



Superior Court of California
County of Tuolumne

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

Chambers of
WILLIAM G. POLLEY, Judge

*Sent 9/30/02 to all
sent to County Clerk
on 2/6/03*

September 30, 2002

Mr. Dale Turman, Foreperson
and Members of the 2001 – 2002 Grand Jury

Re: Responses

Dear Ladies and Gentlemen:

Enclosed please find the responses which the Court has received to your report and recommendations. As you will see, the Board of Supervisors has adopted the responses of C. Brent Wallace and Barry Woerman as the Board's response to those portions of the report.

The very good news in all of this is that the Board of Supervisors and the Hospital Administration agree with virtually all of your recommendations in regard to the hospital. They say that they are or will be implementing most of them. In my view, that is a significant accomplishment that more than justifies the substantial amount of time and energy you put into all of your investigations and your report.

I hope that you will not let the disappointing response of the Board of Supervisors to other aspects of the report and the disparaging comments of the County Administrative Officer overshadow that very important accomplishment. In my personal view the hospital is the county's biggest problem, by far. You persevered in your investigation in spite of many obstacles. Because you did that everyone from the taxpayers to the Board of Supervisors is on notice as to the gravity of problems and the urgent need for drastic remedial measures. Congratulations.

We need an energetic and independent grand jury. You were both. Thank you all very much.

Yours truly,

A handwritten signature in black ink, appearing to read "Wm G Polley", with a long, sweeping horizontal stroke extending to the right.

William G. Polley
Judge of the Superior Court

WGP/lw

enclosures

cc: Norma Powell, Foreperson of the 2002 – 2003 Grand Jury (with enclosures)



**Superior Court of California
County of Tuolumne**

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

Chambers of
WILLIAM G. POLLEY, Judge

COPY

October 21, 2002

Mr. Dale Turman, Foreperson,
And Members of the 2001 – 2002 Grand Jury

Re: Further Responses

Dear Mr. Turman and Former Grand Jury Members,

Enclosed please find additional responses to your report which I have received. The responses are from Barry Woerman, Deborah Russell, the CPA in the Auditor's Office and from Laurie Sylwester, Supervisor for the Third District. The law does not have any provision for responses by people other than department heads and boards so the latter two responses are a little unusual. Nonetheless, I thought you would be interested in seeing them.

Yours truly,

WILLIAM G. POLLEY
JUDGE OF THE SUPERIOR COURT

WGP:lw
enclosure

cc: Norma Powell w/ attachments
per WGP 10/25/02

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



Edna M. Bowcutt
*Clerk of the Board
of Supervisors*

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

Linda R. Rojas
Assistant Clerk

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

Don Ratzlaff, *Second District*

Laurie Sylwester, *Third District*
Richard H. Pland, *Fifth District*

MEMO

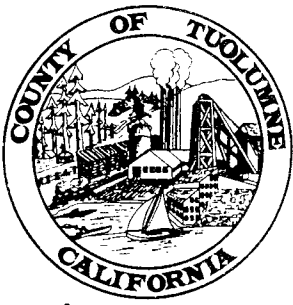
TO: Judge William Polley
Superior Court

FROM: Edna M. Bowcutt
Clerk of the Board of Supervisors

DATE: October 16, 2002

SUBJECT: Addendum to the 2001-2002 Response to Grand Jury Report - Tuolumne General
Hospital

Attached please find the addendum to the 2001-02 Grand Jury Report approved by the Board of
Supervisors on October 15, 2002.



Tuolumne General Hospital

101 Hospital Road • Sonora, California 95370-5297 • (209) 533-7100 • Fax (209) 533-7228

MEMO

DATE: September 28, 2002

TO: Board of Supervisors
C.Brent Wallace, County Administrative Officer

FROM: Barry Woerman, Tuolumne General Hospital Administrator 

SUBJECT: Addendum to 2001-2002 Response to Grand Jury Report

The previous report to the Supervisors regarding the Grand Jury report for 2001-2002 did not address the Findings and Recommendations relating to the Casey Report (page 35). Please attach this memo as an Addendum to my previous report.

Casey Report FINDINGS

Page 35, paragraph 1 of the Casey Report Findings:	Agree
Page 35, paragraph 2 of the Casey Report Findings:	Agree
Page 35, paragraph 3 of the Casey Report Findings:	Agree
Page 35, paragraph 4 of the Casey Report Findings:	Agree
Page 35-36, paragraph 5 of the Casey Report Findings:	This "finding" appears to be more of an opinion of the Grand Jury – no response needed.
Page 36, paragraph 6 of the Casey Report Findings:	Agree
Page 36, paragraph 7 of the Casey Report Findings:	This "finding" appears to be more of an opinion of the Grand Jury – no response needed.

Casey Report Recommendations

Page 37, paragraph 1 and 2 of Casey Report Recommendations: Response #1. The Board of Trustees have made a very thorough analysis of the Carey Report, and that document was presented to the Board of Supervisors last year. Tuolumne General Hospital Staff has received direction from the CAO and Supervisors to address all of the financial options for TGH in the hospital's Financial Recovery Plan.

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Administration Center
2 South Green Street
Sonora, California 95370



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Richard H. Pland, *Fifth District*

MEMO

TO: Judge William Polley
Superior Court

FROM: Edna M. Bowcutt
Clerk of the Board of Supervisors

DATE: October 16, 2002

SUBJECT: 2001-2002 Response to Grand Jury Report - County Clerk & Auditor Controller

Attached please find the addendum to the 2001-02 Grand Jury Report approved by the Board of Supervisors on October 15, 2002.



COUNTY CLERK & AUDITOR-CONTROLLER

COUNTY OF TUOLUMNE

TIM R. JOHNSON
Clerk & Auditor - Controller
Commissioner of Marriages

Tuolumne County Administration Center
2 South Green Street
Sonora, California 95370
Telephone (209) 533-5551
Fax (209) 533-5627

DEBORAH RUSSELL, C.P.A.
Assistant Auditor - Controller
(209) 533-5551

October 4, 2002

Honorable Eric L. Du Temple
Presiding Judge Tuolumne Superior Court
41 West Yaney Avenue
Sonora, California 95370

Re: 2001-2002 Grand Jury Report

Dear Judge Du Temple,

General Comments and Overall Assessment

I met with the full Grand Jury once and with the Finance committee probably six to twelve times. I also spoke to Mr. Cooper a few times over the phone. The job that the members of grand jury undertake every year is overwhelming and complex. To obtain an understanding of the different issues and policies of the County is challenging and formidable.

Findings

Page 70, paragraph 3. Disagree

Audits have been performed every year. With the loss of key personnel at Tuolumne General Hospital, some have been issued late. For fiscal year 2001-02, we have started the audit process timelier. In fact, we have received the first 2001-02 audits on the Gann Limit and the Family First Commission. All of the Office of Criminal Justice, Department of Justice and Public Transportation audits will be received before the end of October 2002.

Page 70, paragraph 4. Disagree

We are not sure where the committee received their information. The Special District reports have always been filed timely with the State. If the State has questions, they contract the County. Perhaps these are the finalized dates the committee received. Also, one of the reports shown to us by Mr. Cooper had the date the State printed the report for him on it. We pointed this out to him.

Page 70, paragraph 5, Disagree

On at least four separate occasions, I tried to explain the difference between the operation transfer from the General Fund to Tuolumne General Hospital and the loan program. Apparently, I did not do a very good job.

Each year, the Board of Supervisors approves numerous transfers from the General Fund to other funds. One of these funds is Tuolumne General Hospital. For fiscal year 2001-02, this amount was \$3,504,348. These funds are NOT paid back. There is an appropriation in the General Fund and an estimated revenue in Tuolumne General Hospital.

The loan program was established to help with cash flow issues. These transactions are recorded on the balance sheet of each fund. The fund loaning the monies decreases cash and increases advances to other funds. Both of these accounts are assets. The fund receiving these funds increases cash and increases a liability, advances from other funds. Both of these accounts are balance sheet accounts. The net value of neither fund changes.

A Residual Equity Transfer is usually done when one fund becomes another fund. This is a permanent transfer. This is not the loan program. This type of transfer was never discussed with the members of the committee. If it was we would have tried to explain the difference. An example would have been when the Court became its own entity. A new fund established, as the Court was no longer part of the County. However, there were assets and liabilities transferred to the new fund. The net amount was a residual equity transfer.

Yours truly,

A handwritten signature in black ink, appearing to read "Deborah Russell". The signature is fluid and cursive, with the first name "Deborah" written in a larger, more prominent script than the last name "Russell".

Deborah Russell
Assistant Auditor-Controller

cc: Board of Supervisors
C. Brent Wallace



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

Linda R. Rojas
Assistant Clerk

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

Don Ratzlaff, *Second District*

Laurie Sylwester, *Third District*
Richard H. Pland, *Fifth District*

October 14, 2002

Dear Honorable Eric DuTemple and Honorable William Polley,

It would seem academic to have one Supervisor respond to the 2001-2002 Grand Jury Report, however, I take quite seriously the July 11 letter from Judge Polley in which he requested the Board of Supervisors to respond. On July 12 I wrote to Judge Polley. The email is attached. On August 6, I asked the Board of Supervisors to create a committee to respond to the report as requested. They declined and directed Brent Wallace to provide a response. August 2 Brent wrote a scathing report to the board, which preempted my efforts to create a committee. The report contained statements that were hostile and insulting to many. It contained some statements with which I do not agree. Those comments overshadowed others with which I do agree.

As I stated in my July 12 letter, I thought the report was well done and a few items would have to be set straight. I agree with the Introduction on page 12 and understand the intent of the report. The Grand Jury spent an enormous amount of time combing through information and making sense of it. I came to realize that many hours were spent looking at some of the decisions that we had reached with scant minutes of deliberation. Under that keen eyeglass, and with the luxury of time and distance from the affairs at hand, the Grand Jury came to thorough conclusions. Had I the same luxury, I certainly would have voted differently on certain items. So, the concern would be, how do we keep from repeating this particular history?

After the Marini affair, the board showed some interest in changing their procedures in respect to the CAO. Brent Wallace had acted according to written procedures, but by the time the item reached the agenda, the others lost any resolve they had to take back responsibility for initiating discipline and firing of department heads. I was the only one interested in making a change. I feel that we are elected to represent the public, and we should take full responsibility - it is the only recourse voters have to see that change gets made. If we become removed from initial action against the head of a department, the general public has no direct method of exacting accountability. In this specific instance, I had wished that the board would have had an opportunity to meet with Mr. Marini and been very clear on changes that needed to be made. Whether those changes would have been made is academic, we never had the opportunity to ask Mr. Marini to "get it right." Had that actually happened, loads of money would have been saved. My management background clearly dictates that this was the process that should have happened. I believe that this has been the most frustrating exercise in my tenure.

My frustration, and frankly anger, reached a high point when the board was approached by Brent regarding the salary increases. This was an unintended consequence of offering Marini such a high salary. Had I all of the information at the time (and with a generous dose of hindsight) I would have approached the issue differently. I did not realize that the board was putting Brent in the position of negotiating a salary that could affect his. With that knowledge, I would have supported having a board member negotiate the salary. Brent did negotiate a lower salary than authorized, but we should not have put him in the awkward position that he is now in. That was our mistake.

Brent presented the proposed raises in an absolute manner. At no time did Gregory present or ask for the raise. In fact, I was so irritated about the subject, I approached Gregory and vented about this issue. He stated that he did not care about the raise and never asked for it anyway. Much later the Board was presented with a salary survey that showed various people in comparable counties getting paid more than the CAO. In fact it shows our CAO getting significantly more (28%) than those of comparable counties. This survey alone gives me cause to question the rationale presented for a raise. Survey is attached.

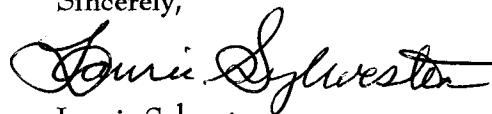
Perhaps I am dwelling too much on one issue. It does seem to be indicative of a problem that two Grand Juries have pointed to. Problems at the hospital are inextricably entwined with the CAO. I have seen indications that the handling of certain problems, such as Primary Care Clinic, have compounded the financial and personnel problems. To be fair, you must also realize that Brent was stuck with virtually running many hospital affairs after Joe Mitchell left. The hospital is complex, and anyone thrown into such a difficult position is bound to make mistakes. Brent worked so many hours, and he dedicated the hours of many other staff in addressing the hospital financial crisis. Please realize that this was the context and the setting in which Brent got a raise.

It is academic for me to vent other issues, and there would be no net effect in my doing so. I had done a page by page response to the report, but some of the issues have been well covered by Barry Woerman's report. Debi Russell recently did a breakdown of the latest hospital data. The losses are bad. I have encouraged Barry Woerman to publicly report this to the board. That has yet to be done. I believe we need to take a hard look at departments that are really loosing and begin to make cuts. The financial picture is far bleaker than the public is aware of, and it is past due time for us to take some hard actions. I believe that an honest dialog at this time is in order. Around the corner a new hospital is opening. If we ever intend to make cuts, employees should be made aware of reductions while they have an opportunity to get employment with the new hospital.

Finally I would like to offer an unsolicited opinion. I would like to suggest that the Grand Jury consider studying the issue of the salary of all elected officials. You just need to take a good objective look and study. Perhaps the Grand Jury could make a recommendation one way or the other. (Brent does not want this to happen.) I believe that if Tuolumne County had 5 Supervisors that dedicated at least 40 hours per week to the job, we wouldn't have some of the boondoggles of the past 12 years (or more). Two of the Supervisors collect pay for a Tuesday appearance and precious little else. The pay is too high for a Tuesday only board member. Our county needs more attention than that. The pay is too low to attract serious young candidates with the energy to serve the community. (Don't get me wrong though - Dick Pland, our elder, outshines us all; he is a wonderful public servant.) Our board needs a diversity of age, gender, and points of view. It would be quite interesting to see a Grand Jury work to define the role of a Supervisor, the obligations, the pay, and the benefit to the public at large. Your workload is most likely already determined. Perhaps this is one that a future Jury could approach.

I have learned very valuable information as a Supervisor. It will not go to waste, I will continue to serve the public. I am forever at the disposal of any Grand Jury that wishes to pick my brain. I am forever indebted to the Grand Jury process that allows us to take a critical look at the functions of what is supposed to be "Government by the People." Go forth and propagate a new report!

Sincerely,

A handwritten signature in cursive script that reads "Laurie Sylwester".

Laurie Sylwester
Supervisor, District 3

Laurie Sylwester

From: William Polley
Sent: Monday, July 15, 2002 7:22 AM
To: Laurie Sylwester
Subject: RE: Thanks, Grand Jury

Thank you very much for your e-mail and your positive approach to the report. If the entire board approaches the report from that perspective it can build on the Grand Jury's work to everyone's benefit. The purpose of the board's response is to, in effect, complete the record and set a course from where we are. Both I and the Grand Jurors wish you well as you do that. Thanks again.

-----Original Message-----

From: Laurie Sylwester
Sent: Friday, July 12, 2002 2:30 PM
To: William Polley
Subject: Thanks, Grand Jury

Thank you for getting the report to me early. I stopped everything and am working through it page by page. I have already made an agenda item (Aug.6) to create a BOS committee of two to write the response from the board. I am writing page by page notes. In the past I have been discouraged that the board has not really responded to the reports. As Chair, I take your direction to comment quite literally and seriously. The sections I have read so far are well done and thorough. There are good suggestions, and on the same account, the record will need to be set straight on a few items. I will work on it, hopefully in concert with another Supervisor. Best wishes to the new Grand Jury. If they ever need to talk to me, I am at your disposal (even after January!)

TUOLUMNE COUNTY MANAGEMENT SALARY SURVEY
Descending Salary Order
ATTACHMENT B

TUOLUMNE

Appointed and Elected Department Heads

Class	Entry Step	Top Step
County Administrator		10109F
Hospital Administrator		10009F
County Counsel		8704F
District Attorney		7764F
Health Services Director	6263	7645
Sheriff/Coroner		7155F
Director of Community Development	5612	6851
Director of Public Works	5612	6851
Public Defender	5339	6518
Chief Probation Officer	5260	6421
Clerk/Auditor—Controller		6299F
Assessor—Recorder		6133F
Treasurer/Tax Collector		6133F
Ag Commissioner/Sealer of Weights & Measures	4620	5640
Airport Director	3747	4574
Director of Library Services	3442	4202
Recreation Director	3442	4202

Assistant Department Heads and Senior Management

Assistant District Attorney	5181	6326
Undersheriff	5156	6294
Assistant Auditor—Controller	4905	5988
Assistant County Administrator	4905	5988
Dep Public Works Director—Engineering Services	4808	5870
Dep Public Works Director—Land Use & Dev. Services	4808	5870
Dep Public Works Director—Operations	4574	5584
Deputy Director of Transportation Services	4574	5584
Human Resources/Risk Manager	4439	5419
Assistant Chief Probation Officer	3841	4690
Senior Administrative Analyst	3710	4529
Assistant Assessor	3341	4078
Assistant Treasurer/Tax Collector	3341	4078
Administrative Analyst II	3084	3766

Notes: 935 FTE's Salary effective date: July 1, 2001

AMADOR
Appointed and Elected Department Heads

Class	Entry Step	Top Step
County Counsel		8035F
District Attorney/Public Administrator		7367F
Director of Health and Human Services Agency		7361F
Sheriff/Coroner		7334F
Land Use Agency Director		6686F
Public Works Agency Director		6686F
County Administrative Officer		6667F
Chief Probation Officer		6461F
Auditor		6197F
Assessor		5755F
Treasurer/Tax Collector		5627F
Ag Commissioner/Sealer of Weights & Measures		5529F
Airport Director	N/C	
Director of Library Services	N/C	
Hospital Administrator	N/C	
Public Defender	N/C	
Recreation Director	N/C	

Assistant Department Heads and Senior Management

Chief Assistant District Attorney		7645F
Undersheriff		6647F
Deputy County Administrative Officer		5859F
Assistant Auditor Controller		4503F
Chief Appraiser	3427	4165
Chief Deputy Treasurer/Tax Collector	2694	3274
Administrative Analyst II	N/C	
Assistant Chief Probation Officer	N/C	
Dep Director of Transportation Services	N/C	
Dep Pub Works Dir. – Engineering Services	N/C	
Dep Pub Works Dir. – Land Use & Dev Services	N/C	
Dep Pub Works Dir. – Operations	N/C	
Human Resources/Risk Manager	N/C	
Senior Administrative Analyst	N/C	

NOTES: 374 FTE's Salary effective date: June 5, 2001 (appointed dept. heads & senior management)
August 1, 2001 (elected officials)

1. Air Pollution Control is part of a special district.
2. Amador has 1 position of Deputy Chief Probation Officer over both Adult and Juvenile Divisions.
3. Amador's Deputy CAO functions are split between Administration and Personnel. Public Guardian/Conservator functions and Risk Management are part of the Administrative Office.
4. Amador has a single position of Deputy County Engineer.
5. Environmental Health is a division of the Land Use Agency.
6. Mental Health is a division of the Health and Human Services Agency.
7. Public Defender functions are by contract.
8. Amador has an elected County Clerk—Recorder: \$5627F
9. The Clerk of the Board reports to the Deputy CAO/BOS.

CALAVERAS
Appointed and Elected Department Heads

Class	Entry Step	Top Step
County Administrative Officer		7750F
County Counsel		7694F
District Attorney		7143F
Director of Public Works & Exofficio Road Commissioner		6483F
Sheriff		6420F
Ag Commissioner/Director of Weights & Measures		6266F
Chief Probation Officer		6105F
Assessor		5571F
Treasurer/Tax Collector		5571F
Auditor/Controller		5571F
County Librarian		4280F
Airport Director	N/C	
Director of Community Development	N/C	
Hospital Administrator	N/C	
Human Services Director	N/C	
Public Defender	N/C	
Recreation Director	N/C	

Assistant Department Heads and Senior Management

Assistant District Attorney	5545	6739
Assistant Assessor	4824	5862
Undersheriff	4619	5614
Assistant Auditor/Controller	4401	5351
Deputy County Administrative Officer	4264	5184
Director of Human Resources & Risk Management	4221	5134
Senior Administrative Analyst	4051	4923
Deputy Treasurer/Tax Collector	3089	3760
Administrative Analyst II	N/C	
Assistant Chief Probation Officer	N/C	
Dep Director of Transportation Services	N/C	
Dep Pub Works Dir. – Engineering Services	N/C	
Dep Pub Works Dir. – Land Use & Dev Services	N/C	
Dep Pub Works Dir. – Operations	N/C	

NOTES: 463 FTE's Salary effective date: April 11, 2001

1. Animal Control and Environmental Health are divisions of the Ag. & Environmental Mgmt. Agency.
2. Calaveras has a single position of Assistant Chief Probation Officer over both Adult and Juvenile Divisions.
3. Calaveras has 2 positions of Deputy Director of Public Works: 1 over general engineering and/or roads, and 1 over solid waste and landfills.
4. Calaveras has an appointed Dept. Head for both Planning and Building (i.e., a Planning Dir., and a Building Official).
5. The Human Services Agency consists of Public Health., Mental Health., and Alcohol/Drug Divisions; Social Services is in the Calaveras Works & Human Services Agency.
6. Public Defender functions are by contract.
7. Calaveras has an elected County Clerk—Recorder: \$5571F.
8. Calaveras has an elected Coroner who is also the Public Administrator: \$3181F.
9. The Clerk of the Board reports to the County Clerk Recorder.

LAKE
Appointed and Elected Department Heads

Class	Entry Step	Top Step
County Counsel	6278	7631
Administrative Officer	6102	7417
Public Works Director	5736	6971
District Attorney		6534F
Community Development Director	4803	5838
Sheriff/Coronor		6235F
Chief Probation Officer	4607	5600
Assessor Recorder		5413F
County Clerk/Auditor Controller		5413F
Ag Commissioner/Sealer of Weights & Measures	4423	5376
Tax Collector/Treasurer		5051F
County Librarian	3695	4491
Airport Director	N/C	
Hospital Administrator	N/C	
Human Services Director	N/C	
Public Defender	N/C	
Recreation Director	N/C	

Assistant Department Heads and Senior Management

Chief Deputy District Attorney	5209	6332
Personnel Director	4650	5652
Chief Deputy Administrative Officer	4454	5414
Assistant Assessor—Recorder	3910	4753
Chief Deputy Auditor/Contoller	3744	4551
Deputy Administrative Officer	3704	4503
Chief Deputy Treasurer/Tax Collector	3508	4265
Administrative Analyst II	3211	3904
Assistant Chief Probation Officer	N/C	
Dep Director of Transportation Services	N/C	
Dep Pub Works Dir. – Engineering Services	N/C	
Dep Pub Works Dir. – Land Use & Dev Services	N/C	
Dep Pub Works Dir. – Operations	N/C	
Undersheriff	N/C	

NOTES: 893 FTE's Salary effective date: July 1, 2001

1. The Ag. Dept. oversees Fish & Game and Animal Control; Air Quality Control is a special district.
2. Lake has a single position of Assistant Probation Officer and a separate Juvenile Home Superintendent.
3. Lake has one position of Assistant Public Works Director and 1 position of Deputy Director of Public Works—Admin. (Accounting, Purchasing and Personnel).
4. Health Services (Public Health, Mental Health, Environmental Health, Drug/Alcohol, EMS, and Correctional Medical Services) and Social Services (including Public Guardian/Conservator and Public Administrator) are separate departments.
5. The Personnel Director is a department head.
6. Public Defender functions are by contract.
7. Lake has 3 positions of Chief Deputy Sheriff/Coroner.
8. The Clerk of the Board reports to the Administrative Officer/Board of Supervisors.

LASSEN
Appointed and Elected Department Heads

Class	Entry Step	Top Step
Chief Administrative Officer	7001	8509
County Counsel	6350	7718
District Attorney		7718F
Director of Public Works	5224	6350
Public Defender	5224	6350
Director of Health & Human Services	4975	6047
Director of Community Development	4738	5760
Sheriff		5760F
Chief Probation Officer	4298	5224
Auditor		4975F
Agricultural Commissioner	3898	4738
Assessor		4738F
Treasurer/Tax Collector		4738F
Airport Director	N/C	
Director of Library Services	N/C	
Hospital Administrator	N/C	
Recreation Director	N/C	

Assistant Department Heads and Senior Management

Assistant District Attorney	4975	6047
Personnel Director	3898	4738
Senior Civil Engineer	3788	4605
Senior Civil Engineer	3788	4605
Senior Civil Engineer	3788	4605
Assistant Chief Probation Officer	3130	3806
Assistant Treasurer/Tax Collector	3054	3713
Administrative Analyst	N/C	
Assistant Assessor	N/C	
Assistant Auditor	N/C	
Assistant CAO	N/C	
Deputy Director of Transportation Services	N/C	
Senior Administrative Analyst	N/C	
Undersheriff	N/C	

NOTES: 412 FTE's Salary Effective Date – July 1, 2001

1. Agricultural Commissioner also has Weights and Measures and Air Pollution programs.
2. Personnel Director - Also manages risk management
3. Senior Civil Engineers are division managers. Appropriate match for Deputy Engineers excluding transportation deputy.
4. Assistant Sheriff - Position vacant, salary under review.
5. Administrative Analyst - County uses specialists, e.g., Budget Analysts, Fiscal Analyst.

MENDOCINO
Appointed and Elected Department Heads

Class	Entry Step	Top Step
County Administrator	7164	8708
County Counsel	7164	8708
Public Defender	6822	8294
District Attorney		7769F
Transportation Director	5893	7164
Sheriff/Coroner		7144F
Chief Probation Officer	5612	6822
Planning & Building Director	5612	6822
Assessor/Clerk Recorder		6399F
Auditor/Controller		6121F
Ag Comm/Sealer of W & M/Air Poll. Contr. Off.	4848	5893
Treasurer/Tax Collector		5634F
Library Director	4397	5345
Hospital Administrator	N/C	
Human Services Director	N/C	
Airport Director	N/C	
Recreation Director	N/C	

Assistant Department Heads and Senior Management

Assistant County Administrator	5893	7164
Human Resources Director	5893	7164
Undersheriff	5612	6822
Assistant District Attorney	5612	6822
Assistant Auditor/ Controller	4848	5893
Assistant Assessor	4397	5345
Assistant Treasurer/Tax Collector	4397	5345
Administrative Analyst	3281	3988
Assistant Chief Probation Officer	N/C	
Deputy Pub. Works Dir. - Land Use & Dev. Services	N/C	
Deputy Pub. Works Dir. - Operations	N/C	
Deputy Pub. Works Dir. - Engineering Services	N/C	
Deputy Director of Transportation Services	N/C	
Senior Administrative Analyst	N/C	

NOTES: 1450 FTE's Salary Effective Date - July 1, 2001

1. Assistant Chief Probation Officer -County has four division managers, no assistant department head.
2. County has one Assistant Director over engineering and roads, one Deputy Director over land improvement. The Deputy Director of Transportation is the administration and business manager for the Department.
3. Human Services Director - Social Services and Public Health are separate departments:
 Director of Social Services - \$5893 - \$7164
 Director of Public Health - \$5893 - \$7164
4. Risk management not in Human Resources Department

NEVADA
Appointed and Elected Department Heads

Class	Entry Step	Top Step
County Administrator		9000F
County Counsel	6891	8412
District Attorney		8076F
Public Defender	6083	7426
Human Services Agency Director	6047	7382
Sheriff/Coroner/Public Administrator		7382F
Director of Transportation and Sanitation	6033	7333
Community Development Agency Director	5556	6782
Auditor/Controller		6356F
Chief Probation Officer	5104	6230
Treasurer/Tax Collector		6047F
Assessor		5958F
Ag Commissioner	4784	5840
County Librarian	4351	5312
Airport Manager	3493	4265
Hospital Administrator	N/C	
Recreation Director	N/C	

Assistant Department Heads and Senior Management

Assistant County Administrator	5782	7058
Assistant District Attorney	5696	6953
Undersheriff	5505	6721
Director of Personnel	5264	6426
Assistant Assessor	4098	5004
Assistant Auditor/Controller	3998	4860
Senior Administrative Analyst	3690	4505
Administrative Analyst II	3324	4058
Assistant Chief Probation Officer	N/C	
Assistant Treasurer/Tax Collector	N/C	
Dep Director of Transportation Services	N/C	
Dep Pub Works Dir. – Engineering Services	N/C	
Dep Pub Works Dir. – Land Use & Dev Services	N/C	
Dep Pub Works Dir. – Operations	N/C	

NOTES: 1053 FTE's Salary effective date: July 1, 2001

1. The Ag. Dept. oversees Animal Control; Air Quality Control is a special district.
2. Nevada has 3 Probation Program Managers and 1 position of Juvenile Hall Superintendent.
3. Nevada has a classification of Supervising Engineer over Engineering, Land Use, etc.
4. The Community Development Agency includes Planning, Building, Environmental Health, and Code Enforcement.
5. Public Works operates a Wastewater Facility.
6. The Human Services Agency includes Public Health, Behavioral Health, Drug/Alcohol, and Social Services.
7. The Director of Personnel is a department head.
8. Nevada has an elected County Clerk—Recorder: \$5312F.
9. The Clerk of the Board reports to the Board of Supervisors.

SAN BENITO
Appointed and Elected Department Heads

Class	Entry Step	Top Step
County Counsel		8751F
District Attorney		8751F
County Administrative Officer		8050F
County Clerk/Auditor/Recorder		7660F
Dir. of Health & Human Services Agency		7660F
Sheriff/Coroner		7660F
Public Work Administrator		7365F
Treasurer/Tax Collector/Public Administrator		7169F
Director of Building & Planning		7119F
Assessor		7085F
Chief Probation Officer		6721F
Ag Comm/Sealer of W & M		6449F
County Librarian		5839F
Airport Director	N/C	
Hospital Administrator	N/C	
Public Defender	N/C	
Recreation Director	N/C	

Assistant Department Heads and Senior Management

Undersheriff	4418	5622
Special Assistant to CAO	4043	5139
Assistant County Auditor	3854	4896
Assistant Assessor	3767	4781
Staff Services Analyst II	3110	3953
Assistant CAO	N/C	
Asst Chief Probation Officer	N/C	
Asst. District Attorney	N/C	
Asst. Treasurer/Tax Collector	N/C	
Dep Director of Transportation Services	N/C	
Dep Pub Works Dir. – Engineering Services	N/C	
Dep Pub Works Dir. – Land Use & Dev Services	N/C	
Dep Pub Works Dir. – Operations	N/C	
Senior Administrative Analyst	N/C	

NOTES: 400 FTE's Salary Effective Date – February 1,2001

1. County has one Asst. Director of Public Works – no matches for Deputy Directors.
2. Auditor Controller – County has position of County Clerk/Auditor/Recorder @ \$7660F
3. Human Resources Manager – County title, Special Assistant to CAO.

SUTTER COUNTY
Appointed and Elected Department Heads

Class	Entry Step	Top Step
County Administrator	7387	8969
County Counsel	6378	7723
Dir of Public Works	6378	7723
Director of Human Services	6075	7387
District Attorney		7271F
Dir of Community Services	5498	6696
Sheriff/Coroner		6541F
Ag. Commissioner/Sealer of W &M	5230	6378
Auditor/Controller		6127F
County Assessor		5855F
Treasurer/Tax Collector		5552F
Chief Probation Officer	4484	5498
Dir of Library Services	4070	4983
Airport Director	NC	
Hospital Administrator	NC	
Public Defender	NC	
Recreation Director	NC	

Assistant Department Heads and Senior Management

Assistant County Administrator	5498	6696
Assistant District Attorney	5230	6378
Undersheriff	4731	5796
Personnel Director	4714	5775
Assistant Auditor/Controller	4286	5230
Assistant Assessor	4070	4983
Dep Chief Probation Officer	3852	4714
Senior Administrative Analyst	3852	4714
Assistant Treasurer/Tax Collector	3665	4484
Administrative Analyst	3469	4286
Dep Director of Transportation Services	NC	
Dep Pub Works Dir. – Engineering Services	NC	
Dep Pub Works Dir. – Land Use & Dev Services	NC	
Dep Pub Works Dir. – Operations	NC	

NOTES: FTE's 947 Salary Effective Date – April 19th, 2001

1. Personnel includes risk management.
2. County has one Assistant Director of Public Works: One Deputy Director of Public Works – Water Resources

TEHAMA
Appointed and Elected Department Heads

Class	Entry Step	Top Step
Chief Administrator	7039	8577
County Counsel	6221	7581
Director of Public Works	5637	6869
District Attorney		6733F
Health Care Administrator	5107	6621
Sheriff		6422F
Chief Probation Officer	4627	5639
Ag Commissioner/Sealer of Weights & Measures	4626	5637
Assessor		5520F
Auditor/Controller		5332F
Treasurer/Tax Collector		5079F
County Librarian	4089	4982
Airport Director	N/C	
Director of Community Development	N/C	
Human Services Director	N/C	
Public Defender	N/C	
Recreation Director	N/C	

Assistant Department Heads and Senior Management

Assistant District Attorney	4860	5923
Personnel Director	4626	5637
Undersheriff	4297	5235
Assistant Assessor	3892	4742
Assistant Auditor/Controller	3892	4742
Assistant Treasurer/Tax Collector	3704	4513
Administrative Analyst	3042	3705
Assistant Chief Probation Officer	N/C	
Assistant County Administrator	N/C	
Dep Director of Transportation Services	N/C	
Dep Pub Works Dir. – Engineering Services	N/C	
Dep Pub Works Dir. – Land Use & Dev Services	N/C	
Dep Pub Works Dir. – Operations	N/C	
Senior Administrative Analyst	N/C	

NOTES: 905 FTE's Salary effective date: July 1, 2001 (appointed dept. heads & senior management)
November 1, 2000 (elected officials)

1. Animal Regulation is part of the Weights & Measurers Department.
2. Tehama has 1 position of Assistant Chief Probation Officer and a Juvenile Hall Superintendent.
3. Tehama has an Asst. Dir. of Public Works—Ops. (non-engineer), a Deputy Dir. of Public Works over Engineering, Surveying, Land Use and Development, and an Asst. Director of Public Works—Adm. over Fiscal and Personnel.
4. Tehama has separate Planning and Building & Safety departments.
5. Tehama has a Health Agency (Public Health, Mental Health, and Drug/Alcohol); and a separate Social Services Agency.
6. Tehama has a separate Department of Environmental Health.
7. Public Defender functions are by contract.
8. Tehama has an elected County Clerk—Recorder: \$4930F.
9. Tehama has an appointed Conservator/Public Guardian (a department head).
10. Tehama has an elected Coroner who is the Public Administrator and Veterans Service Officer: \$3393F.
11. The Clerk of the Board reports to the Chief Administrator/County Clerk—Recorder.

YUBA COUNTY
Appointed and Elected Department Heads

Class	Entry Step	Top Step
County Administrator	6987	8493
County Counsel	6852	8330
Health And Human Services Agency Director	6252	7599
Public Works Director	6124	7446
District Attorney/Public Administrator		7257F
Sheriff Coroner		6708F
Dir of Community Development	5207	6330
Chief Probation Officer	5072	6164
Assessor		5848F
Auditor Controller		5848F
Treasurer/Tax Collector		5848F
Ag Commissioner/W & M	4573	5559
Library Director	4193	5096
Airport Director	N/C	
Public Defender	N/C	
Recreation Director	N/C	
Hospital Administrator	N/C	

Assistant Department Heads and Senior Management

Assistant County Administrator	5477	6658
Personnel Director/Risk Manager	5027	6110
Assistant District Attorney	4961	6030
Undersheriff	4798	5831
Assistant Assessor	4122	5011
Assistant Auditor/Controller	4122	5011
Assistant Treasurer/Tax Collector	3741	4547
Administrative Analyst	3130	3806
Assistant Chief Probation Officer	N/C	
Dep Pub Works Dir. – Land Use & Dev Services	N/C	
Dep Pub Works Dir. – Operations	N/C	
Dep Pub Works Dir. – Engineering Services	N/C	
Dep Director of Transportation Services	N/C	
Senior Administrative Analyst	N/C	

NOTES: FTE's 933 Salary Effective Date – July 1st 2001

1. Airport Manager is division manager.
2. County has one Assistant Director of Public Works and one Deputy Director of Public Works – Water Resources
3. Airport Manager is a division head in Administrative Services Department.
4. Public Works Department has one Managing Engineer (\$4557 – \$5538) and two Associate Civil Engineers (\$4146 – \$5294).

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



Edna M. Bowcutt
*Clerk of the Board
of Supervisors*

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Richard H. Pland, *Fifth District*

TO: Judge William Polley
Superior Court

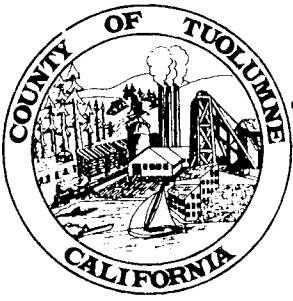
FROM: Edna M. Bowcutt *EB*
Clerk of the Board of Supervisors

DATE: September 23, 2002

SUBJECT: Response to the 2001-2002 Grand Jury Report

Attached please find the response to the 2001-02 Grand Jury Report approved by the Board of Supervisors on September 17, 2002.

The Tuolumne General Hospital Board of Trustees will take action the first week of October on the Findings and Recommendations on pages 35-37 and then forward their action to the Board for action on either October 8 or 15, 2002.



County Administrator's Office

C. Brent Wallace
County Administrator

Tuolumne County Administration Center
2 South Green Street
Sonora, CA 95370
Phone (209) 533-5511
FAX (209) 533-5510

September 10, 2002

TO: Board of Supervisors

FROM: C. Brent Wallace, County Administrator 

SUBJECT: 2001-2002 Response to Grand Jury Final Report

General Comments and Overall Assessment

At the request of the Chair of the Board the response to the 2001-2002 Grand Jury Report was discussed at the August 6, 2002, Board meeting. After discussion of whether a committee should be formed to prepare a response to the Grand Jury Final Report (hereafter "Report"), no action was taken. Staff has completed the response as provided in prior years. The responses of Elected Officials are to be provided directly to Superior Court with a courtesy copy to your Board. Therefore, any response by an Elected Official is not contained in this material.

As stated in the August 3, 2002, memorandum to your Board, much of the information in the Report with regard to Tuolumne General Hospital and certain other County policies are of value and should receive serious consideration, if not implementation. The enclosed response by Mr. Barry Woerman, Hospital Administrator, is comprehensive and well stated as to those findings and recommendations in the Report that need consideration. Mr. Woerman's response was reviewed and approved by the Board of Trustees on September 5, 2002.

This response has been prepared in accordance with the instructions of the Superior Court and contained within the Penal Code. Each of the Findings of the Grand Jury will be addressed with a response as to agreement or disagreement. Each of the Recommendations will be numbered as 1 through 4 in conformance with the instructions provided to the County Administrator by letter dated July 11, 2002, from the Honorable Judge William Polley. To reiterate those instructions:

"As to each recommendation, you (the Department Head) must report one of the following:

1. The recommendation has been implemented, with a summary regarding the recommended action.
2. The recommendation has not yet 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 parameters of an analysis or source of study, and a time frame for the matter to be prepared for discussion by the officer or the 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 therefore.”

HOSPITAL BOARD OF TRUSTEES

Findings

Page 37, paragraph 3. Disagree.

Inappropriate comment. The Grand Jury has made a statement without basis. The Grand Jury did not ask the County Administrator for comment upon what the role of the Trustees is, should be, or about his own personal opinion of what the role of the Trustees should be. The Trustees serve at the pleasure of the Board of Supervisors, not the County Administrator.

Page 38, paragraph 7. Disagree.

The Board of Trustees was included in the selection of the Hospital Administrator in a process recommended by the County Administrator. With regard to Mr. Marini’s dismissal, at no time did the County Administrator “. . . relate to the Grand Jury that he did not consult with the Board of Trustees because there were no County regulations that required him to and because he believed that he is better qualified to manage the day-to-day operations at Tuolumne General Hospital than the Trustee.”

The County Administrator acted upon the specific advice of County Counsel as to how the dismissal of Mr. Marini should occur. The County Administrator was informed by County Counsel that there is currently no mechanism, in the law or County policy, for the County Administrator to legally consult with the Board of Trustees on issues relating to the dismissal of any County employee. The County Administrator insisted that he be allowed to meet with the Trustees to provide an explanation of events. The County Counsel reluctantly agreed to these meetings. Further, the County Administrator is not involved in the “day-to-day” operations of

Tuolumne General Hospital and has virtually no contact with the Trustees with regard to those operations.

Recommendations

Page 40, all paragraphs

It is recommended that your Board accept these recommendations and request that the Hospital Administrator prepare an outline for discussion by the Trustees and your Board as to each recommendation made. Further recommend that this outline be prepared and discussed with each Board within one year of the date of this response.

PERSONNEL MANAGEMENT

Findings

Page 43, paragraph 1. Agree, only in part.

This finding has inaccuracies. The inaccuracies will be addressed below in the manner in which they are presented in the Report.

TURNOVER OF SENIOR PERSONNEL

Findings

Page 43, paragraph 1. Agree

Page 43, paragraph 2. Agree

Page 43, paragraph 3. Agree

Page 43, paragraph 4. Disagree

The Grand Jury mischaracterizes the reasons for dismissal of Mr. Marini. The reasons for dismissal had little to do with the lack of experience in public hospitals. The reasons for dismissal were all performance related.

Page 44, paragraph 5. Agree, but the finding is misleading.

Mr. Marini did, in fact, have more than 15 years of experience in the health care industry, including such positions as Chief Executive Officer.

Recommendations

Page 44, paragraph 1. No response required.

Page 44, paragraph 2.

Recommend your Board not implement this recommendation. The County has a well-defined recruitment and hiring process. Your Board recently improved this process by providing recruiting and hiring incentives. The County does complete background screening and, where required, fingerprinting and a criminal history review.

Page 44, paragraph 3

Recommend your Board request that the Hospital Administrator provide you with a list of the activities that are underway to implement this recommendation. Recommend that the Hospital Administrator provide you with this response prior to the end of calendar year 2002.

Page 45, paragraph 4

Recommend that your Board request that this recommendation be completed by the Board of Trustees and that a report of such meeting is forwarded to you for information and/or action.

PERFORMANCE EVALUATIONS

Findings

Page 45, paragraphs 1,2,3. Disagree

None of these findings are accurate. It is unknown how the Grand Jury could have reached these findings with the information provided or the information available to them. As previously stated to your Board on August 6, 2002, the Job Performance Evaluation process is in place for all County employees, including Department Heads, with your Board receiving copies of Department Head evaluations on an annual basis. Additionally, there is a Job Performance Evaluation on file for former Hospital Administrator Joseph Mitchell, dated November 2000, about two months before his resignation. This evaluation was provided to the Grand Jury.

Recommendations

Page 46, paragraphs 1,2,3,4.

It is recommended that your Board not implement these recommendations as stated. The County Administrator and County Department Heads are in full compliance with these recommendations and have been for some time.

PERSONNEL GRIEVANCES

Findings

Page 47, paragraph 1. Grand Jury statement. No response required.

Page 47, paragraph 2. Concur. This action was taken.

Page 47, paragraph 3. Disagree.

The Grand Jury only partially reports on a proposed disciplinary issue. Prior to any discipline being imposed by the department supervisor, the County Human Resources Office resolved the disciplinary issue to the satisfaction of the union.

Page 47, paragraph 4. Agree.

Page 47, paragraph 5. Disagree

The Grand Jury only partially reports on a termination proceeding. The Grand Jury is correct in the arbitrator's decision, but the ramifications of that decision are not reported by the County. When issues involving patient safety is involved the County will continue to act in the best interest of patients, not County employees.

Recommendations

Page 48

This recommendation is unwarranted. The County has a well-defined grievance process that is accepted and utilized by the bargaining units. The bargaining units have the ability to negotiate changes in this process if they believe that it is unfair or not in compliance with the law.

HIRING AND DISMISSAL OF THE HOSPITAL ADMINISTRATOR

Findings

Page 48, paragraph 1. Grand Jury statement. No response required.

Page 49, paragraph 2. Disagree

The Grand Jury contradicts itself. They acknowledge that there are sufficient violations of rules, county policy, incidents of incompetence, and improper behavior “. . . to suggest that dismissal may have been justified.” The Grand Jury then goes on to state that this is insufficient reason for dismissal because there are “. . . no written performance or conduct standards as

described by the County Personnel Regulations or the County Code.” The Grand Jury cannot state that there were violations of various rules and then state that there are no performance rules. The County has very well defined rules that are in a variety of forms, such as purchasing policies and procedures, personnel policies and procedures, and administrative policies and procedures. These are, in fact, written documents that must be completed in accordance with what are acceptable performance. The Grand Jury was provided detailed documentation as to specific dates, times and individuals involved where Mr. Marini failed to meet the required standard of performance. Any County Department Head that consistently, and willfully, violates these rules would be subject to discipline up to and including termination.

Page 49, paragraph 3. Partially agree

The referenced memorandum does exist. It is, and was at the time of issuance, more than a “tutorial” as suggested by Mr. Marini. It was to become the basis for how Mr. Marini and the County Administrator were to begin working toward established performance measurements that would aid in fulfilling his duty as Hospital Administrator.

Page 49, paragraph 4. Partially agree

The referenced memorandum does exist. It is, and was at the time of issuance designed to inform Mr. Marini that he needed to take some very specific action with regard to the budget. This document does, in fact, become the basis for disciplinary action and represents a very real part of standards of performance.

Page 49, paragraph 5. Disagree

The Grand Jury consistently fails to understand how performance is measured. The Grand Jury assumes that if a performance standard is not written down by the evaluating officer that performance cannot be evaluated. This is an incorrect assumption. As described above there are numerous rules, regulations, policies, procedures and the law with which all employees must comply. Failure to comply often results in disciplinary action.

Page 50, paragraph 6. Agree

Page 50, paragraph 7. Disagree

There were no “irregularities surrounding the hiring of and dismissal” of Mr. Marini.

Page 50, paragraph 8. Disagree

The Board of Supervisors is the sole authority as to providing for salary and benefits for all County employees. With respect to Mr. Marini and all “at will” employees the Board of Supervisors may set the salary and benefits as it deems appropriate.

Page 50, paragraph 9. Agree

Page 50, paragraph 10. Generally agree

The Grand Jury takes one statement out of context. The County Administrator did not suggest that the failure of Mr. Marini to sign a Memorandum of Understanding was a "major point of contention." In fact, it is a relatively minor point when taken into consideration of the more than 15 pages of documentation that was used as supporting documentation for Mr. Marini's dismissal.

Page 50, paragraph 11. Statement of the Grand Jury. No response.

Page 51, paragraph 12. Statement of the Grand Jury. With response.

If Mr. Marini responded as recorded by the Grand Jury, the Grand Jury should have known Mr. Marini was not providing a complete response and that such a response could not be used as a reason not to sign an employment agreement.

The Grand Jury was provided with a copy of a letter from the County Administrator to Mr. Marini stating that such items as "professional association fees and education" would not be included in an offer of employment. It was carefully and clearly stated to him in the letter that these kinds of expenses are included as a budget submission and would not be part of any recommendation made to the Board of Supervisors. This may be confirmed by simply reviewing that letter of June 25, 2001, to Mr. Marini which states, *"You also requested payment of your professional association dues and the continuing education fees to maintain your professional education and development. The Board of Supervisors has been very generous with these kinds of requests. They are placed in the department budget annually. . . Therefore, this request will be subject to an annual appropriation by the Board during budget review."* Additionally, there was no request of the County Administrator, or an approval by the Board of Supervisors, in granting Mr. Marini such requests at the time of his actual appointment.

Page 51, paragraph 13. Agree

Page 51, paragraph 14. Agree

Page 51, paragraph 15. Statement of the Grand Jury. No response.

Page 51, paragraph 16. Agree

Page 51, paragraph 17. Disagree

As described above, the Grand Jury made assumptions that are incorrect. Mr. Marini was provided extensive guidance by the County Administrator, Assistant County Administrator,

Assistant Auditor-Controller, Human Resources Analyst, Staff Analysts, Hospital Administrative Staff and several other staff members as to accepted standards of behavior and performance. His dismissal, as noted by the Grand Jury itself, was not in accordance with acceptable standards of performance.

Page 51, paragraph 18. Partially agree, partially disagree.

The memorandum as stated does exist and it does represent how the County Administrator interacts with all new Department Heads.

The design of the Supplemental Evaluation Form is one designed by the County Administrator. The Supplemental Form is used in conjunction with the Standard Job Performance Evaluation form in use by the County for several years. The Board of Supervisors has, in fact, discussed the use of this supplemental form and is accustomed to seeing it when completed, monitored and filed in the required personnel file for all County Department Heads.

As to documentation of meetings with Mr. Marini, it is accurate that the County Administrator did not take notes for all of those meetings. However, as the Grand Jury has confirmed, as noted above, the reasons for Mr. Marini's dismissal were well-documented performance failures including date, time, specific rule, policy, law, regulation or inappropriate behavior. All of this documentation is a performance standard.

The Grand Jury has indicated that it reviewed the County Personnel Rules. If so, Rule 9, Section B: Cause(s) for Action, include the following as causes for disciplinary action:

Cause 4: Wilful or negligent disobedience of any job related law, ordinance, County rule, or departmental regulation or any supervisor's willful order.

Cause 5: Incompetence

Cause 6: Inefficiency

Cause 8: Insubordination

Cause 13: Discourteous treatment of the public or employees

Cause 16: Violation of a department rule

The County Administrator based his action to recommend the termination of Mr. Marini based upon the cumulative impact of his performance with regard to these rules. The Grand Jury had the documentation listing the causes for the recommendation and is well aware that there was more than one instance of violation of these rules and causes for action.

Page 52, paragraph 19. Disagree

The documentation used as the basis for Mr. Marini's dismissal speaks for itself. It is concise, complete and lists, as noted above, the dates and issues discussed with Mr. Marini, or cites the specifics of his violation of the rules.

Page 52, paragraph 20. Agree

Page 52, paragraph 21. Agree

Page 52, paragraph 22. Agree

Page 52, paragraph 23. Agree

Page 52, paragraph 24. Agree

Page 53, paragraph 25. Agree, with comment.

Since the issuance of this Report the Board of Supervisor has provided Mr. Marini with severance compensation.

Page 53, paragraph 26. Statement of the Grand Jury. No response.

Recommendations

Page 55, paragraph 1.

This recommendation is unwarranted. As noted above, all County Department Heads are evaluated in accordance with County policy.

Page 55, paragraph 2

This recommendation is unwarranted. As noted above, the County recruitment, hiring, retention and disciplinary process are well defined and functions in accordance with adopted County Code and the State and Federal laws, as well as, appropriate Memoranda of Understanding with the employee bargaining units.

Page 55, paragraph 3

Your Board may want to discuss this recommendation in more detail with County Counsel, or request that he prepare a staff report for your discussion.

In general it is recommended that you accept this recommendation for any future contract that your Board may approve for a County Department Head.

Page 56, paragraph 4. Issue resolved. No response.

COUNTY ADMINISTRATIVE OFFICER'S AUTHORITY
Findings

Page 56, paragraph 1. Statement of the Grand Jury. No response.

Page 56, paragraph 2. Agree

Page 56, paragraph 3. Agree

Page 56, paragraph 4. Statement of the Grand Jury. No response

Recommendation

Page 57

Your Board met on January 15, 2002, and decided not to make changes in the County Code with respect to the authority of the County Administrator.

SALARY INCREASES OF COUNTY ADMINISTRATOR AND COUNTY COUNSEL
Findings

Page 60, paragraph 1. Agree, with comment.

As noted above, Mr. Marini and the Grand Jury were aware that there would be no recommendation made by the County Administrator for payment of professional fees or educational reimbursements. This is not a reason that is available to Mr. Marini for not signing an employment agreement.

Page 60, paragraph 2. Agree

Pages 60-61, paragraphs 3-15. Agree, with comment.

All of the specific issues of Findings with regard to the appointment of Mr. Marini as Hospital Administrator are factual, with the exception of paragraph 14, which states, " Mr. Marini commenced to work . . . and was compensated in accordance with the County Administrative Officer's June 25, 2001, letter." Mr. Marini commenced work only after the Board of Supervisors had taken action to approve his appointment in their meeting of July 10, 2002.

Page 61, paragraph 16. Partially agree

The County Administrator and County Counsel did negotiate their contracts individually. The County Counsel, in fact, wrote the County Administrator's contract. The County Administrator did not negotiate County Counsel's contract and, in fact, cannot ever recall seeing a copy of such contract (properly termed a Memorandum of Understanding).

The County Administrator did, as evidenced by his memorandum dated July 3, 2002, negotiate a *salary adjustment* for County Counsel. This was accomplished by Board action and was not a negotiation, or better a renegotiation, of County Counsel's contract.

Page 62, paragraph 17. Agree

Page 62, paragraph 18. Agree

Page 62, paragraph 19. Agree

Page 62, paragraph 20. Disagree

The Grand Jury attempts to interpret the record to their own ends. The Grand Jury correctly states the law and the rule for salary adjustments as contained in the Compensation Plan. However, prior to the Board taking action on the County Administrative Officer and County Counsel salaries, the Board had agreed on June 25, 2001 (and prior to July 3) that the compensation for Mr. Marini would be set at \$120,103 per year. Thus, the salary as recorded for the Hospital Administrator in the Compensation Plan would be increased from Range 477 to Range 531 upon Mr. Marini's appointment. This is a discretionary decision of the Board and was reached with unanimous agreement of the Board.

Page 62, paragraph 21. Agree with comment.

The Grand Jury correctly states what is in the record. However, the Grand Jury states "there is no authority in the Compensation Plan" to support the request of the County Administrator. The Grand Jury has been informed, as has been noted above, the setting of the salary for any county employee is a discretionary decision. The Board creates the Compensation Plan and may modify that Plan at will, which they do annually.

Page 62, paragraph 22. Agree

Page 63, paragraphs 23-24. Disagree, with comment

For purposes of this response, paragraphs 23 and 24 are titled in the Report as "County Administrative Office" and "County Counsel."

The detail of the Report is accurate as it was provided by the County Assistant Auditor-Controller. What the Grand Jury does not show is the calculation for the Hospital Administrator, Mr. Marini. In fact, the ***total compensation for Mr. Marini was \$143,894***. Further, the Grand Jury states "...the Board of Supervisors granted salary and benefit increases...", implying that benefits previously granted to the County Administrator included in total compensation were new.

If the Board of Supervisors would have followed the rule and the law as noted above by the Grand Jury, the total compensation for the County Administrator would have been approximately \$158,283, which is \$4,225 less than required by Section 1(d) of the Compensation Plan. The County Administrator was extremely conscious of the public impact an increase in salary would make and proposed a method of adjusting salary that would be less than what would be provided under existing policy.

Page 63, paragraph 25. Agree and Disagree

The Grand Jury properly reflects the factual issues of compensation but makes assumptions that are incorrect.

County Counsel functions within the frame work of the California Government Code. As such, duties and term of office are defined within the Code. The employment agreement for his services is properly referred to as a Memorandum of Understanding.

County Administrator functions within the frame work of the County Code as adopted by the Board of Supervisors. The duties and term of employment are defined in an Employment Agreement which is based upon contract law.

Both of these documents are referred to as "contracts." It may have been helpful if the Grand Jury had sought help with the definition of these documents by seeking assistance of the District Attorney or Superior Court. As the Grand Jury states, this was "confusing to them." Confusion on the part of the Grand Jury does not make either document invalid or inconsistent.

The Grand Jury makes another assumption that is incorrect by asserting that the 10% salary differential criteria is to exist between the County Administrator and the County Counsel. This would only be true if the County Administrator supervised the work performance of County Counsel. This does not occur. County Counsel is an exclusive employee of the Board of Supervisors and subject only to their control.

Page 64, paragraph 26. Agree, with comment.

The Grand Jury correctly states the elements of the Compensation Plan. As noted above, the Employment Agreement of the County Administrator is a *negotiated* agreement. It is not required to mirror the same elements of the Compensation Plan. As an example, the County

Administrator receives a *negotiated amount for an automobile allowance, but such an allowance is not included anywhere within the Compensation Plan*. In fact, the Board of Supervisors had not agreed with every request of the County Administrator to be included in his Employment Agreement. There is no requirement that all items of the Employment Agreement (or Memorandum of Understanding) be included in the Compensation Plan, or vice versa.

Page 64, paragraph 27. Agree, with comment.

At the time the County Administrator indicated that there were “three positions” for which the Board had provided hiring incentives, it was done by memory, not by research. If there are six such positions, I stand corrected. I did not have an opportunity to look up the data. However, this action validates the statements above. The Board of Supervisors has complete discretionary authority to set the salary and benefit levels for any employee, and has done so on several occasions as deemed appropriate by the Board.

Page 64, paragraph 28. Disagree

This is an interpretation of the Grand Jury that is not in accordance with the law of the State of California.

Page 64, paragraph 29. Agree

Page 65, paragraph 30. Disagree

This Finding is based upon the admitted “opinion” of the Grand Jury. It may have been helpful if the Grand Jury had obtained the assistance of the District Attorney, or an outside consultant, to better understand the issues of concern to the Grand Jury.

As to the understanding of the Board of Supervisors, the following is offered.

When Mr. Marini was selected for appointment by the Board of Supervisors, the County Administrator was directed to negotiate his salary and benefits. The County Administrator responded directly and immediately to the Board by indicating that he would request *renegotiation of his Employment Agreement if Mr. Marini was appointed at a substantially higher salary than that of the County Administrator*. The County Administrator requested that the Board consider appointing two of its members to do the negotiations with Mr. Marini. The Board stated that the County Administrator was its negotiator and directed the County Administrator to negotiate a *salary for Mr. Marini that was not to exceed \$150,000*. If there were objections to this direction of the Board, there was no member of the Board that stated these objections to the County Administrator.

Page 64, paragraph 31. Statement of the Grand Jury, with response.

It is interesting that the Grand Jury finds that Mr. Marini's appointment was "extraordinary" and not subject to the section 1(d). They have no such authority to make a finding, or to determine policy for the Board of Supervisors. The Grand Jury itself documents other appointments that were unique in which the Board approved certain salary and benefit provisions for the appointee.

Recommendations

Page 68, paragraph 1.

This recommendation is unwarranted. The Board of Supervisors has made all salary and benefit adjustments in public session and in accordance with all applicable law. The salary increases granted were negotiated increases. As such, both the Board and the employees were well aware that neither party was required to approve the requested increase or the offer of the Board.

Page 68, paragraph 2.

This recommendation is unwarranted. The response above (Page 61, paragraph 16) clearly states and acknowledges that the County Administrator requested a salary increase for County Counsel.

Page 68, paragraph 3.

This recommendation is unwarranted. Your Board has taken several actions at the time of appointment of department heads (and certain other classifications) to adjust salary and benefits. Your Board should retain this flexibility. Your Board should retain "Section 1(d)" as it is a benchmark for all supervisor/subordinate pay distinctions. Additionally, your Board has taken action (June 25, 2002) to remove the County Administrator and County Counsel from the Compensation Plan. All aspects of the employment relationship between County Counsel and County Administrator are now referenced in Memorandum of Understanding and the Employment Agreement respectively. Section 1(d) of the Compensation Plan no longer applies to either position. This action was taken by your Board upon the recommendation of the County Administrator.

Page 68, paragraph 4.

This recommendation is unwarranted. Neither County Counsel nor the County Administrator approached the negotiated salary increase outside the legal, ethical, moral, or professional limits of their respective professions.

Page 68, paragraph 5. Concur with this recommendation.

Page 69, paragraph 6. Concur with this recommendation, with comment.

Your Board should not implement the portion of this recommendation that expresses an intent to remove flexibility from your appointment authority.

Your Board may take action to approve this response and that of Mr. Woerman, as amended, and request that the Clerk of the Board forward them to Superior Court.



Tuolumne General Hospital

101 Hospital Road • Sonora, California 95370-5297 • (209) 533-7100 • Fax (209) 533-7228

MEMO

DATE: September 9, 2002

TO: Board of Supervisors
C.Brent Wallace, County Administrative Officer

FROM: Barry Woerman, Tuolumne General Hospital Administrator

SUBJECT: 2001-2002 Response to Grand Jury Report

General Comments and Overall assessment.

Tuolumne General Hospital (TGH) wishes to recognize the efforts of the Grand Jury to identify and understand the complex issues and challenges that face health care in general, and TGH in particular. These challenges are formidable but not impossible to conquer. It has taken approximately 7 years to maneuver TGH in the financial difficulty that we now find ourselves. I urge the Grand Jury and members of the community to recognize the fact that correction of those problems and overcoming the difficult issues before us will require implementation of a Financial Recovery plan based on sustained growth and not succumb to the temptation to implement "quick fixes" that realize short term savings at the cost of eliminating long range program and resources needed to assure the financial viability of the Hospital.

To develop an effective plan to address the financial issues before the hospital requires accurate financial and statistical information and data from which sound business decisions can be formulated and adopted. Without adequate information, efforts to trim unnecessary costs and uneconomical services may result in compromising the effectiveness of viable programs and further damaging recovery efforts. This administrative team is absolutely committed to developing the financial expertise and resources to match the excellent reputation the Hospital has developed for patient care services.

In development of this response, staff will address 1) the Findings of the Grand Jury, with the response of agreement or disagreement with explanation, and, 2) the recommendations will be numbered as 1 through 4 in conformance with the instructions provided the Grand Jury 2001-2002 Report cover memo dated July 11th from Judge William Polley. To repeat those instructions:

“AS to each recommendation, you (the Department Head) must report one of the following:

1. The recommended has been implemented, with a summary regarding the recommended action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe 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 the 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 therefore.”

QUALITY OF CARE FINDINGS

Page 19, paragraph 1 of Quality of Care Findings: Agree

Page 19, paragraph 2 of Quality of Care Findings: Agree

Page 19, paragraph 3 of Quality of Care Findings: Agree

Page 19, paragraph 4 of Quality of Care Findings: Agree

QUALITY OF CARE RECOMMENDATIONS

Page 21, paragraph 1 of Quality of Care Recommendations: Response #1. We support the recommendation that the Board of Supervisors acquaint themselves with the basic purpose, methodology and terminology of JCAHO in order to understand the JCAHO Survey Report. A summary of the results were presented to the Board of Supervisors on two occasions: Mr. Woerman informed the full Board in a summary report of JCAHO findings; and Board of Trustees Chairperson Pat Dean also reported on the progress made by TGH in the annual report of the Chair to the Board of Supervisors conducted the second Tuesday meeting in July.

Page 21, paragraph 2 of Quality of Care Recommendations: Response #1. Same explanation as above.

Page 21, paragraph 3 of Quality of Care Recommendations: Response #1.
It is important to recognize the role of the Hospital Board of Trustees (BOT) in the process of Quality Assurance. The Board of Supervisors (BOS) has delegated

the oversight responsibility for all Quality Assurance activities, including Medical Staff Credentialing, etc. to the Trustees. The Board of Trustees of Tuolumne General Hospital already has this knowledge and participate in the survey process. The BOT are apprised of the progress toward meeting Type I recommendations and receive reports on Quality Management and Performance Improvement quarterly. Two Board of Supervisors' Members attend monthly BOT meetings, and report to the full BOS any issues under review. The Administrator immediately reports to the BOS any Quality Management issues that may pose significant risk, or have an adverse affect on the health status of the community.

Page 21, paragraph 4 of Quality of Care Recommendations: Response #1 The issues presented in the operations were immediately recognized upon arrival. We agree that resolution of management and operational issues require immediate management attention and intervention Improvement in communications, morale and interpersonal working relationships is an on going process.

Page 21, paragraph 5 of Quality of Care Recommendations: Response #2 The issues facing the operations of the two Hospital Clinics requires two different approaches. While the issues may appear to be similar, the age and demographics of the patients in these two clinical locations differs significantly and therefore the solution will require different approaches at each location.. . Financial analysis of the cost effectiveness of maintaining two separate locations will be incorporated within the financial recovery plan under development and implemented within the next 6 months.

LEADERSHIP FINDINGS

In principle, we agree with the findings of the Grand Jury that leadership has been inconsistent and lacked focus in the past. That inconsistency has been created by the lack of a stabilized management team. The Administrator and CFO positions have had a series of consultants and interim managers occupy those two positions of the previous 12 months. That is not true in Nursing Administration and Quality Assurance where the incumbents in those areas have demonstrated stability over the past 10-15 years.

Page 21, paragraph 1 of Leadership Findings: Agree

Page 21, paragraph 2 of Leadership Findings: Agree

Page 22, paragraph 3 of Leadership Findings: Disagree. Tuolumne General Hospital has a very clear mission and vision statement that is emphasized with each new employee orientation and reorientation. What is lacking is an updated strategic vision that identifies the Hospital's strengths and weaknesses, and the resulting

financial recovery plan that provides the roadmap for the Hospitals economic recovery plan. These documents are under development and will be presented as an integral part of the annual business plan.

Page 22, paragraph 4 of Leadership Findings: Agree

Page 22, paragraph 5 of Leadership Findings: Disagree. We disagree in part with the findings of the Grand Jury that standard business practices have not been implemented. Reference is made to the lack of a Strategic plan. A document entitled "Tuolumne General Hospital Strategic Plan 1999- 2002" was developed and presented to the Trustees several years ago. That plan does need to be reviewed annually and updated to reflect market changes, changes in medical/hospital economics, and should reflect and be modified by the annual Business plan and budget. We also disagree with the statement that there has been no attempt to develop new sources of revenue. Specifically, the BOT and BOS have approved the purchase of a new CAT scanner, the implementation of a new Dental Health Service through the Primary Health Clinic, and a new Cardiac rehabilitation program. The CAT Scanner will not only save the county approximately \$70,000 in payments to outside providers for Scanner tests unavailable at TGH, but will develop new revenue streams due to the availability of additional diagnostic tests not currently available in this community. The installation of the Scanner is currently in the review/approval process of the Office of the State Architect, and installation scheduled for November. In addition, the new Dental Program identifies not only improvement to access of Dental services, but an additional source of new revenue for TGH. It is also important to note that TGH has contracts with the Sierra Conservation Center to provide inpatient and outpatient tests for prisoners. In Addition, Mr. Woerman has performed a site visit to the Center last February with the intent of expanding programs and services at TGH. Initial review indicates that the costs to modify inpatient facilities to construct a "lock up Unit" would not be cost effective. To develop a lock unit would require an addition of a complete fire sprinkler system and extensive upgrade to the existing facility. Lastly, a dialog with Stanislaus County CAO Regan Wilson was initiated by Mr. Wallace several months ago, and a site visit to Modesto is planned for the first week of September. Mr. Wilson was involved with the closing of a County Hospital and will share the pitfalls and the unforeseen issues and costs associated with that closing.

Page 22, paragraph 6 of Leadership Findings: Agree

Page 22, paragraph 7 of Leadership Findings: Disagree. The issues facing TGH have been discussed in a number of public meetings and in the press. This community is very interested in the financial issues and potential impact on the services of the hospital. Once the Hospital Financial systems are re-tooled and a Recovery Plan has been completed, these issues will be openly discussed with the community.

Page 22, paragraph 8 of Leadership Findings: Disagree Same explanation as discussed in #5. TGH has contracts with the Sierra Conservation Center to provide inpatient and outpatient tests for prisoners. In Addition, Mr. Woerman has performed a site visit to the Center last February with the intent of expanding programs and services at TGH. Initial review indicates that the costs to modify inpatient facilities to construct a “lock up Unit” would not be cost effective. To develop a lock unit would require an addition of a complete fire sprinkler system and extensive upgrade to the existing facility. Never-the-less, we are exploring other services that we may provide.

LEADERSHIP RECOMMENDATIONS

While these recommendations are directed to the Board of Supervisors, it is the observation of the TGH staff, that the Board of Supervisors and County Administration has viewed the operations of TGH as a business enterprise, recognizing the responsibility of the Supervisors to provide for the Health and Welfare for ALL residents of the County as efficiently and cost effectively as possible. In addition, the recommendations appear to be contradictory in paragraph 5, page 25, the Grand Jury talks about incentives, perks, bonuses and salary increases as incentives for (improved) performance. Yet in the very next paragraph, 6, recommends avoiding salary increases to management of TGH.

ACCOUNTABILITY FINDINGS AND RECOMMENDATIONS

The findings and Recommendations of this section does not pertain to operations within the control of TGH management staff.

MANAGEMENT AND STRATEGIC PLANNING FINDINGS

Page 27, paragraph 1 of Management/Planning Findings: Disagree in part: A strategic Planning Document exists. That document does need to be updated and reflect current financial, personnel, and market conditions. Prior to development of a Strategic Plan that addresses a long term vision of the Hospital’s programs and services, a financial recovery plan needs to be adopted that identifies the Hospital’s immediate plan to operate within financial resources available.

MANAGEMENT AND STRATEGIC PLANNING RECOMMENDATIONS

These recommendations are directed to the Board of Supervisors. TGH recommends that development of a Strategic Planning Process begin after critical financial reporting systems are operational.

Page 28, paragraph 1 of Management/Planning Recommendations: Response #2. The ability to develop a meaningful Strategic Plan rests heavily on the gathering of Hospital performance data, statistics, and other financial information. Finance Staff consists of two people who are thoroughly engaged in development and re-implementation of basic accounting, budgeting and financial planning software in addition to routine responsibility preparing documents for the annual audit and Medicare and Medi-Cal cost reports. Until those tasks are completed and systems operational, and accurate, it would be inadvisable to add additional workload to a stressed staff at this time. Review in 6 months.

Page 28, paragraph 2 of Management/Planning Recommendations: Response #2 . TGH staff to complete in 90 days.

CONTINGENCY PLANNING FINDINGS

Page 29, paragraph 1 of Contingency Planning. Agree

Page 29, paragraph 2 of Contingency Planning. Agree

Page 29, paragraph 3 of Contingency Planning. Agree.

CONTINGENCY PLANNING RECOMMENDATIONS

Page 29, paragraph 1 of Contingency Planning Recommendations: Response #2. The closing of a Hospital is not an unexpected event but rather a planned event. Each patient would require placement in the closest appropriate facility with capacity to accept patients. Long term Care patients will be difficult to place in Tuolumne County due to Bed shortages.

Page 30, paragraph 1 of Contingency Planning Recommendations: Response #2 Same as above.

Page 30, paragraph 2 of Contingency Planning Recommendations: Response #2 Same as Above.

HOSPITAL BOARD OF TRUSTEES FINDINGS

Page 37, paragraph 1 of HOSPITAL BOARD OF TRUSTEES: Agree

Page 37, paragraph 2 of HOSPITAL BOARD OF TRUSTEES: Agree

Page 37, paragraph 3 of HOSPITAL BOARD OF TRUSTEES: Disagree
The Board of Trustees are appointed by and serve at the pleasure of the Board of Supervisors – not the CAO.

Page 37, paragraph 4 of HOSPITAL BOARD OF TRUSTEES: Agree

Page 37, paragraph 5 of HOSPITAL BOARD OF TRUSTEES: Agree

Page 38, paragraph 6 of HOSPITAL BOARD OF TRUSTEES: Agree

Page 38, paragraph 7 of HOSPITAL BOARD OF TRUSTEES: Agree in general.
The Board of Supervisors reviewed Mr. Wallace's actions regarding the dismissal of Mr. Marini, and concluded that he did properly follow the County Administrative policies and procedures. The Supervisors chose not to change those procedures.

Page 38, paragraph 8 of HOSPITAL BOARD OF TRUSTEES: Agree

Page 38, paragraph 9 of HOSPITAL BOARD OF TRUSTEES: Agree

Page 38, paragraph 10 of HOSPITAL BOARD OF TRUSTEES: Agree
An agenda subcommittee did meet to outline issues and
agenda items for a formal meeting.

Page 38, paragraph 11 of HOSPITAL BOARD OF TRUSTEES: Agree

Page 38, paragraph 12 of HOSPITAL BOARD OF TRUSTEES: Agree

Page 38, paragraph 13 of HOSPITAL BOARD OF TRUSTEES: Agree

HOSPITAL BOARD OF TRUSTEES RECOMMENDATIONS

The recommendations in this section are addressed to the Board of Supervisors. The Board of Trustees are in complete support of any effort that will clearly define the roles, responsibilities, and inter-relationships of the Supervisors, the Trustees, and the CAO; and are in philosophical agreement with the eight recommendations made in this section.



COUNTY CLERK & AUDITOR-CONTROLLER COUNTY OF TUOLUMNE

TIM R. JOHNSON
Clerk & Auditor - Controller
Commissioner of Marriages

Tuolumne County Administration Center
2 South Green Street
Sonora, California 95370
Telephone (209) 533-5551
Fax (209) 533-5627

DEBORAH RUSSELL, C.P.A.
Assistant Auditor - Controller
(209) 533-5551

September 12, 2002

Honorable Eric L. Du Temple
Presiding Judge Tuolumne Superior Court
41 West Yaney Avenue
Sonora, California 95370

Re: 2001-2002 Grand Jury Report

Dear Judge Du Temple,

General Comments and Overall Assessment

The Auditor-Controller's office wishes to thank the members of the Grand Jury that met with the Auditor-Controller and the Assistant Auditor-Controller. The job that the members of grand jury undertake every year is overwhelming and complex. To obtain an understanding of the different issues and policies of the County is challenging and formidable.

Page 74, paragraph 2- Auditor-Controller's qualification

The report questions the qualifications of the Auditor/Controller. In 1991 when the current Auditor-Controller took office, there were no qualifications. In 1996, the Board of Supervisors adopted qualifications under ordinance 2.16.025 referring to government code 26945, at the recommendation of the Auditor-Controller. The Auditor-Controller has a valid diploma of graduation from the University of Redlands in Business Administration.

Recommendations

Page 74, paragraph 4

The Auditor-Controller and Assistant Auditor-Controller are available to meet with any board member who wishes to discuss this issue. A meeting has taken place between the Chairman of the Board and the staff of the Auditor-Controller's office.

Page 74, paragraph 5

With the hiring of the Chief Fiscal Officer at Tuolumne General Hospital in March of 2002, the Assistant Auditor-Controller is no longer spending almost fifty percent of her time on Hospital issues. She now spends about eight (8) hours a month on hospital issues. The Assistant Auditor-Controller is now spending most of her time focusing on County issues, including the 2001-02 audits.

Page 74, paragraph 6, implemented

The fieldwork for many of the 2001-02 audits began August 12, 2002. Many of the grant audits will be issued the second week of October 2002. The due date of these audits to the State is December 31, 2002.

The finance committee met on September 12, 2002. We have attached a copy of the fiscal year 2002 Schedule of Work and Projected Completion Dates prepared by Macias, Gini & Company. Members of the 2002-03 Grand Jury were invited and attended this meeting.

The finance committee will meet again on December 5, 2002, for an update. Members of the 2002-03 Grand Jury plan to attend.

Yours truly,

A handwritten signature in black ink, appearing to read "Tim R. Johnson". The signature is fluid and cursive, with the first name "Tim" and last name "Johnson" clearly distinguishable.

Tim R. Johnson
Clerk & Auditor-Controller

cc: Board of Supervisors
C. Brent Wallace



Macias, Gini & Company LLP
Certified Public Accountants and
Management Consultants

Partners

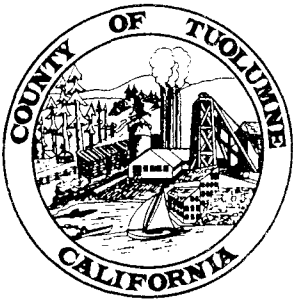
Kenneth A. Macias, Managing Partner
Ernest J. Gini
Kevin J. O'Connell
Richard A. Green
Jan A. Rosati
James V. Godsey
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County of Tuolumne
Fiscal Year 2002 Schedule of Work and Projected Completion Dates
September 12, 2002

- I. Interim – performed fieldwork August 12 through August 23:
 - A. General Audit – all will be completed during year-end:
 - 1. Update Planning Form/Questionnaire – provided to client to initiate process
 - 2. Updated Internal Control Questionnaires
 - 3. Update risk assessments/audit programs – in progress
 - 4. Updated Systems Documentation:
 - a. Cash Disbursements
 - b. Cash Receipts/Utility Billings
 - c. Payroll
 - d. Budget
 - e. Investment Compliance
 - 5. Tests of Controls:
 - a. Cash Disbursements – completed
 - b. Utility Billings - completed
 - c. Investment Compliance – pending 6/30/02 investment report
 - 6. Minutes – updated through interim
 - 7. Confirmations – received on 8/12
 - B. General Hospital - Started August 19; approximately 60% done; requested additional information relating to patient billing, accounts receivable and cost reports from Hospital management; will be in the field September 18 and 19; expect to complete by October 11.
 - C. TDA – Completed fieldwork and manager review; pending partner reviews; drafts to be issued before end of September; expect to complete by October 11:
 - 1. Local Transportation
 - 2. City Transportation
 - 3. LTF Transportation
 - D. Grants - Completed fieldwork; will discuss findings with the client September 18 and 19; expect to complete by October 11.
 - 1. DA/Victim Witness
 - 2. DA/Statutory Rape Vertical Prosecution
 - 3. DA/Spousal Abuser Prosecution
 - 4. Jail Removal
 - 5. Narcotic Team
 - E. Proposition 10 (Children and Families Commission) - Completed fieldwork and manager review; issued draft to management and received comments on the report; expect to complete by September 24.

- II. Year-End – fieldwork scheduled for November 18 through December 13; expect to complete by December 27:
 - A. General Audit:
 - 1. Tests of Controls:
 - a. Budget
 - 2. Tests of Balances
 - 3. Reporting
 - B. OMB Circular A-133 (Single Audit)
 - C. Gann
 - D. Power Agency



SHERIFF'S DEPARTMENT

Richard L. Rogers
Sheriff-Coroner

Lee Sanford
Undersheriff

August 30, 2002

TO: The Honorable Eric L. DuTemple, Presiding Judge of the Superior Court

FROM: Richard L. Rogers, Sheriff-Coroner *RLR*

SUBJECT: Response to Tuolumne County Grand Jury 2001-2002 Final Report

TUOLUMNE COUNTY SHERIFF'S DEPARTMENT

FINDINGS

(On page 89 it states) At the August 31, 2001 meeting with Sheriff Rogers and members of the Law Enforcement Committee of the Grand Jury, Sheriff Rogers outlined his department and operations. He is satisfied with his budget and personnel compliment at this time. Both patrol and correctional divisions are fully staffed. His concerns are centered on the current jail and administration facilities.

Response — I agree with this finding for the time frame in which it was stated on August 31, 2001. However, the events of September 11th had not occurred and the Sheriff's Department had not felt the impacts of these tragedies and the financial woes of California's budget deficit primarily as a result of the Energy Crisis. Since September 2001, the Sheriff's Department has lost staffing in both patrol and correctional divisions due to retirements, resignations, military leave and one death. Currently we have 4 deputy sheriff and 3 jail deputy vacancies. We have been working diligently with the County Administrator and his staff to overcome budget deficiencies to continue our recruiting efforts. We hope to have most of these positions filled by the end of 2002. Even though I have well founded concerns centered on improving our current jail and administrative facilities, staffing and the welfare of our personnel will always of utmost concern because the staff is truly the heart of the Sheriff's Department. Without the staff, services can not be provided.

On September 15, 2001, members of the Grand Jury toured the County Jail. The Tuolumne County Jail, located in downtown Sonora, houses over 140 inmates. Men and women are quartered in separate areas of the facility. This is an old building, constructed in the 1960's. It is kept in moderate repair but it is apparent that renovation will be needed soon. Plumbing is a major concern. Prison/jail construction requirements of the 1960's place pipes within bearing walls. Replacement or repair is very costly. Ventilation in the garage area which serves as a Sally-Port is non-existent. Vehicle exhaust within the jail entrance is a constant problem. The operation and management of the jail is very efficient, safe and secure. The correctional officers

on duty were very professional and informative.

Response — I agree with this finding, however as a point of clarification, the jail would be cost prohibitive to renovate because of its outdated engineered design. It will have to be replaced in order to meet current California Board of Corrections construction requirements.

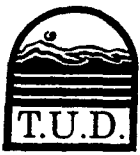
RECOMMENDATIONS

(As stated on page 90)

Site selection and land acquisition for a new County Jail and Sheriff's Administration Building should be completed as soon as possible. The concept of including a Juvenile Facility should also be considered.

Response — The recommendation is already being implemented. Over the past year, the County's Site Selection Committee has evaluated several sites with the requirement that they meet the criteria for constructing a new Sheriff's Administrative Facility as well as a Juvenile Hall and a new County Jail with shared correctional infrastructure facilities in accordance with Board of Corrections requirements. One particular site is now under final consideration and environmental impact studies are presently being conducted to determine if the site is fully suitable for the County's needs. Negotiations with the owners of the property are remaining confidential at this time.

Cc: Tuolumne County Board of Supervisors
C. Brent Wallace, County Administrator



TUOLUMNE UTILITIES DISTRICT

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

DIRECTORS

Glenn Carroll
Judy Delbon
Louise Giersch
Ralph Retherford, M.D.
Gary Walter

August 27, 2002

Judge Eric L. DuTemple, Presiding Judge
Superior Court of California
County of Tuolumne
2 South Green Street
Sonora, CA 95370

Dear Judge Polley:

TUD Response to 2001-2002 Grand Jury Report

The Board of Directors and I would like to thank the members of the 2001 – 2002 Tuolumne County Grand Jury for the giving of their time in the service of our community. The District is in agreement with the report Findings as relating to Tuolumne Utilities District and directs the following to the report's recommendations:

Recommendation #1. Lyons Reservoir should be expanded to 25,000 or 50,000 acre feet is a matter for the voters serviced by Tuolumne Utilities District to decide.

There is still considerable data that must be developed before an informed decision as to the expansion of Lyons Reservoir can be made by either the TUD elected Board of Directors or the public at large. TUD is in the process of finalizing a Lyons Enlargement feasibility study that addresses such issues as review of alternatives, potential for power production, system hydrology, and development costs. Following the report's completion, the Board of Directors must then consider undertaking the next steps, which would include preliminary design, coupled with environmental review, and securing the needed water rights. At any point along the decision path, and prior to incurring major expenses, the District may elect to seek voter guidance or approval. Part of this decision process will involve a review of financing alternatives, including possible collaboration with other agencies in sharing of costs and benefits. Voter approval may be a requirement, based the financing alternative selected.

Recommendation #2. That TUD continue to pursue with PG&E the assurance that the 1983 purchase agreement be upheld in any transfer of assets that PG&E may enter into.

The possible sale of PG&E facilities, that are essential to the delivery of water to Tuolumne County, as a result of PG&E's recent bankruptcy filing or the divestiture of these assets due to State legislative dictate, has been and will continue to be a high priority concern for the District. To protect our interests, TUD has maintained an active presence throughout the CPUC divestiture process and is participating in the bankruptcy hearings. It is anticipated that this issue will not be resolved for a number of years, during which TUD will maintain its active presence.

Recommendation #3. TUD should research what is required to implement a tertiary or third stage treatment of wastewater so that any discharge into Woods Creek may be done at anytime and not be restricted to high flow requirements.

The Central Valley Region of the California Regional Water Quality Control Board is the regulatory agency responsible for regulating the use and/or disposal of treated reclamation water. They have developed policy that favors land application of treated wastewater as the preferred alternative for disposal. For TUD, this means the processing of wastewater

generated in our community to disinfected secondary standards and delivering the same to our agricultural community for disposal on irrigated pasturelands. Increasing the degree of treatment to tertiary standards, while increasing the processing cost, would not in itself necessarily result in an increase in land disposal. There appears to be adequate demand for effluent treated to existing standards for use on irrigated pasture to meet the District's immediate disposal needs. The District also maintains a permit that allows for discharging treated wastewater to Woods Creek. The amount of treated wastewater that can be discharged in this manner is limited to that portion of our winter carryover storage that cannot be committed to land application. Such a discharge requires meeting a 20 to 1 dilution discharge ratio. This means that Woods Creek must be running at 20 cubic feet per second for each second foot discharged by the District. By contrast, the Sierra Conservation Center, which treats its wastewater to tertiary standards, is required to meet a 10 to 1 discharge ratio for a like discharge, thus the discharge advantage of tertiary treatment.

Treating water to tertiary standards would not necessarily result in achieving approval for year around discharges to Woods Creek, due to the Regional Board's preference for land application and absence of summer dilution flows in Woods Creek. However, increasing the District's treatment process to tertiary standards could result in broadening land application opportunities to include landscape and golf course irrigation. In recognition of this potential, the District Board of Directors recently amended their Goals Statement to include the use of tertiary treatment as a means to meet future disposal requirements.

Recommendation #4. TUD look to expand water storage capacity at Lyons Reservoir in order to meet the needs of future growth.

TUD is currently reviewing the enlargement of Lyons Reservoir (See response to Recommendation #1). In addition, the District is actively pursuing a review of its commitments to providing water service to "in-fill lots" and approved parcels within the TUD service area that have been previously approved by the County. It is expected that a preliminary report on this subject will be complete by the end of this year.

Please do not hesitate in contacting me if you require further clarification or have other questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Judy Delbon", with a long, sweeping horizontal line extending to the right.

Judy Delbon
Board President

DEPARTMENT OF CORRECTIONS

SIERRA CONSERVATION CENTER
P O BOX 497
JAMESTOWN, CA 95327-0497
(209) 984-5291



July 23, 2002

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

Re: 2001-2002 Grand Jury Report

Dear Judge Polley:

As always, it was a pleasure to host the 2001-2002 Grand Jury during their November 8, 2001 visit to Sierra Conservation Center (SCC).

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 noted no findings or recommendations and stated that they were confident that the State provides adequate channels to address and resolve prison issues.

Again, thank you for the professionalism displayed by the members of the Grand Jury. In accordance with Penal Code section 933(c), a copy of this report will be forwarded to the Tuolumne County Board of Supervisors.

If you have any questions or require additional information, please contact me directly at 984-5156.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Kramer".

MATTHEW C. KRAMER
Warden

cc: Tuolumne County Board of Supervisors