then I would move that we concur with the statement that it was correct at the time issued.

PLAND: Is there a second?

ROTELLI: Second

PLAND: Motion and second.

THORNTON: I think I'm getting the format down now.

PLAND: We're moving right along here.

ROTELLI: We're on a roll.

PLAND: All in favor signify by saying aye.

BOARD: Aye

PLAND: Ok, so ordered. Top of page 14 first paragraph. Those are state staffing requirements aren't they Mr. Woerman, not federal?

WOERMAN: That's correct, they are state.

PLAND: I don't know if that makes any difference or not.

PETERSON: Again, this is Mr. Woerman's response, so probably response on that.

PLAND: No response.

PETERSON: Is that ok County Counsel?

OLIVER: I think that will work for this year.

PLAND: I'll move no response. Second?

PETERSON: Second.

PLAND: And a second. Discussion?

THORNTON: The record will clarify that it is state staffing, not federal staffing.?

PLAND: All in favor signify by saying aye?

BOARD: Aye

PLAND: Opposed, abstained, so ordered. Second paragraph regarding earthquake retrofitting. The key word being there has been no progress made towards these requirements. I think that is incorrect.

OLIVER: That is incorrect.

PLAND: Have drilled holes, Mr. Pedro?

PEDRO: Mr. Chairmanm just so that you will have the information, the Board did adopt a seismic evaluation report in December 2000, anchoring of life safety was completed in 2001, anchoring generator, generator house and building was completed in 2001, a seismic compliance plan was approved by your board

December 2001 and I believe in February we were just issuing a purchase order to go ahead and do the testing, which is partially done today.

THORNTON: Mr. Chairman, I would move that we disagree in part with this paragraph, the part that we have made lots of progress, not no progress and would agree in part with the last two sentences that talks about possibilities.

PLAND: I'll second that. We need to list the progress we made?

PETERSON: The explanation with what Mr. Pedro reported?

OLIVER: I think that's fine just to say that some progress has been made.

PLAND: Ok we do have a motion and a second to that. Mr. Peterson?

PETERSON: I was just wondering if the reasons, if we should just adopt what Mr. Pedro told us.

THORNTON: My motion comes on the heels of his explanation. I figured the Judge would know that's why I made the motion, but if you want to have me to say by reference of the motion Mr. Pedro's findings, I'll do that.

PLAND: Ok.

THORNTON: Thank you Mr. Pedro for your findings.

PLAND: All in favor by saying aye.

BOARD: Aye.

PLAND: Opposed, abstained, so ordered. Third paragraph.

PETERSON: Wait a minute, what about the rest of that.

PLAND: Oh didn't we cover all that?

PETERSON: Possible bills.

THORNTON: Yeah, I concur with that in mine.

PETERSON: Ok we agree with that? Right, ok.

PLAND: Ok third paragraph, financial reports were dated November. Ok we don't know.

ROTELLI: No comment.

PLAND: I'll move no comment.

ROTELLI: Second.

PLAND: And motion second. All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed, abstained, so ordered.

THORNTON: Mr. Chairman, I would move that we disagree with the next sentence.

PLAND: Regarding weekly or monthly benchmarks? Right? We disagree because?

ROTELLI: There are, we have some.

THORNTON: Benchmarks is a broad term but we are given weekly updates as a Board on what's going on financially and so is Mr. Woerman and I believe the Trustees are as well and the reason we are given that information is to know where we are standing financially every week. So I do not believe that is correct to make that kind of a finding, so I move that I disagree with their finding.

PLAND: Based on the fact that there are benchmarks.

THORNTON: We are being apprised weekly and monthly on that.

PLAND: Ok I'll second that. Any further discussion?

PETERSON: Yeah, I don't think that is what they mean by benchmarks, I think they mean targeted goals and I don't think we have weekly or monthly goals or benchmarks.

THORNTON: I respectfully disagree. The purpose of being advised weekly and monthly on the financial cash flow issue in the hospital is so that we are apprised when they are closing in on a threshold of requiring board action or not at the case may be. So, we are watching those weekly because we know what our policy is and what they can exceed. Mr. Oliver, do you have any definition of benchmark?

OLIVER: It could meet either one of your definitions.

THORNTON: That's what I thought, so because I am sitting in a bench and my name is Mark and I'm saying benchmark can be either.....

PETERSON; So you're saying that not exceeding 5.5 million in debt is a benchmark?

THORNTON: Could be.

PLAND: Well we're not there yet.

WOERMAN: If I might interrupt. We actually for our staffing, for our hospital staffing we staff by shift and that against benchmarks that's established by the nurse staffing ratios. So we are actually looking at and that's the largest department in our hospital is the nursing staff so we are doing that not just daily, but on a 8 hour or 12 hour shift basis.

PLAND: Ok we do have a motion. Any further discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed, abstained, so ordered. Ok the last paragraph about borrowing limits previous Grand Jury.

ROTELLI: I would just agree with this one.

PETERSON: The Chairman just did.

ROTELLI: Did what?

PEDRO: Mr. Chairman?

PLAND: Yes.

PEDRO: Might I suggest you do have two caps, one is the cash cap that I believe Supervisor Thornton was referring to that if you begin to bump up against that, that is the purpose of the Auditor-Controller's weekly updates and your Board did adopt a deficit reduction plan using the securitization funds which you do get regular reports on. If you would like a refresher I have one that was just sent out in June which gave a specific plan year by year and where you were headed going into the end of this past fiscal year. So out of those are two things that you do have with limits in place, one the 5.5 million cash cap and you do have a plan of how to also reduce that deficit, cash debt.

PLAND: So having said all that the point is that we would disagree that this has been done, that it's been done in some fashion.

PEDRO: That would be my opinion. Yes.

PLAND: Well we value your opinion.

PEDRO: Yes sir.

PLAND: Ok we have a motion regarding that paragraph would do it?

THORNTON: Well I think Mr. Pedro's explanation is satisfactory to me but I just

think that public needs to understand procedurally that whatever three votes on Tuesday dictates can always be undone the following week. So I hope they don't think or anybody thinks that you can necessarily put something in and submit it's a budget policy. Board members change priorities. We often change them during the course of the year, not just during the budget hearing process. But I would move based on Mr. Pedro's commentary that we disagree in general with this finding.

PLAND: I'll second that. Any discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Lets go to page 15 recommendations. Number One, get financial reports for Mr. Woerman and the Board of Trustees it should be I guess, it says Supervisors, within 30 days of the period end.

OLIVER: Mr. Chairman, just one comment. This is how we would like the findings and recommendations laid out. One per each numerical number. It makes it very easy to go through, until we got here we did not have this prior in this written report.

PLAND: Ok.

OLIVER: So we will point this out in the cover memo that this is what we would like to see.

PLAND: Yeah, well we do have numbers for the recommendations and we will use those. So, number one we're on.

THORNTON: Kathleen zooming in on the list.

THORNTON: Thank you Kathleen. Mr. Chairman, I have a question.

PLAND: Yeah

THORNTON: I do not know whether address this to Mr. Woerman or Mr. Pedro but I'm going to address it to Mr. Pedro. What do they mean by financial report?

PLAND: Go ahead Mr. Pedro.

PEDRO: Well, I'm not sure, there are two forms that we typically give out. One is a P&L Statement and the Board of Trustees get those monthly, and we also have our cash statements which you get weekly and well there's a third and that's the responsibility reports and those are budget reports that each hospital department is to receive on a monthly basis as well.

THORNTON: Well I raise the question because I think that some of those reports are generated within the current thirty day and the word audit is never mentioned and that's been the biggest concern...when I was over at the Board of Trustees and also up here about the delay in doing our audits, our annual audits getting those closed down and getting them within the specified time lines so whether or not the Grand Jury really misunderstood that there are actually about five different kinds of generic financial reporting, I just want to bring that up and put it on the record because I believe that you are in compliance with most of the issues. I think that the most deficiency has been on the audits.

PLAND: Ok, I'm just looking at Mr. Woerman's response and he does say that they are able to do this and it will be produced within a thirty day time frame. That's what he said so I would say that in this recommendation that we should accept the recommendation as being implemented. Anybody have any trouble with that?

OLIVER: Has been implemented.

PLAND: Has been implemented, right?

OLIVER: Right.

PLAND: I'll so move.

ROTELLI: Second

PLAND: Has a second. Any discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed, abstained. Recommendation number two. Establish financial operational benchmarks, regularly record and report progress. I think that's been done.

WOERMAN: My definition of financial benchmarks, is the budget, and we report, that is part of our reporting mechanism, is we report our actual against the budget so again that's produced with the same financial statements that you just referred to.

PLAND: Any board discussions, motions?

MAFFEI: Mr. Chairman?

PLAND: Go ahead Mr. Maffei.

MAFFEI: Mr. Woerman, do we have a month by month expectation and variance in that, which would be the normal way of saying it's a benchmark?

WOERMAN: Yes we do, we actually compare to the previous years as well, so we see current month, the current month budget, a year to date and also comparison to the previous year.

PEDRO: And I would add that it's not just the revenue and expenses that are reported but also the units of service, the number of patients seen, that goes to the board trustees on a monthly basis.

PLAND: Ok, well I'll move that the recommendation has been implemented. Is there a second?

PETERSON: I'll second.

PLAND: Ok, any discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Recommendation number 3, expand long term care. That's the recommendation.

PETERSON: Again, there's been no discussion of that that I recall in any of the other documents, so I'm not sure whether we did expand long term care during my first year on the board.

PLAND: Yeah.

PETERSON: Is this a recommendation for further expansion? I don't know.

WOERMAN: I believe what they were looking at, we talked a little bit in my discussion with them about long range strategic planning and what the needs are of the county in the long term and I told them that there was within the budget at that time we were still compiling the budget but there was a recommendation that there would be a long range strategic plan developed for the hospital and part of that was a need for additional what additional programs and services and that's where the next two items in terms of long term care and psychiatric care. I think they focused on their belief that the long term we would need to expand those two services at the hospital. That's an opinion. It really wasn't based upon any detailed strategic planning demographic studies or anything of that nature, I think they were just looking in terms in what the board they want to focus on in the future.

PLAND: So, item 3 would pretty well cover that, further analysis is needed and so on?

WOERMAN: I would think so.

PLAND: Be effective? Board?

MAFFEI: Well, I think it was all our belief that we would expand our long-term care, because it was profitable. There was a big need for it. We didn't expect that all these people would die.

THORNTON: I think what we are being asked is one, two, three or four and it seems like there is probably consensus that three which means that the recommendation needs further analysis an additional explanation in great expansion is what you plan to do? So do you need a motion or do already so move?

PLAND: I will move.

THORNTON: I'll second it.

PLAND: You'll second it. Any further discussion? Regarding response three, Mr. Peterson?

PETERSON: Because if we adopt three then we have to go further and establish a time frame for investigation and review and the time frame does not exceed six months from the date of the publication of the Grand Jury Report, so I don't know if we can make six months from June.

PLAND: Not very well.

PEDRO: Mr. Chairman I would just mention in here, because I know Mr. Wallace's feeling on this one, while you were supportive of what we did with the swing beds in our existing facilities, he would not want to see a lot of time and effort and focus put on this particular aspect right now when we have so many other things before us.

PLAND: Ok.

THORNTON: We can investigate this in six months and report in January that we're going to have to have to take another twelve months to due further analysis.

PLAND: Again, there is no waiting list for long term care anymore, right?

WOERMAN: Not forty.

PLAND: It's really dried up from what it was a year or two ago.

WOERMAN: It has.

PLAND: So it may not be feasible anyway.

THORNTON: Mr. Oliver is my explanation satisfactory?

OLIVER: It works, however I think this is more of a number 4 than it is a number 3.

PLAND: Ok I withdraw my motion.

OLIVER: Because as of today you have no desire to implement expanding, certainly may in the future, but as of today when you are doing this response, what I hear is that nobody is really interested in expanding long term care.

THORNTON: I don't think that's what you're hearing I think what you're hearing is that, lets just take both of them, expansion of long term care and expansion of psychiatric care is still going to depend upon a detailed analysis of what they operationally for you and your regulatory capacity and what it means financially with the county and all this has to be in the backdrop of what the retrofit will say when that information comes in. So, it is going to be analyzed or looked at in the next six months, but it's not going to be finalized anywhere this year at all. That's why I thought 3 worked.

OLIVER: Well the six months thought is 6 months from the date the Grand Jury Report was published which was June 2, so you have to December 2.

THORNTON: I know, but the destruction test are apparently done and that information is going to be forthcoming and if that information comes to the board within 30 to 60 days, potentially it will have a great bearing on this. Otherwise I don't want to say that we're not going to implement this, we will look at expansion of these services. I mean, you know the Judge, can you take 4 to him and he'll be ok? Can you take 4 to him and he'll be ok?

OLIVER: Sure if today you're looking at implementation.

THORNTON: If so then I withdraw my objection and do the motion to do four.

PLAND: I'll do four.....

THORNTON: And I'll second it.

PLAND: With an explanation that it just isn't warranted at this time.

OLIVER: Yep

PLAND: Second. Mr. Maffei?

MAFFEI: Because the situation has changed, not because we've changed our minds.

OLIVER: There's not a waiting list of thirty to forty people.

PLAND: You can mention that at least as far as the long term care is concerned.

This is all long term care only. All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Ok recommendation number 4, expand psychiatric care which is financially viable. I think we've already done some of this with some contracts with other counties that are under way.

PEDRO: And it's something that you want to continue to encourage. You have a capacity within your existing facility which will only improve its profitability and it is part of your current TGH budget improvement plan.

PLAND: So alternative one almost ...

THORNTON: Second.

PLAND: Would apply. I think we're done, we got a motion and got a second. Any discussion? All those in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered.

THORNTON: Are you doing patient satisfactory surveys now?

WOERMAN: Scheduled to be completed December 1.

PLAND: Recommendation Number 5. Implement a patient satisfaction survey. That is underway?

WOERMAN: It's in process, we've have some drafts of a survey tool and December 1st is our goal.

THORNTON: I move then finding two.

PLAND: How about one.

MAFFEI: I'll second that.

PLAND: Two? Ok.

THORNTON: No two. He hasn't quite yet implemented it, but he's got a time frame.

MAFFEI: Ok.

OLIVER: And will be done in December of 2004.

THORNTON: Well that's what I heard.

MAFFEI: I'll second.

PLAND: Ok any other discussion? All in favor of two signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Recommendation number 6. Establish and enforce a debt limit. I think we beat this one pretty well. It's not possible not having a real clear crystal ball that we can do that. But anyway, its board discussion.

ROTELLI: How about 4?

PLAND: Well lets discuss it first. Mr. Peterson?

PETERSON: Yeah, we have established a debt limit. In the past when it seemed necessary to go over the debt limit we didn't enforce it, we increased it. Isn't that a correct statement of how the Board of Supervisors have addressed this issue in the past?

PLAND: Well..

THORNTON: I think there's a problem here. I mean we have a debt limit on the cash flow issue, we didn't necessarily have a debt limit on the borrowing issue long term. That's why at one point it climbed to way over it was, Mr. Pedro. I think 4 is the way to go on this because the other problem is establishing and enforcing a debt limit is ultimately three supervisors or more who decide what it is that they do or don't want to do and I just have...Mr. Oliver help us out on this one.

OLIVER: From my standpoint I would argue that have already set a debt limit, you adopted a budget for Tuolumne General Hospital and a budget for the county. Every county department limit on spending and income is set by the budget that you adopt. There are separate limits you put on cash flow that you can waive at any given time. There are separate limits that you put on bargaining securitization funds. I don't know how global of debt limit they are really looking for. I think maybe the way to respond is that we aren't able to respond because we are not sure what you mean by a debt limit.

THORNTON: Well that's my problem, cash flow was one issue that was kicked around by them. Capital outlay is going to be another issue. And long term borrowing versus shorter term borrowing and all of this is not really addressed here. If no response is doable in your mind, then I would move no response.

OLIVER: It's not one of your options, but I'm giving you that option for this one.

THORNTON: Alright, then that would be my response.

PLAND: Or we could say to the extent that the annual budget is a debt limit.

ROTELLI: We already do that.

PLAND: Which would be one, but board action, discussion? Anybody?

PETERSON: Well I would rather stick within the parameters of what we should respond to if we can, so I would go more with Mr. Pland's solution.

PLAND: Which would be one?

PETERSON: Yes, that we have a debt limit established by the budget. Isn't that what you are implying?

PLAND: Yes, well I think that it should be said in the response because otherwise debt limit is something out there by itself, but anyway, Mr. Pedro?

PEDRO: I was just thinking that my interpretation giving the context of this, it is probably talking about the cash deficit in real terms. Well that's my interpretation. As far as long term debt, it's very low for the hospital, it's very low for the county as a whole. It will be very appropriate, as we discussed before, as we begin new capital programs and we consider long term borrowing, that we do have long term borrowing limits that we impose upon ourselves. In terms of the cash deficit, I think its been said in terms of the budget and in terms of the 5.5 million cash cap, that you have, and in terms of the securitization deficit reduction plan that you have, you could point to all those things.

OLIVER: So it has been implemented.

PLAND: I will move on number one on that.

MAFFEI: I'll second number one.

PLAND: Any further discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed, Nae, Abstained, motion carries four to one.

OLIVER: That would be Supervisor Thornton abstaining.

PLAND: He voted no.

THORNTON: No I voted no.

OLIVER: He voted no. Verbatim minutes, you know we've got to figure out who

said it.

PLAND: Number 7. Continue to monitor CMSP funding status. We already to that don't we?

THORNTON: I'll move one.

ROTELLI: Same.

PLAND: Any discussion? All in favor signify by saying aye,.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Number 8 continue to monitor seismic retrofitting requirements and funding sources. Don't we do that?

THORNTON: We have no choice, we are doing that. We are doing more than monitoring, we will have to comply.

PEDRO: An alternate might be two, we bring the seismic testing back and then you'll need to give a staff direction on what the next steps would be.

THORNTON: This is monitoring. This says monitoring.

PEDRO: Ok, well monitoring, I'm just saying an alternative.

THORNTON: I'll move one.

PLAND: I'll second that. Any further discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered.

ROTELLI: We don't have to do the next one.

PLAND: We don't have to do TUD.

THORNTON: Thank goodness.

PLAND: We've got the Tuolumne County Farm Advisor.

THORNTON: He's got a PHD, we don't comment on doctors right?

Laughter

PLAND: What do we have after that? Child Welfare, we have a lot to do, let's take five minutes and get refreshed.

PLAND; Thank you Barry. As I see it we will go to page 19 which has to do with the Farm Advisor Department and at the bottom of the page we find the findings. I guess that's all true isn't it?

THORNTON: I'll move number one.

PLAND: I'll second it. Any discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Go to page 20. Oh brother. Ok first paragraph, I think that's true.

THORNTON: I would be willing to move on all of this based on our knowledge. Based on what we know it's true.

PLAND: Can we do it as a group or do we have to do it individually?

OLIVER: You can do it in a group and I'll just tell him on the cover response that you agreed to each one of those.

PLAND: Yeah, those are all statements. So the motion is to use item one on all everything on page 20.

PETERSON: You bet.

PLAND: Ok, I'll second that. Discussion? All in favor signify by saying aye.

BOARD: Aye

PLAND: Opposed? Abstained? So ordered. Ok go to page 21, the bottom of the recommendations.

THORNTON: I believe number one is being implemented.

PLAND: Has to do with publishing articles in the Union Democrat, it is being done.

MAFFEI: And doing a good job! Josh, sitting right in front.

THORNTON: So I would move that the recommendation has been implemented.

PLAND: Number one has been implemented using criteria one. I'll second that. Any discussion. All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Recommendation two.

THORNTON: There's two parts and I have a question Mr. Chairman.

PLAND: Go ahead.

THORNTON: On part two, has we as a board ever discussed this? I don't believe we've ever discussed this. So since we've never had it on the agenda I don't think we should comment on part two but I would agree with part one.

PLAND: Yeah I think he's actually doing part two. Didn't I hear some...

OLIVER: He has been doing it.

THORNTON: But I don't think he has ever formally asked for our blessing one way or another.

MAFFEI: Did he need to?

THORNTON: I don't think so, I think he went through facilities. It's coordinated with them for access to the site.

OLIVER: Yeah I would....

THORNTON: I've seen them out there.

OLIVER: I would find that has been implemented.

THORNTON: Has been?

OLIVER: Yes

THORNTON: Well its asking us to support an effort as something that we as a board have never voted on.

OLIVER: That we haven't taken a support action.

THORNTON: And that's my concern is that I wouldn't.....

OLIVER: Ok.

THORNTON: Want to do that because that sort of preempts the agenda process by doing that so I would say that number one has been implemented, but second half no comment.

PLAND: We already, the county already owns Poverty Hill School doesn't it?

OLIVER: Um hum

MAFFEI: And to...

PLAND: And whatever it's is securing, its already secured.

THORNTON: Yeah, but securing it for a soil analysis is what he means. And since their saying we should support something that we've never discussed as a board I find it inappropriate for us to make a comment to the Grand Jury Report on that.

PLAND: That we agree or anything, ok. Well give us a motion.

THORNTON: I move that the first half has been recommended and no comment on the second half specifically the old Poverty Hill spill issue.

PLAND: I'll second that. Discussion? Mr. Peterson.

PETERSON: I'm not quite sure that I quite understand the second half. We don't comment?

THORNTON: We have funded the farm advisor, I think we can say we have implemented that. We as a board have not formally taken a position on the Farm Advisor's desire to do soil analysis research at Poverty Hill. He's doing it and I believe he can do it within his authority and staff authorities, but I don't think that we should comment on something that we as a board never took action on. That's my concern Mr. Peterson. So I'm moving agreement with continuing funding Farm Advisor because we've done that and not commenting on the Poverty Hill School issue.

PETERSON: Ok, but can we fit it in with the four proper responses rather than not commenting.

THORNTON: No, we can't. Because it's an improper thing that the Grand Jury did to try to have us take a stand on something that we have never agendized and discussed as a Board.

OLIVER: One alternative, I'll give you an alternative is to pick four for that which is that it will not be implemented because it's within the purview of the Farm Advisor to do it without seeking Board approval.

THORNTON: So it's not reasonable because I don't think it's not reasonable for us to comment on it. But the first half is ok.

PLAND: Would you agree to four on the second half to get rid of this?

THORNTON: Alright lets move on yeah.

PLAND: Ok, number one on the first half number four on the second half. Any

other discussion? All in favor signify by saying aye.

BOARD: Aye

MAFFEI: Stop! Will not be implemented because it is not warranted, or is not reasonable? That's number 4, is that what we're saying?

THORNTON: That's what the lawyer said.

PETERSON: It's not warranted in that we don't have any say over it.

THORNTON: I believe our Farm Advisor is doing what they want him to be able to do and he didn't have to come to us to get permission to do it. Our facilities management or property owner, Mr. Pedro, you manage the Poverty Hill site.

PEDRO: Is that the same as the Stent?

THORNTON: Yes.

PEDRO: Yeah, we own it, the department, they are the primary user of the site.

THORNTON: Did you tell the doctor he could go out there and dig the soil like

PEDRO: I don't recall that discussion.

THORNTON: I know he's been out there. I've seen him with your or our facilities people.

MAFFEI: Yeah, but lets say that we think the gardener should plant more roses in front of the building. We never discussed it in the board meeting.

THORNTON: Correct.

MAFFEI: Ah we might still think it's a good idea and support it right?

THORNTON: No, we shouldn't be weighing in on issues we've never discussed as a board.

OLIVER: It's never been an agendized item in front of this board prior to talking about it today.

PLAND: Ok well, there is a motion on the table, if you don't like it, vote it down. Any further discussion? All in favor signify by saying aye.

BOARD: Aye

PLAND: Opposed

MAFFEI: I'll abstain.

PLAND: Abstained, one. Motion passes four to one.

OLIVER: Supervisor Maffei abstained. Verbatim minutes.

PLAND: Page 22 recommendation number 3 about visiting the office of the Farm Advisor. Great idea.

THORNTON: I think it's been implemented. They did the advisement. Well correct?

OLIVER: Um hum.

THORNTON: I'll move mine its been implemented.

PLAND: I'll second it. Do we have.

MAFFEI: But there again, did we ever have a discussion about that? At the Board of Supervisors level? Of course we didn't.

THORNTON: No we didn't but it's not saying that we would do anything it says that they were going to advise the citizenry and they did. The Grand Jury was published the report was published in the paper, they advised them to do it. It's one of those European phases, you know, accomplish fact, what's that fate accomp thing?

OLIVER: Fate accompli.

THORNTON: Fate accompli.

PLAND: There you go. Ok we have motion and a second. We used item, criteria one on recommendation number 3. Discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Ok lets go to page 23 which has to do with the Tuolumne County Jail. Findings, first paragraph towards the bottom of page 23. The building is old ok.

ROTELLI: It's all true so what number, what number one is easiest, plainest?

MAFFEI: Yeah, I'll second that.

PLAND: Ok we have a motion and a second, use findings to use number one that we agree. All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Second finding having to do with staffing.

ROTELLI: I don't know, this is so far out of date.

PLAND: Anybody know if that's true or not?

ROTELLI: No idea.

PETERSON: I think the Sheriff last year gave us a report that was pretty much in conformance with what this says, based on my recollection, which isn't always the best.

THORNTON: Ok I move that we agree based on the best of our recollection.

PLAND: I'll second that. Discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Ok go to page 24.

MAFFEI: So, we can say that the Sheriff has in fact been able to do some of these things in the mean time. We don't know that to be the case.

OLIVER: Your options are agree or disagree.

PLAND: Ok toward the top of page 24 condition of the jail and there we've got three paragraphs one of which is extremely long and has to do with mold and booking clerks, a tour by Lt. Childers.

THORNTON: Blame it all on him, he's retired and gone.

Laughter.

PLAND: And a conversation with Kary Hubbard. I don't know the findings.

PEDRO: I need to share some information and then you can work it in. On the mold issue, at the time the visit occurred, I think that the mold abatement was just beginning and the mold has been abated and cleared by an industrial hygienist with reports since this was done. With regard to the fire marshal report, that is included in the Grand Jury Report. There were a number of items that they were working on at the time. As of right now, all items that were on the December 29 letter from Kerry Hubbard, the office of the County Fire Marshall, have been

completed except for one door that's on order down in the boiler room. Otherwise, all the things the fire marshal spoke about in that report have been accomplished.

ROTELLI: Mr. Pedro?

PEDRO: Yes sir.

ROTELLI: That third paragraph, inmates under supervisor accomplished minimal maintenance, does that mean like putting a light switch in without a permit

PEDRO: Custodial..

ROTELLI: That's my number one question.

PEDRO: I don't know, we might have to pay their fee. They're there to do basic custodial kind of things, sweeping, mopping, those kinds of things. There may be some things like painting that they might do but I don't believe that we are using them for regular maintenance activities. One issue that's been there in the past has been the Sheriff, and the past Sheriff, likes having their own dedicated building maintenance worker. We don't agree with that approach. We agree that we could certainly utilize more building maintenance workers in the county to cover all the buildings that we have, but you can't cover that with one person. You have all these different systems that they have down there and it's a rare breed individual who can do all things that are required to maintain the jail properly. So we do not agree with the notion of having a dedicated person to maintain the jail.

PLAND: Ok so everything there is basically a true statement?

THORNTON: At the time.

PLAND: Ok.

THORNTON: Mr. Chairman?

PLAND: Yeah.

THORNTON: Mr. Pedro do we have a County Maintenance Department?

PEDRO: No, that's not the formal name. Facilities Management.

THORNTON: Ok I would say we move to agree with the findings but correction, we move to agree with the findings based on the time they were originally issued with one correction that our maintenance department is formally known as the County Facilities Management.

PLAND: I'll second that. Discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Second paragraph at the bottom.

MAFFEI: Could we add to that, incorporate in that Mr. Pedro's remarks. That they will be in the record.

OLIVER: In the record.

MAFFEI: Right!

PLAND: Availability of medical staff. This is an improvement. We agree with that I think we agree with that don't we? I'll move one number one.

ROTELLI: Second.

PLAND: Discussion? All in favor signify by saying aye.

BOARD: Aye

PLAND; Opposed? Abstained? So ordered. Computer upgrading.

PEDRO: The statement was accurate. They were a little optimistic that they would be on line by June 1st but I don't see anything inaccurate.

THORNTON: We just now approved in what last week that contact.

PEDRO: Correct.

THORNTON: I would move that we agree with the statement they were correct at the time issued.

PLAND: I'll second that. Discussion?

MAFFEI: We should answer that just to, we just approved \$207,000.00 for an upgrade.

THORNTON: Correct.

PLAND: All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Paragraph entitled Employment Classification.

THORNTON: Well we have those two other paragraphs ahead of that Mr. Oliver I don't think we took formal action on those did we?

PLAND: I thought we were talking about the whole computer upgrade.

THORNTON: Well that's communication system, that is different than the computer system.

PEDRO: I think, in the context of this, I think what they're implying is it is the computer system because that's part of the justice strategic plan.

THORNTON: Ok that's fine as long as it's on the record. We'll move on.

PLAND: Ok employment classification regarding whether jail deputy is a peace officer or not. Mr. Pedro? Thought's on that one? Well I guess the statement is what Mr. Childers, Lt. Childers said. Once again if he said it he said it.

PETERSON: I think we received information on this also, in fact we did indeed upgrade or...

OLIVER: We sponsored special legislation to change the classification to allow them to be peace officers while acting within the jail.

PETERSON: Thank you, so I don't see anything there that is incorrect....

OLIVER: No.

PETERSON: Especially in the context of when it was written.

OLIVER: That's right, I think it's true.

PETERSON: Ok move number one.

PLAND: I'll second it.

MAFFEI: Didn't we do that in response to the Grand Jury?

OLIVER: It was in the process at the time that Lt. Childers met with the Grand Jury.

PLAND: Ok, discussion? All favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Ok the paragraph entitled differences in pay and retirement packages. Statement of fact.

PEDRO: Well there's some opinion there to.

ROTELLI: You think?

THORNTON: I don't think we want to comment on what is a bargaining issue.

MAFFEI: Yes

PLAND: Well.

THORNTON: Mr. Oliver, I'm not sure I want to comment that potentially becomes a bargaining issue. That's his opinion that's there and I, you know that's his opinion.

OLIVER: So that would be a disagree?

THORNTON: That would be a no response.

OLIVER: Oh, ok.

PLAND: Motion?

OLIVER: I think it would be appropriate to say that we don't care to respond because of ongoing labor negotiations and labor contracts.

THORNTON: So moved.

PLAND: Second, good one. Discussion?

PETERSON: Yeah, the only thing I found there that was probably a finding would be patrol is entitled to 3 percent at age 50 while the jail's entitled to 2 percent at age 55. And the rest of it is I think Lt. Childers' opinion.

THORNTON: Well I'd just skip the word entitled, it might be what we've agreed to, I'd rather just make it simple.

PLAND: Anything else? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed, abstain, so ordered.

PETERSON: Abstained.

PLAND: Additional security equipment.

[unintelligible.]

THORNTON: I would move that based on the, I would move that we agree, but placed in the context at the time issued, the statement was issued.

PLAND: Alright, I'll second that. Discussion? All in favor signify by saying aye.

BOARD: Aye.

PIAND: Opposed? Abstained? So ordered. Take care of findings on that, we go to the bottom of page 26 on the recommendations. And the first on is about a plan for building a new jail facility. Well there is some planning going on for a site.

PEDRO: Well, and as a part of the Master Space Needs Study, which you've heard two updates on, that will be coming back to your board on November 2. It does make a finding that we should be looking to replace that facility. As far as timing, location, you know, those are things that will be a follow up to the Master Space Needs Study.

THORNTON: Two or three? Three, two?

OLIVER: Two and a half.

THORNTON: Two, I'll move two.

PLAND: Second, discussion?

PETERSON: Well then we need a time frame for implementation for a plan for building a new jail.

PEDRO: Ok, Mr. Wallace was already on record saying that the follow up on the Master Space Needs Study would include a CIP being developed for your approval next fiscal year, so fiscal year 2005/06.

PETERSON: CIP is what?

PEDRO: Capital Improvement Program.

PETERSON: For the jail?

PEDRO: For all county facilities which will include the jail.

PETERSON: Well that sounds like a time frame to me.

OLIVER: That will work.

PLAND: Ok, all in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. That we seek available sources of funding for new jail facility. That's kind of ongoing, yes?

PEDRO: Appropriate motion. Say Amen?

BOARD: Yeah

PLAND: Well that's a continuing process. I'll move one.

THORNTON: Second.

PLAND: Discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Higher a full time maintenance person to be dedicated to the Tuolumne County Jail Facility and I think for reasons mentioned I think that item 4 would be appropriate.

THORNTON: I'll so move.

ROTELLI: Second.

PLAND: Discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Ok page 27 Child Welfare Services findings, ok bottom of page 27 has to do with foster homes.

OLIVER: All those are true.

PLAND: And it goes over to the top of page 28 taking one paragraph at a time if you want. Statement of fact 30 licensed foster homes. Some children are being placed out of county. It says that it does not have families, the owners of group homes. We do have that one group home up in Soulsbyville, is that in this category?

PEDRO: I don't think it's in the same category.

PLAND: Ok.

OLIVER: The emergency shelter is different than the group home.

PLAND: Ok, the first paragraph. We agree with that finding?

PETERSON: Well I'm not sure what they mean by Tuolumne County does not have family agency homes or group homes. We do have group homes in the County, but they're not ours.

PLAND: But there in the county, we don't own them.

PETERSON: Yeah.

PEDRO: We contract for them. So in that sense we provide them.

THORNTON: How is the new place that we opened up not a group home?

OLIVER: It's an emergency shelter. The time limit on the time the children spend there are limited to 30 days or less. A group home could be an indefinite stay.

THORNTON: Could it be that too?

OLIVER: You're having me try to guess what the Grand Jury meant and I'm not sure.

MAFFEI: It only has a legal capacity for six children.

OLIVER: Correct.

MAFFEI: So that in terms, no.

OLIVER: No and they don't stay very long. They're usually moved out to a foster home.

PLAND: Ok, well I think we disagree with the fact that we don't have county homes because under contract indeed we do. Right?

PEDRO: Or we could agree that we don't own the..

OLIVER: I do not believe that there are any group homes in Tuolumne County where we place children. All of the group home where we place children are in Stanislaus County.

PLAND: Oh they are ok.

THORNTON: I would move that based on the best of our understanding that we agree with the findings all the way down to pamphlet of rights finding.

PLAND: Ok, I'll second that, discussion?

PEDRO: I'll just reflect something that Mr. Skellinger noted is that under the new pamphlets...

THORNTON: I'm not talking about that.

PEDRO: Excuse me.

PLAND: All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed, abstained so ordered. Ok pamphlet of rights. It says it has not created one. I thought they did create pamphlets....

PEDRO: They have two according to Mr. Skellinger. There just talking about a new one. He's saying that its not necessary, they already have two.

PLAND: Oh that was in his response I think.

PEDRO: Correct.

PLAND: Yeah, so we would.....

OLIVER: Disagree.

PLAND: Disagree on that right? I'll so move.

ROTELLI: Second.

PLAND: Motion is second. Discussion?

THORNTON: But do we really disagree? The department feels that there is no need for doing a new one and he didn't do a new one he cited that he already had existing pamphlets. I'm confused on this. Mr. Oliver. I mean I think I agree with Mr. Skellinger because he knows his business enough to know whether he needed to do a new one and he said he didn't he had two out there and he was in compliance with the requirements and he felt they were adequate. And I think....

OLIVER: Which would be an agreed.

THORNTON: That's why I think agree with this finding.

ROTELLI: So before?

OLIVER: Because it doesn't direct us to create a new pamphlet it just aks....

THORNTON: Right.

PLAND: Ok, I'll withdraw the motion.

ROTELLI: Withdraw second.

THORNTON: I'll move on then that we agree with that finding.

PLAND: Ok I'll second, discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered.

THORNTON: Now here's a finding that I really got to read.

OLIVER: I want to know how you're going to read.

THORNTON: I got to really read this finding. Earlier Skellinger and Ms. Dykes gave other interesting information. That's a finding.

PETERSON: I'll move one.

THORNTON: Well I don't know, Mr. Skellinger gave, never mind. I'll second your motion.

PLAND: No comment on that.

PETERSON: Yeah, we probably should not comment on that.

PLAND: Unable to comment. All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Second paragraph on that one. Improvement in staff turnover. We can now recruit social workers from other counties. Do we agree? I'll move one on that. Second?

PETERSON: Second.

PLAND: Motion is second. Discussion? All in favor signify by saying aye.

PLAND: Opposed? Abstained? So ordered. Third paragraph, new children's shelter is opened, you can stay at the facility 90 days and so on in the capacity of six children.

THORNTON: There's the answer to my group home question. It's called the Children's Shelter. It's not a group home.

OLIVER: That's what I said.

PLAND: I'll move one.

PETERSON: Second.

PLAND: Discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed, abstained so ordered. Reported case of abuse and neglect

remain stable in number over the last four years. I thought there was a big jump a couple years ago. It's been stable?

OLIVER: It's been pretty stable.

PLAND: Stable, ok. Do we agree with that? I'll move one.

PETERSON: Second.

PLAND: Any discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered. Page 29 recommendations. Determine the reasons the number of foster homes has remained constant. I thought we had a report on that some months ago. But, maybe not. Do we agree with that recommendation has been implemented?

PETERSON: I'm not sure exactly what they're talking about here.

THORNTON: I thought Mr. Skellinger and his staff did give us an update and report on this so I would just move one. As I believe that report did show us some of the reasons why we get the foster homes.

ROTELLI: Yeah, that's what I thought.

THORNTON: So I would move one.

PLAND: I'll second that. Discussion? All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered.

THORNTON: I think his report Mr. Chairman also was directed at making efforts to increase the total number in the county so I think the recommendation has been implemented so I would move one on that as well.

PLAND: Second. All in favor signify by saying aye.

BOARD: Aye.

PLAND: Opposed? Abstained? So ordered.

OLIVER: We finished it.

PLAND: Is that it?

OLIVER: That's it.

PLAND: Good work.

OLIVER: Well try to get a draft set of the next set of verbatim minutes and a draft of the cover letter to you for next week so if the Clerk would agendized approving the response just continue this item to next week.

PLAND: Are you also going to provide, I know you've got the verbatim minutes which are bordering on the impossible to really figure out what's going on. You've got a cover letter pointing out the situation but also you have a summary.

OLIVER: It will be in the cover letter. I'll pull out all of the findings and recommendations...

PLAND: One, two, three, four, five.....

OLIVER: and put what you're motion and action was to it.

PLAND: Ok so then they don't have to try to plow through those verbatim minutes.

OLIVER: They would only get the verbatim minutes if they want a back up about a particular finding or recommendation.

PLAND: Who said what or whatever.

OLIVER: Yeah.

PLAND: Ok anybody else have anything good for the cause; I see nobody.

PETERSON: I was just wondering about the good of the cause as far as the verbatim minutes. I did find them really, really hard to go through and I think primarily for the benefit of the person who is doing the summarizing.....

PLAND: Didn't the Judge say he wanted them originally?

OLIVER: No, but he wanted the debate that took place to get to each one of these motions, the only way I knew to do that was to provide the verbatim minutes to the Grand Jury.

ROTELLI: What did he want, why did he go into such detail about this. I don't understand, what is the problem?

OLIVER: I don't think he has a problem, I think he wants us to comply with Penal Code 933 and 933.5.

ROTELLI: What's the plan why do we have to, to give him a verbatim word for

word debate on each one of these findings.

OLIVER: I don't think you have to, I think it makes it easier to develop a consensus document, a transmittal document, if you have the verbatim because you know what all of your motions were to each one of these findings and recommendations.

PLAND: Ok with all that, let us close the meeting for today.

The Chairman adjourned the meeting at 3:12 p.m. to the next regular meeting scheduled for October 12, 2004, at 9:00 a.m.

APPROVED:



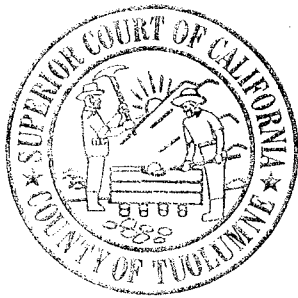
RICHARD H. PLAND, CHAIRMAN

ATTEST:



Alicia L. Jamar
Clerk of the Board of Supervisors

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Superior Court of California
County of Tuolumne

41 West Yaney Avenue, Sonora, California 95370
(209) 533-5675

Chambers of
WILLIAM G. POLLEY, Judge

September 10, 2004

Mr. Lewis R. McClellan, Foreperson of the 2003 – 2004 Grand Jury and
Members of the 2003 – 2004 Grand Jury

Re: Responses to the Report of the 2003 – 2004 Grand Jury

Dear Mr. McClellan and Grand Jury Members:

Enclosed please find copies of the responses of the departments and agencies investigated by the 2003 – 2004 Grand Jury. I have not sent these out sooner because I was waiting for the response of the Board of Supervisors. In a telephone conversation with County Counsel, Gregory Oliver, on September 9, 2004 I was informed that the Board has not completed its work on the report and that it will probably take at least two more weeks before they have completed their work. The good news is they are going over the report in session item by item. When we receive their response I will get a copy out to all of you.

You'll be pleased to find that the respondents agree with virtually all of the Grand Jury recommendations. It appears that most of the recommendations of the Grand Jury are being implemented with the most glaring exception being the need for a new jail.

Thanks again for your service to the citizens of Tuolumne County. As soon as I receive the Board response I will send it out.

Yours truly,

William G. Polley
Judge of the Superior Court

WGP/lw
enclosures

Cc: Mike Macon, Chairman 2004 – 2005 Grand Jury

DEPARTMENT OF CORRECTIONS

SIERRA CONSERVATION CENTER
5100 O'BYRNES FERRY ROAD
JAMESTOWN, CA 95327-0497
(209) 984-5291



July 19, 2004

Honorable William G. Polley
Judge of the Superior Court
County of Tuolumne
41 West Yaney Avenue
Sonora, CA 95370

Dear Judge Polley:

As always, it was a pleasure to host the 2003-2004 Grand Jury during their visit to Sierra Conservation Center.

In accordance with your direction and as mandated by Penal Code Sections 933 and 933.05, SCC must respond to the findings and recommendations noted by the Grand Jury. Members were provided with an orientation briefing on the institution and its mission, a tour inside the housing units, and a tour of Baseline Conservation Camp. All members were afforded the opportunity for private conversations with inmates and staff.

This year, the Grand Jury recommended that the institution hire another full-time Psychiatrist based on the large number of inmates requiring mental health treatment and the need for psychiatric medications. SCC has approximately 4,000 inmates housed at the institution; 550 are participants in the mental health program. We currently have one full-time and two part-time Psychiatrists. I agree with the recommendations of the Grand Jury. SCC needs to hire another full-time Psychiatrist. SCC had a full time psychiatrist who relocated to Southern California in December 2002. Since that time we have not been able to fill the job due to a nationwide shortage of psychiatrists. The California Department of Corrections routinely conducts mental health workshops throughout the state to recruit mental health care professionals. At this point we do not have a potential candidates for the job, nor do we have an anticipated date it will be filled.

Again it was a pleasure having the members of the Grand Jury tour the institution. I appreciate their positive comments about staff and the operation of the institution.

Honorable William G. Polley
Re: 2003-2004 Grand Jury Report
July 19, 2004
Page 2

In accordance with Penal Code Section 933 (c), a copy of this report will be forwarded to the Tuolumne County Board of Supervisors.

Should you need additional information, please contact me directly at 984-5156.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mc Kramer".

MATTHEW C. KRAMER
Warden

cc: Tuolumne County Board of Supervisors
Ana Ramirez-Palmer, Regional Administrator-North, Inst. Div.
Jeanne S. Woodford, Director, Department of Corrections

J. P. Kelly

Big Oak Flat-Groveland Unified School District

P.O. Box 1397 • Groveland, CA 95321-1397

John Triolo, Ed.D
Superintendent

June 15, 2004

Honorable Eric L. DuTemple
Presiding Judge of The Superior Court
County of Tuolumne
41 West Yaney Avenue
Sonora, CA 95370

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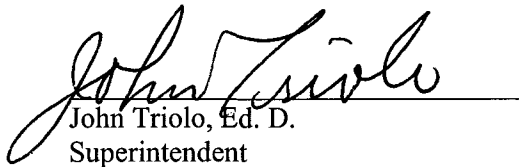
Ben Leija

Re: Grand Jury 2003/04 Final Report

Dear Judge DuTemple:

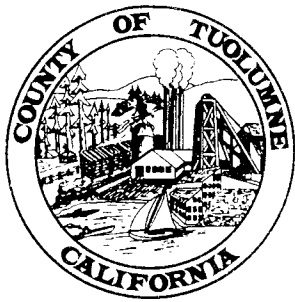
The Big Oak Flat-Groveland Unified School District is happy to receive the Grand Jury Report 2003/2004. We have strived to answer the recommendations presented in the 2002/2003 Grand Jury Report and are pleased to receive the news that the Grand Jury's concerns and recommendations were addressed in a satisfactory manner.

Sincerely,


John Triolo, Ed. D.
Superintendent

Meets Second
Wednesday
Of Each Month
6:00 p.m.

Telephone
209 962-5765
Fax
209 962-6108
email
bofg@bofg.k12.ca.us



Tuolumne County Human Services Agency

KENT E. SKELLENGER
Director

20075 Cedar Road North
Sonora, CA 95370
(209) 533-5718
Fax: (209) 533-7330

June 14, 2004

Honorable Eric L. DuTemple, Presiding Judge of the Superior Court
Superior Court of California
County of Tuolumne
41 West Yaney Avenue
Sonora, California 95370

Re: 2003-2004 Grand Jury Report Response

Dear Judge DuTemple:

I have reviewed the 2003-2004 Grand Jury Report regarding Child Welfare Services (CWS). The Report included two findings: 1) The number of foster homes in Tuolumne County was the same in 2003-2004 as it was when CWS was reviewed in 2002-2003, despite recruitment efforts, and 2) Child Welfare Services has not developed a new "pamphlet of rights" for use in addition to the state mandated brochure. CWS agrees with these findings.

The 2002-2003 Grand Jury Report recommended that CWS create and distribute a new pamphlet of rights to parents involved in the CWS system. However, two such pamphlets already exist and both are already being provided to parents. The creation of a new pamphlet at this time is unnecessary.

The 2003-2004 Grand Jury Report includes two recommendations regarding the first finding. The recommendations by the Grand Jury include determining the reason the number of foster homes has remained constant and making an effort to increase the total number of foster homes in the county. I am pleased to report that CWS began efforts in these areas prior to the release of the most recent Grand Jury Report.

Traditionally, foster care licensing and recruitment has been assigned to a social worker, who because of funding, has dedicated approximately 50% of their time to foster care related tasks. This limited amount of time is insufficient to carry out the tasks necessary for an organized recruitment effort. As a result, a CWS supervisor and CWS social workers will be joining in the effort. Increased advertising efforts did not prove to be as effective as hoped. Discussion and analysis revealed that many people express initial interest in foster parent licensing but lose interest and fail to follow through with the licensing process.

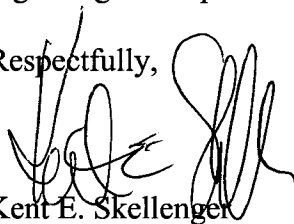
Additionally, CWS staff has been attending Foster Parent Association meetings to solicit ideas and suggestions for improved foster care recruitment and retention.

Currently, we are in the process of implementing a foster parent mentor program. The intent is to identify individuals who have expressed interest in foster parenting. A CWS supervisor will make telephone contact and ask permission to schedule the prospective foster parent to meet with an experienced foster parent and a CWS social worker. The telephone call will be followed with a letter, thanking the individual for their inquiry into foster parenting and encouraging them to follow through with the process. The letter will include contact information for relevant individuals and information on the licensing process. When the prospective foster parent meets with an experienced foster parent and a social worker, they will have the opportunity to ask questions and hear about the experience of fostering a child. The prospective foster parent will then have contacts to call when they have questions during the licensing process. We believe that by providing the extra support from the beginning and by personalizing the foster parent experience, more people will follow through with the licensing process and placement of children. We are currently providing training to CWS social workers in the area of foster care licensing. Once this has been completed, we expect to begin mentoring efforts.

In May of this year, Columbia College Foster/ Kinship Education Program sponsored the First Annual Foster Parent Symposium, where foster parents were treated to lunch and recognized for their contribution to the safety and well being of children in Tuolumne County. We expect that an ongoing collaboration with Columbia College and continued efforts of foster parent appreciation will assist not only with foster parent retention but also with recruitment. In our small community, word of mouth is an important tool in recruitment efforts. Existing foster parents who feel supported and appreciated are more likely to encourage others that they know and meet to become foster parents.

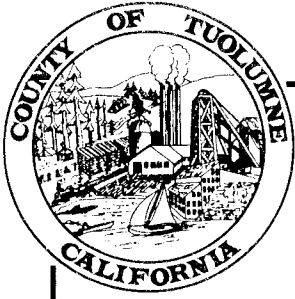
I expect that our increased efforts in foster care recruitment will result in additional foster homes being licensed in 2004-2005. Please contact me if you have additional questions regarding foster parent recruitment efforts.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kent E. Skellenger', written over the word 'Respectfully,'.

Kent E. Skellenger
Human Services Director

Cc: Board of Supervisors

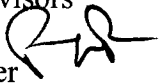


SHERIFF'S DEPARTMENT

Richard L. Rogers
Sheriff-Coroner

Lee Sanford
Undersheriff

July 19, 2004

TO: Honorable Eric L. DuTemple, Presiding Judge of the Superior Court
CC: Tuolumne County Board of Supervisors
FROM: Richard L. Rogers, Sheriff-Coroner 
SUBJECT: Response to Grand Jury 2003-2004 Final Report

TUOLUMNE COUNTY BUDGET

FINDINGS

Town Hall Meetings

(On page 7 it states) Sheriff Rogers gave an update on his department and staffing. He discussed his concern regarding the lack of a Juvenile Detention Center. Currently the juveniles who require detention are sent to an out-of-county facility.

Response --- I agree with this finding. My concern is that juveniles in Tuolumne County essentially receive no detention until their criminal activity reaches an egregious level where the possibility of correcting behavior is extremely difficult. If their criminal activities could be curbed with incarceration in a local juvenile hall facility at an earlier time during this progression, the opportunities for rehabilitation would be greatly improved. Presently, incarceration costs and bed space at out-of-county juvenile detention facilities are overwhelming to the budget of the County Probation Department, who has the responsibility of providing custodial services for juvenile offenders.

(On page 7 and 8 it states) The Sheriff is concerned that mixing of juveniles will result in increased gang activity in the County. Several years ago, three counties attempted to obtain grant funding for a new facility in Tuolumne County but the funding was not approved because the County did not possess adequate property. This lack of planning was the cause of losing grant funding.

Response --- I agree with this finding. Mixing Tuolumne County juvenile offenders with juvenile gang members, that are prominently being housed in out-of-county juvenile detention facilities that Tuolumne County is forced to use, is promoting a negative

educational experience which subjects our troubled youth to more ties and association with criminal gangs and their activities. When our juveniles return to our County, those experiences and ties come with them. The reason that there is no juvenile hall in the Mother lode to service Tuolumne , Calaveras and Amador Counties is because there was no adequate back-up plan to replace the primary juvenile hall site when the State blocked the use of the former Sonora Mining Corporation property in Jamestown. This caused the loss of the construction funding which had originally been approved for the juvenile hall.

TUOLUMNE COUNTY JAIL

FINDINGS

(On page 23 it states) The jail facilities are very old and much in need of replacement. The entire facility is working at or near capacity: the building is cramped, dark and has very poor ventilation. The jail capacity is 148 inmates. The actual population at the present time averages 166 or 112% of capacity.

Response --- I disagree in part with the finding. At the time of the Grand Jury visit there were days when the daily population reached 166 inmates however the average daily jail population for that period of time was approaching 155 inmates, which was still out of compliance with the Board of Corrections rated capacity of 148. Effective March 1, 2004, an early release of inmates had to be implemented using criteria that presented the threat to society with the greatest percentage of sentences being served. All departments (Superior Court, District Attorney, Probation, Sonora Police, CHP, etc.) within the criminal justice system in Tuolumne County were notified of this action in an effort to obtain their cooperation in limiting jail population. Within a few weeks the average daily jail population was back in compliance to a safe manageable level below the BOC rated capacity. Fortunately, no further early inmate releases have been required since that time.

Staffing: *The jail lost a booking clerk who may or may not be replaced due to the hiring freeze. The jail was down four booking clerks, which necessitated 12-hour shifts beginning in January 2004. The jail was short-staffed by 3 deputies and 3 booking clerks. During our subsequent interview with Sheriff Rogers we were informed that he was able to get the hiring freeze lifted to enable him to replace 2 of the 3 booking clerks, because the jail cannot function with fewer.*

Response --- I agree with the finding. At the present time the jail is short-staffed by 1 deputy. Because of the County's reduced budget situation with no contingency fund, the one booking clerk position that was frozen was not funded and has been eliminated from the 2004-05 jail budget.

(On page 24 it states) Deputies are required to work overtime. The schedule is four 10-hour shifts per week. If longer hours are required, the deputies may not work longer than 16 hours. The new captains positions created do not impact the jail.

Response --- I agree with this finding. The captains' positions are funded out of the sheriff-coroner budget and have no financial impact on the jail budget.

Condition of the Jail: *The issue of mold in the jail was addressed. We were told and shown that the "mold room" is sealed but has been cleared and cleaned of mold. The next step is to flood the area to see if can be determined exactly where the leakage occurs so a "fix" can be made. The hallway is also sealed, awaiting a "fix". An outside contractor is handling these matters. There are currently no firm plans for a much needed new jail facility. The current facility was built in 1962. The second story was added in 1985, and in 1991 the booking clerk section was added. There is not much else that can be done to improve the condition of this building due to lack of property space and unavailability of funds.*

Response --- I agree with this finding. Unfortunately, the exact location of the leak or leaks in the jail roof have not been pinpointed. Presently, the mold has not returned.

During a subsequent visit Lt. Childers gave us the Tuolumne County Fire Marshal's report resulting from an inspection conducted pursuant to Section 13146.1, California Health and Safety Code, and applicable requirements of Title 19 and 24, California Code of Regulations (copy which is included as Tuolumne County Jail Addendum to this report). There were several "minor deficiencies affecting fire/life safety". Fire clearance was granted. Lt. Childers has submitted a work order pursuant to the Fire Marshal's report and stated that maintenance personnel have been in the facility on a daily basis taking the corrective measures required. We spoke to Kary Hubbard, the Tuolumne County Fire Marshal, on April 22 as a follow up to the written report. Ms. Hubbard stated during the conversation that the Fire Marshal's office is conducting ongoing inspections of the jail facilities. She is very pleased with the work being done so far. As noted, the jail is very outdated; therefore it is difficult to obtain equipment and parts for needed repairs, such as fire suppression doors and the fire alarm system. Her major concerns are ongoing fire safety training for the staff, evacuation plans being formulated and kept current, and the outdated fire alarm system.

Response --- I agree with this finding. Fire Safety is a paramount concern in the jail and we are continually making what improvements can be made in our outdated facility.

The jail does not have maintenance personnel on staff and therefore all maintenance work must be requisitioned from the County Maintenance Department. At the present time, inmates under the supervision of deputies, accomplish minimal maintenance. All other requirements must wait until County Maintenance personnel are available.

Response --- I agree with this finding. Because of the technical nature of the maintenance that is often required by the Board of Corrections or other agency

regulations much of the work can only be done by trained maintenance personnel from Facilities Management (County Maintenance Department) or by an outside licensed contractor. Because of strict standards and liability issues, inmates do only basic facility operational maintenance that does not require special skills.

Availability of Medical Staff: *The jail now has nursing staff coverage for all but 4 hours (between 3:00am and 7:00 am) on a daily basis. This is an improvement. The medical staff appreciates it because it gives the duty nurse more time to complete reports, etc. prior to shift change.*

Response --- I agree with this finding. Previously the jail had only 16 hours of nurse staffing coverage. By adding four additional hours of coverage up to 3:00 am we ensured that nursing coverage is available for the period of time in our jail when 90% of our inmate booking are performed. New inmates frequently require medical evaluation upon booking.

Computer Upgrading: *(On pages 24 and 25 it states) During our first visit, Sgt. Bouscal and Lt. Bailey described the Jail Management System (JMS) that is being considered for Tuolumne County. Sgt. Bouscal, during our second visit, updated us by stating that between the two computer vendors being considered, the team doing the research on the systems has recommended DSSI be installed. The Sheriff has the final say; however, and hopefully the jail will be on-line by June 1, 2004. This will be an improvement.*

Response --- I agree with this finding. The DSSI system has been selected as the Jail Management System however, because of this year's (2004-05) budget restraints, the system isn't scheduled for purchase and installation until January 1, 2005.

A new communication system is being installed that will enable the jail to communicate with other County departments. Currently this is not possible because the jail's system was "stand-alone" and not linked to any other systems.

Response --- I agree with this finding. The current old jail management is a "stand-alone" system but the new DSSI system will be able to fully integrate with other systems in the criminal justice system within various other County departments. Recently the "Sustain System" was installed in our jail that is a direct a computer communications linked system between the jail and the Superior Court for transmitting information regarding court and inmate dispositions, minute orders, court calendars, etc. This system has greatly enhanced daily communications between the Superior Court and the County Jail thus eliminating immediate confusion regarding inmate scheduling in court and disposition of inmates.

All of the sergeants' computers are being upgraded to enable the sergeants to view and update data.

Response --- I agree with this finding. The upgrades will be a part of the new jail management system.

Employment Classification: *We learned from Lt. Childers that a "jail deputy" is not a "peace officer" by definition of the law. Jail deputies and patrol deputies are hired under separate sections of the code. Due to this difference in classification, the wording in the code prohibits "jail deputies" from conducting strip-searches of new arrestees. The current law reads that this type of search must be performed by a "peace officer". Therefore, the arresting officer must stay with the prisoner until the search is completed, a non-productive use of the officer's time. Some counties have challenged this procedure and have been successful in getting the "jail deputy's" classification changed to eliminate this problem. Lt. Childers is working on getting this classification change for Tuolumne County to enable jail deputies to conduct strip-searches. Lt. Childers explained that the jail deputies, and all positions, including his own, inside the Jail, are non-sworn positions. Under Code Section 181 the classification is "Public Officer" as opposed to the "Peace Officer" classification of patrol deputies.*

Response --- I agree with the finding, however I disagree with the code section. The appropriate California Penal Code section that defines and clarifies this classification situation is Section 830.1. The Sheriff, Tuolumne County Deputy Sheriff's Association and the County of Tuolumne are presently working together with Assemblyman Dave Cogdill's Office to get a California legislative change in the Penal Code to add Tuolumne County to a list of other counties that grant limited "peace officer" status to their jail custodial officers (jail deputies).

Differences in Pay and Retirement Packages: *Lt. Childers talked about the differences in pay and also in the retirement packages between the jail and patrol. Patrol is entitled to 3% at age 50, while the jail is only entitled to 2% at age 55. Lt. Childers feels that this is certainly not an incentive to retain good personnel. Although the medical coverage is the same, it is expensive for the employee and family. Jail wages are approximately 5% less than patrol wages.*

Response --- I agree with the finding. Salaries and benefits, including medical and retirement packages, are the result of negotiations directly between the Tuolumne County Deputy Sheriffs' Association and the County of Tuolumne and are specified in the Memorandum of Understanding between the DSA and the County.

Additional Security Equipment: *Lt. Childers has submitted a proposal to obtain additional security equipment via the Department of Homeland Security. The items would be walk-through metal detectors (2 costing \$5,100) and a digital surveillance system (costing \$1,723). The latter would provide continuous loop recording of the jail facility, enabling infractions or other possible problems to be identified immediately.*

Response --- I disagree in part with the finding. Lt. Childers did submit the request, however the equipment for the jail was a lower priority than night surveillance and communications equipment that was needed in the field during this round of Homeland Security funding. Another round of Homeland Security funding is expected in the future and the jail request will be reconsidered at that time.

(As stated on pages 25 and 26) The prior year's Grand Jury commented on the fact that the jail does not have self-contained breathing apparatus to assist deputies should they need to perform search or rescue operations in a smoke-filled environment. We asked about this lack of equipment and were informed that the Code of Regulations does not mandate this equipment. Lt. Childers and Sgt. Bouscall both stated that it is felt that this equipment is not needed in the Tuolumne County Jail because of the close proximity of the Fire Department and subsequent excellent response time. The equipment is very expensive.

Response --- I agree with this finding. Not only is the equipment very expensive but maintaining the training and certifications to use the equipment is also costly at a time when our jail training budget is very limited.

Recommendations

The Tuolumne County Grand Jury 2003-2004 strongly recommends the Board of Supervisors formulate a plan for building a new jail facility with primary emphasis on inmate housing and secondary emphasis on administrative offices. Plan should include a timeline for completion of various phases of construction once funds become available.

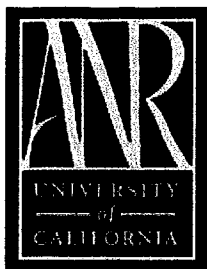
Although a new jail is very much needed, the recommendation will not be implemented at the present time because it is not reasonable for a plan to be formulated considering the lack of construction funding needed to build a new jail facility. Any serious plan formulated, without the possibility of construction funding to build it in the reasonably near future, would not be cost effective. Jail construction has specific legally regulated construction standards that are very expensive and those standards are constantly being updated. A formulated plan that is completed now may very well be out of date in a few years when jail construction funding may become available. The Grand Jury is correct in recommending that the plan should include a timeline for completion of various phases of construction once funds become available.

Board of Supervisors actively seeks any available sources of funding for new jail facility.

The recommendation has been implemented with the hiring of County grant writers this past year who are actively researching for any available sources for funding a new jail facility. Unfortunately, to date no available funding has been identified. The last available Federal funding source for local jail facility construction was abolished by Congress over two years ago. Many California counties are in the same situation as Tuolumne. The County will continue in its efforts to obtain construction funding in the future.

Hiring a full-time maintenance person to be dedicated to the Tuolumne County Jail facility.

The recommendation will not be implemented because it is not warranted. The County of Tuolumne has a policy of conducting all maintenance of County buildings through the Facilities Management Department. The reason is that maintenance is a far more complex issue than it may initially appear. Quite often certain specialized skills have to be employed to perform different maintenance tasks. It is far better to use a team concept of several people with many specialized skills than to rely on one dedicated person who might not possess all the necessary skills to satisfactorily complete the job. When Facilities Management does not possess the necessary expertise or have the manpower necessary to complete the maintenance in a timely manner, Facilities Management will contract with appropriate outside vendors to complete the work in a cost effective effort to meet operational needs.



UNIVERSITY OF CALIFORNIA Agriculture & Natural Resources



COOPERATIVE EXTENSION • TUOLUMNE COUNTY

2 SOUTH GREEN STREET • SONORA, CALIFORNIA 95370

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August 20, 2004

Honorable Eric L. DuTemple
Presiding Judge of the Superior Court of California
County of Tuolumne
41 West Yaney Avenue
Sonora, CA 95370

RE: Response to Grand Jury Evaluation of the Farm Advisor Department

Your Honor:

The Grand Jury evaluation of our Department on March 16 and 24 was a very positive experience. All of the jurors who visited our office and my field site near Moccasin were very enthusiastic in their support of our programs. My responses to their recommendations follow:

1. To continue to publish articles in the Union Democrat to keep the citizens of Tuolumne County informed.

We run three regular columns in the Union Democrat: a weekly food and nutrition column by Nutrition Advisor Dorothy Smith, a weekly gardening column by Master Gardeners, and my monthly Farm Advisor column. We have received excellent response from all these columns and definitely plan to continue them. We also submit news releases on upcoming events sponsored by our Department and from the University of California on issues pertinent to the County.

2. That the Board of Supervisors continue to fund the Farm Advisor Department and support efforts to establish research facilities at the Old Poverty Hill School.

We deeply appreciate continued support during difficult budgetary times. My proposal for the Poverty Hill School in Stent is to develop a soil sample preparation lab. This would involve simple equipment for extracting soil nutrients into solution for submittal to the UC soil laboratory. This would give us cheaper, timelier, and more accurate analyses for research, agriculture, and gardening compared to sending whole samples to the lab. We would also like to use the building as office space for part-time technical help, for community events, and the grounds for demonstrations. We store equipment in part of the building

3. Advise the citizens of Tuolumne County to visit the Farm Advisor Office or website.

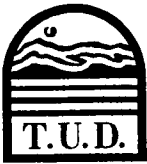
We have an open door policy from 8 to 5 Monday through Friday. We strive to answer any and all questions regarding agriculture and natural resources, 4-H and Youth Development, gardening, and food & nutrition, or to guide citizens toward the resources to search out answers.

Please contact me anytime for information on the Grand Jury report or anything else regarding UCCE programs in Tuolumne County.

Sincerely,


Jay Norton
County Director & Farm Advisor

CC: Tuolumne County Board of Supervisors



TUOLUMNE UTILITIES DISTRICT

18885 NUGGET BLVD • P.O. BOX 3728 • SONORA, CA 95370
(209) 532-5536 • Fax (209) 536-6485

DIRECTORS

Barbara Balen
James Costello
Judy Delbon
Louise Giersch
Ralph Retherford, M.D.

Superior Court of California
County of Tuolumne
41 West Yaney Avenue
Sonora, CA 95370

July 14, 2004

Attn: Presiding Judge Eric DuTemple

Re: Response to 2003-2004 Grand Jury Report

Honorable Judge DuTemple,

In response to findings of the 2003-2004 Grand Jury with regard to the Tuolumne Utilities District, please find below District comments and response:

Conclusion #1: *Investigation of Complaint Regarding Use of Property Tax Funds*

Discussion: The District is in agreement with the finding of the Grand Jury that the use of property tax funds conforms with state guidelines and is proper. Allocated tax funds are not used for daily water/sewer operations and maintenance activities but are used for necessary investigations, studies, and projects to support the goals and objectives of the District and to further planning for expansion of water supplies and recycled water reuse, to promote water conservation, and to protect resources needed for the benefit of Tuolumne County residents. Available tax funds have been dramatically reduced since 1993 due to state funding shifts and there are current proposals under consideration by the state to help solve its own fiscal crisis by shifting even more funds away from local agencies (40% or more in FY 04/05 and FY 05/06).

Conclusion #2: *The District is currently working on several projects to better capture and preserve the watershed in Tuolumne County*

Discussion: The Tuolumne Utilities District has made a considerable effort to determine and monitor both current and future needs for water and wastewater services in Tuolumne County. New technology and improved methods of evaluating resources have resulted in several short and long term projects that are currently in either the planning, design, environmental impact analysis and review, permitting, search for alternate sources of funding, or construction phase. Periodic five, ten, and twenty year projections coupled with annual review and updates have resulted in increased reliability in a world of radically changing regulations and funding shifts.

Conclusion #3: *The District is a well managed organization.*

Discussion: It is an honor for the District to be recognized by the Grand Jury for sound management. That continues to be a high priority focus and responsibility to the

customers of the District and citizens of Tuolumne County. The Directors and staff make substantial efforts to insure the District maintains a positive, beneficial effect on the community.

Recommendation #1: Continue on the same course of funding projects to improve water resources.

The Board of Directors annually reviews both one and five year project plans developed by staff to aide in the development of funding sources, both internal and external, leading to a high percentage of implementation. As demands on time and responsibility increase out sourcing is used to address gaps and additional needs. The recommendation has been implemented and will continue to be improved over time.

Recommendation #2: Continue the Miner's Inch newsletter.

The Miner's Inch newsletter is scheduled for publication at least twice annually and more as conditions warrant. The information and receipt by the public has been very positive and provides a unique vehicle to explain new or complex issues. The recommendation has been implemented and will continue.

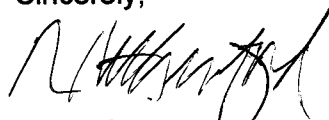
Recommendation #3: Citizens of Tuolumne County attend District Board meetings.

The recommendation that the citizens of Tuolumne County attend Board meetings to keep up on the ever-changing water laws and regulations, and to better understand the workings of the Tuolumne Utilities District and the spending of local tax dollars is noteworthy, however, most personal lives are busy with maintaining life and attendance is not always convenient or possible. As such it is incumbent upon the District to continue to find ways to communicate effectively with the community so they can attend when they desire or when issues of interest warrant attendance. Efforts by the District to facilitate attendance and to improve that communication will continue.

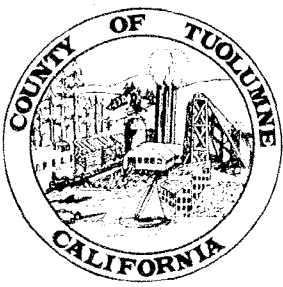
General Comments:

The 2003-2004 Grand Jury TUD committee should be commended for their professional and thorough approach in their investigation of the District. Not only were they knowledgeable of a variety of issues, it was obvious they had spent time using other sources to gain insight on District activities.

Sincerely,



Ralph Retherford,
President, Board of Directors



Tuolumne General Hospital

101 Hospital Road ☐ Sonora, California 95370-5297 ☐ (209) 533-7144 ☐ FAX: (209) 533-7228

Barry M. Woerman

Hospital Administrator

BWorman@co.tuolumne.ca.us

August 17, 2004

Eric DuTemple, Presiding Judge
Tuolumne County Superior Court
41 West Yaney Avenue
Sonora, CA 95370

RE: 2004 Grand Jury Report - response

Dear Judge DuTemple,

After review of the Grand Jury Report, I have completed the attached report for your review. The responses are placed in the format requested by Judge Polley. This document has been reviewed with the Management staff and Board of Trustees of Tuolumne General Hospital for their information and input.

If you have any questions, please do not hesitate to contact our office at 533-7144.

Thank you

Sincerely,

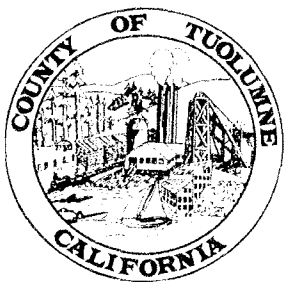
A handwritten signature in cursive script that reads "Barry Woerman".

Barry Woerman, Administrator
Tuolumne General Hospital

Enclosure

BMW: mo

CC: Tuolumne County Board of Supervisors
C. Brent Wallace



Tuolumne General Hospital

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Barry M. Woerman

Hospital Administrator

BWOERMAN@CO.TUOLUMNE.CA.US

TO: Eric DuTemple, Presiding Judge
Superior Court of Tuolumne County

FROM: Barry Woerman, Hospital Administrator

DATE: Wednesday, August 3, 2004

REGARDING: Grand Jury Report 2004

CC: Tuolumne County Board of Supervisors

The following information is in response to the Grand Jury Report for those findings, conclusions and recommendations pertaining to Tuolumne General Hospital. The Administrative Staff of the Hospital, and the TGH Board of Trustees reviewed this report prior to submittal. The responses are placed in the format requested by Judge Polley and are consistent with responses from prior years. Recommendations require that one of the following four statements be used to respond to recommendations:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and perimeters of an analysis or source 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. The 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 thereof.

With this introduction, the following responses are offered for your consideration:

1. Page 7, paragraph 1. Disagree with the finding that Tuolumne General Hospital (TGH) continues to be a "major drain" on the County's discretionary funds.
Provision for the Health Care needs for the residents of the County is just one of the many responsibilities of County government. The Board of Supervisors has the responsibility to establish funding priorities for services provided to the residents of the county. Those priorities are reviewed annually and established by funding allocations. Finding that the Hospital is a "major drain" is a prejudicial and inaccurate statement. 93% of the TGH budget is paid from private insurance and

government health programs. The uncompensated amount funded by the County General Fund is 2% of the non-enterprise county budget and 4% of all General Fund expenditures. Clarifying Mr. Johnson's statement, given our mission to provide care to all county residents, the hospital may need continued funding from the general fund for the uninsured and uncompensated care.

2. Page 7 paragraph 5. The statement that 35% of the patients using TGH are from adjacent counties is incorrect. We do not have a current patient demographic study to identify patient origin. The psychiatric service has the most inpatients from outside the county due to contracts with adjoining counties, especially Stanislaus County. With rare exception, all long term care patients are from Tuolumne County
3. Page 7, paragraph 7. Disagree with the findings that there are "no credit terms and conditions" on the loans made to the Hospital.

Contained within the TGH annual budget are interest charges paid by the hospital to the county for the outstanding balance for the loans made to the hospital. Those charges were the result of a plan approved by the Board of Supervisors in August of 2002, to pay off the outstanding internal loan from Tuolumne General Hospital. The plan uses the internal payments for securitization funds to pay down the loan. As of June 30, 2004, the loan amount is approximately \$3,200,000. The plan also specifies that the loan will be paid off within a specific time schedule, not to exceed five years. Tuolumne General Hospital has always paid interest on the outstanding loan amount. This is calculated monthly based upon the Treasurer's pooled cash rate. For 2003-04, the rate was approximately 6%.

4. Page 10, paragraph 3. Disagree with the finding that "hospital management has no incentive to improve operations because the County is providing funding without any financial conditions."

As stated in # 3 above, the hospital does pay interest expenses for the use of the funds loaned to the hospital. In terms of incentives, hospital management staff is acutely aware that the economic viability of TGH is dependent upon the need to reduce dependency on the General Fund.

5. Page 11, section 6 of **Recommendations: Tuolumne General Hospital.**

While these recommendations are directed to the Board of Supervisors, TGH management and Trustees agree in general with the Recommendations in sub paragraphs a, and c. Planning for the provision of health services needs to be conducted to determine the health care needs of the residents of the county, set priorities, review options for the provision of those services, analyze the cost of those options, and choose the most efficient and financially prudent option available. We do disagree with the recommendation in subparagraph (b) setting an arbitrary annual funding limit of \$500,000 for hospital services. The amount subsidized from the county fund is dependent upon the total cost associated with uncompensated care provided to county residents. It is TGH's goal to absorb as much of these expenses as possible, but it is not practical to limit services based on a fixed funding level.

6. Page 12 paragraph 1 of **Findings: Tuolumne General Hospital.**

In general, there are few disagreements with the findings of the Grand Jury. There is a misunderstanding regarding the finding that "...there are no benchmark dates for completion of specific items in the recovery plan..." The recovery plan had very specific dates and timelines to implement those improvements identified in key areas of operations. While those changes have been implemented, the monitoring of performance is ongoing and does not have a specific completion date.

A second misunderstanding is the statement that computerized billing was in place "since June of 2003." Computerized Billing has been in use at TGH for many years. In 2003, the hospital Billing Department completed efforts to have electronic billing of services to all major payors.

Electronic billing will improve the billing process and reduce the time required to receive reimbursement for services.

7. Page 14 paragraph 4 of **Findings:** Again this statement is the result of a misunderstanding regarding the availability of productivity reports. We currently do not have the capability of producing integrated computer reports for employee productivity that ties paid hours to services provided. There are daily, weekly, and monthly reports to benchmark performance to budget projections. Therefore, we disagree with the finding that there are ... "no weekly or monthly benchmarks for assessing and regulating financial or operating performance." Department budget performance reports are distributed on a monthly basis, and Management Staff and the Trustees monthly review key financial indicators and operating performance. In addition all patient care department staffing is reviewed on a daily basis, by shift, to assure appropriate nursing hours. Also there are a number of operating reports that are generated on a daily basis to monitor performance in the Patient Accounts receivable and billing functions. This comment is also applicable to other findings within the conclusions that reference the need for benchmarks
8. Page 15, **Recommendations:**
 1. **Production of Financial Reports:** (Status: 1 – 2).

The Financial Services Department of TGH has the capability of producing Financial Reports within 30 days as recommended by the Grand Jury. Producing those reports on a consistent basis has been difficult due to lack of staffing, turnover, software, and conflicting priorities. Once the fiscal year has been closed and the new financial modeling software installed, financial reports will be produced within the 30-day timeframe recommended.
 2. **Establish financial and operational benchmarks and report on progress:** (Status: 1). As explained earlier, budget financial and operational benchmarks already exist and the Board of Trustees on a monthly basis review summary reports. The County has approved and has purchased a Financial Modeling program for the hospital that will provide additional data for monitoring productivity and operational performance together. Implementation of the new software is to be completed by December 2004.
 3. **Expand Long-Term Care.** (Status 3-4) While we are in basic agreement with this recommendation, a strategic plan and additional cost/benefit analysis is necessary to comply with this recommendation. Questions as to the seismic integrity of existing buildings needs to be answered, and it is not reasonable to expect the building additional beds to be completed in the next 6 months.
 4. **Expand Psychiatric Care.** (Status 3-4). Same response as #3 above. The timeframe to get the Office of the State Architect to approve remodeling/building plans would take over a year for approval.
 5. **Implement a Patient Satisfaction Survey.** (Status: 2) This recommendation is an objective identified in fiscal year 2004-'05 budget. Expected completion date is December 1, 2004
 6. **Establish and enforce a debt Limit.** This is not within the purview of the Hospital. Will defer this recommendation to the Board of Supervisors.
 7. **Monitor CMSP funding status.** (Status: 1) Mr. Wallace has been an active Board Member of CMSP. He attends all Board Meetings and keeps the Hospital staff aware of issues and potential changes.
 8. **Continue monitoring of seismic retrofitting requirements and funding sources.** (Status: 1-2) Seismic testing has already begun and is essentially completed. Core samples were obtained and sent to a qualified testing facility. The results will be reviewed by an architect; a report will be published about the seismic integrity of TGH; and an estimate of the cost of compliance will be generated. The county has authorized the use of a grants writer to assist in identification of potential grant sources, and additional assistance in filing applications for the funds.



County Administrator's Office

C. BRENT WALLACE
County Administrator

Tuolumne County Administration Center
2 South Green Street
Sonora, CA 95370
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August 24, 2004

TO: Honorable Eric DuTemple, Presiding Judge
Superior Court, County of Tuolumne

FROM: C. Brent Wallace, County Administrator *C.B.W.*

SUBJECT: Response to Grand Jury Report of 2003-04

As required by Penal Code Sections 933 and 933.5 the following response is provided to the subject report with regard to the sections in the report which apply to the Office of the County Administrator, as identified below.

Tuolumne County Budget

Findings - County Administrator and Budget Office (pp 4-8)

I generally concur with the findings of this section of the report (pp. 4-5). I am assuming that the Grand Jury chose to summarize its findings and to try to report the essence of their meetings with me and others. Due to the brevity of such a report the impression is given that some complex tasks and decisions are routine.

The Grand Jury states on page 4, "The budget is prepared in a bottom up process...for consolidation. The budget is then submitted to the Board of Supervisors for approval." This is an accurate, although very brief statement, of an intense activity that covers more than four months of detailed and sometimes tedious work by each department, administrative staff and the Board of Supervisors. The annual budget is a labor intensive process, with thousands of hours of staff time focused on providing a correct, comprehensive document totaling more than \$159,000,000 to the Board and to the public. The preparation of the budget is a well-defined process that is designed to assist the Board in approving a spending plan not only for the next twelve months, but for several years beyond its expiration.

The Grand Jury states on page 4, "Except for the quarterly reviews, the Board of Supervisors' input and guidance to the budget process is limited. Mr. Wallace stated additional input from the Board of Supervisors would be welcomed." Again, the brevity of the Grand Jury's report may leave an incorrect impression of the work that the Board completes during the year with regard to the budget.

Because the budget is a spending plan, it is implemented in such a manner as to include recommended programs and projects from all County departments. Virtually all of these programs and projects overlap fiscal years in some manner. Some will be begun in one fiscal year, but may not be completed until a future fiscal year. The Board is constantly reviewing these programs and projects during weekly meetings and providing direction to staff as each recommendation is set forth. The actions of the Board during its weekly meeting cannot be separated from the implementation of the budget. The budget is a living document that is translated into action by virtue of the Board's action each week.

With regard to my statement that I would welcome input from the Board as to the budget process this is an accurate statement. I welcome all comments by the Board, individually or collectively, as to how I can make the process better.

Findings - Golden Pond (p.5)

This is essentially an accurate summary of the discussion.

Findings - Tobacco Securitization Program (pp.5-6)

This is a correct summary of the information provided to the Grand Jury.

Findings - Road Department (p.6)

This is a correct summary of the information provided to the Grand Jury.

Findings -Tuolumne General Hospital (pp.6-7)

These findings are incorrectly listed under the County Administrator. A response will be provided by the Hospital Administration.

Findings - Town Hall Meetings (pp.7-8)

A response to this section is the responsibility of the Sheriff.

Findings - Board of Supervisors Meetings (p.8)

These findings are a summary of comments made to the Grand Jury by individual Board members. I cannot comment upon what they may have stated to the Grand Jury.

Recommendations (pp.10-11)

1. Board Budget Policy. I agree with this recommendation, which is for the County to develop and implement a Capital Improvement Plan. Supervisor Pland has provided his list of goals as Chairman of the Board for 2004. One of his goals is the implementation of a Capital Improvement Plan for the Recreation Department. It is the intent of staff to present such a plan for Board consideration prior to the end of 2004. This plan, subject to Board

approval and direction, would then be used as a template for all County departments. It is anticipated that a comprehensive County plan would be presented in draft form for Board consideration during the 2005-06 fiscal year.

2. Tobacco Securitization Fund. This recommendation is unnecessary. Staff is following the plan as approved by the Board of Supervisors. Progress reports would be a redundancy of work already completed as the Tobacco Securitization Fund is a part of the budget.

3. Golden Pond. I agree with this recommendation in so far as there should be a reserve for the funding of the closure of the site. I do not agree that your Board should "...require cuts in all departments" to achieve this reserve. This is a policy issue for your Board and not a recommendation that may be implemented by the County Administrator.

4. Road Repair. I agree with this recommendation in so far as there should be more funding for road maintenance. I do not agree that this should be a priority that would require reductions in other departments. This is a policy issue for you Board and not a recommendation that may be implemented by the County Administrator.

5. Planning. I agree with this recommendation. As noted above staff has begun a process that will result in a Capital Improvement Plan for Board consideration in 2005-06.

6. Tuolumne General Hospital. Response is made by section.

a. Indigent Care. I agree with this recommendation. Staff has made this recommendation to the Board of Supervisors. The Board has directed that this subject be returned for consideration upon completion of the seismic destructive testing at the hospital. It is anticipated that this recommendation will be reviewed prior to the end of 2004.

b. County Funding Limit. This is a Board policy issue and not a recommendation that may be implemented by the County Administrative.

c. Long Term Plan. I agree with this recommendation as it is the same as "a" above. Staff provided these options and research issues to the Board, which were directed to be returned for Board consideration upon completion of the seismic destructive testing, which is anticipated to be prior to the end of 2004.

cc: Board of Supervisors