



District Attorney

Timothy D. Clancy
District Attorney

Phone (209) 533-5655
2 S. Green St.
Sonora, CA 95370

January 25, 2001

Honorable Eric L. DuTemple
Presiding Judge
Superior Court of California
County of Tuolumne

Dear Judge DuTemple:

Attached you will find two original documents. The first document, consisting of eight pages, is titled "Family Support Division RESPONSE TO 1999-2000 GRAND JURY REPORT" and dated October 11, 2000. The second document, consisting of two pages, is titled "Victim Witness Division RESPONSE TO 1999-2000 GRAND JURY REPORT" and dated October 19, 2000. I located these documents bearing an attached note which read "Please make copy and send..." in handwriting I personally recognize as that of Timothy Clancy. In that I observe them to be authorized originals, although unsigned, I submit them to you as authorized responses to the grand jury report.

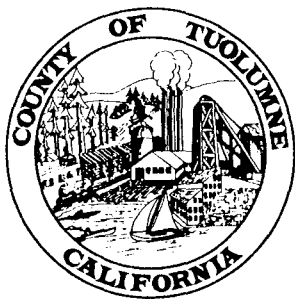
Thank you for your understanding and assistance in this matter. Please call me with any questions you might have.

Sincerely,

Michael L. Knowles
Acting District Attorney

MLK:11

Enclosures



District Attorney

Phone (209) 533-5655
2 S. Green St.
Sonora, CA 95370

FILED
Timothy D. Clancy
District Attorney

01 FEB -5 PM 3:07

SUPERIOR COURT OF CALIF
COUNTY OF TUOLUMNE

CLERK

October 19, 2000

To: **Tuolumne County Board of Supervisors**
Re: **Victim Witness Division RESPONSE
TO 1999-2000 GRAND JURY REPORT**

1. Recommendation: Vacant advocate positions filled immediately.

A. Both VW advocate positions were filled timely. One position reopened when a person was released during probation. This vacancy has now been filled.

B. The long running unfilled advocate position is a split funded, "highly specialized" grant position. Over the last three years there have been several recruitments which resulted in the hiring of the best candidate available at that time. In spite of extensive training, both professional and in-service, the candidates either left or were released during probation. The contribution of time and energy of the permanent staff was compromised by the continuous recruitment and training process. Staff was also struggling with internal personnel issues and the salary survey which reflected Tuolumne County advocates were paid almost 25% less than their comparable counterparts. Morale was at its lowest and the decision to not fill that specific position at that time was made with thoughtful consideration that was discussed with staff and the District Attorney Nina Deane. With the stabilization of current staff and the ability to secure grant funds we will once again recruit for an additional position.

2. Recommendation: Management professional training. Accountable.

A. Training is and has been a high priority in the Victim Witness Division. Grant requirements mandate professional training for both management and line staff on a yearly basis. Current management has been in a supervisory role for 15 years and has attended yearly job specific management training required by the Office of Criminal Justice Planning and the California Witness Coordinating Council. In addition, attendance at supervisory training provided throughout the year by the County as well as professional training such as Career

Track, Fred Pryor, etc. have been utilized as well as the maintenance and utilization of a considerable library of audiotapes on management issues.

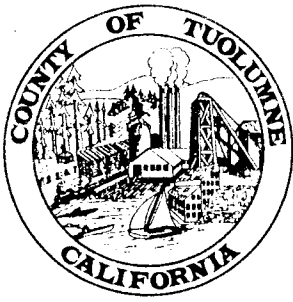
B. The Victim Witness Coordinator has been held accountable on yearly evaluations to positively represent and manage the District Attorney's Victim Witness Division for the provision of services to crime victims on a 24 hour basis. Decisions made regarding staff issues or concerns were made with thoughtful reflection, consultation with the District Attorney, and when necessary with Human Resources, County Counsel and the Employees Assistance Program.

3. Recommendation: Regular mandatory staff meetings -
Air disputes - Facilitator

A. Mandatory staff meetings for all staff (management, clerical support and advocates) are held every Tuesday for the provision of information exchange and the clarification of policy and procedures. advocates also meet on a daily basis for case reviews and assignments. This is facilitated on a rotation basis. Once a month advocates meet to discuss and clarify issues specific to the provision of services by advocates. This meeting is facilitated by the senior advocate. However, the supervisor meets with them upon request. Specific work related issues have several arenas for resolution. However, when personal issues interfere with the ability for staff to resolve their differences the opportunity to confront those unresolved staff issues has been and will continue to be available individually through the EAP, and EAP provided team building and conflict resolution with an outside facilitator. The Victim Witness Division will continue to request this service as needed. Proactive measures relating to team building and conflict resolution are high on the list of current planning.

4. Recommendation: DA meet once a month with entire VW staff.
Open door policy.

A. The foundation for implementing this recommendation has already been set with the invitation by the District Attorney to have the Victim Witness Division staff attend the criminal division attorneys' meetings. Tim Clancy has already made his "open door" policy as he has met with each staff member from each division and his division supervisors to "air" their issues.



District Attorney

Timothy D. Clancy
District Attorney

FAMILY SUPPORT DIVISION

01 FEB -5 PM 3:07

Shari Gallagher
Chief Investigator
Family Support Division

SUPERIOR COURT OF CALIF.
COUNTY OF TUOLUMNE

Phone: (209) 533-6400
Fax: (209) 533-6455
975 Morning Star Drive
Sonoma, CA 95370

CLERK

October 11, 2000

To: Tuolumne County Board of Supervisors

Re: Family Support Division RESPONSE TO 1999-2000 GRAND JURY
REPORT

GENERAL COMMENT REGARDING FINDINGS

Response to the findings and recommendations of the Grand Jury Report is set forth below, with findings grouped where it appeared they were interconnected. However, certain facts contained in the preface to its statements of concerns regarding the functioning of the Family Support Division bear special comment.

1. Staffing of the division

The summary of staff positions set forth in the Report does not reflect the existence of a deputy district attorney among the staff positions, which position was not permanently filled at the time the grand jury conducted its interviews, nor does it reflect the Division's request in its 2000-2001 budget for the addition of four family support officer positions -- a request which has been approved both at the County and State levels. It should also be noted that all of the vacancies which existed at the time of the Grand Jury investigation have been filled, and that a Deputy District Attorney with a full commitment to the Family Support Division has been hired.

These facts are relevant to this response in that they reflect a recognition by the Division management even at the time of the Grand Jury investigation of the need to stabilize the Division with adequate supervisory staff, and to increase staff in general in order to reduce the overall workload numbers for individual staff, which will, in turn, help alleviate the stresses of an inherently stressful job. This recognition, in fact, began long before the inception of the Grand Jury investigation in 1999, and involved a long and multi-step process, including the following: obtaining a new location to house overcrowded staff and to allow for staff expansion; obtaining approval of new staff positions, including new

supervisory staff; creating new job descriptions for the positions; and finally, recruiting, filling and training the new staff. While such a slow process moves forward, however, the workload increase does not abate, and staff can reasonably feel over-burdened without being able to see that there is light at the end of the tunnel.

Finally, at least some of the problems¹ which were addressed in the Report are a result of the following factors: the staff has increased significantly in number in the past five years; and the complexity and volume of services that are required of the Division by the State and Federal Governments have also increased exponentially over the years. Rapid growth often brings with it the challenge of trying to simultaneously meet program and staff needs which are at same time both common and at cross purposes. Thus, the problems raised in the Report might well be expected given the nature of the work performed by the Family Support Division in a time of significant growth and change.

2. Operational performance

The Division is recognized statewide for its cost-effectiveness and its high performance in several categories of compliance review. This is noted in the Grand Jury Report. Missing from the Report, however, is an explanation of how that could be the case if all of the staff were as unhappy with their working environment as is painted in the Report. Disgruntled staff do not historically perform well under constant stress, and it is unlikely the high performance output which is objectively recorded by the State would be possible if there was not, in fact, a modicum of satisfaction among the staff as a whole. Indeed, the staff of the Family Support Division are each and every one of them dedicated and hard-working and are valued by management for the work they do day in and day out, under trying conditions.²

SUMMARY OF FINDINGS AND RESPONSES

FINDINGS: Employee turnover is unacceptably high AND morale among staff members is low.

¹ Among them: high caseload, under staffing of supervisors and the need for continual training.

² Indeed these trying conditions may become even more so even if staff support increases, because the legislative mandate of the new "local child support agencies" will include expanded services above those of obtaining paternity determinations, and of obtaining and collecting support - they will include, *inter alia*, community education and services for non-custodial parents.

RESPONSE

Re: Turnover

In canvassing statewide,³ it is apparent that staff turnover in family support divisions, particularly in caseworker positions, is higher than in most county departments. This is due in part to the nature of the work which is done and in part to the fact that the positions are historically under-compensated, which results in qualified workers finding higher paying or promotional jobs which move them out of the family support divisions. Thus, the Grand Jury Report's negative comparison of staff turnover in the Division with a lower rate of turnover in other departments in the county is not an appropriate comparison.

However, although recognizing Tuolumne County's experience in staff turnover mirrors that of the State as a whole, it is the case that the turnover rate is not acceptable to the Division. High turnover adversely impacts on the training of the staff and ultimately on the ability of the Division to perform its legally mandated services, including the delivery of service to the public. The Division agrees that steps should be taken to address the staff turnover issue and these are discussed below. The Division also agrees that the consequences of high turnover include the necessity for constant training, that management must take over some of the caseload responsibilities thereby leaving less time for management, and that the pay for caseworkers in Tuolumne County is low given the responsibilities of the work and in comparison to neighboring counties. Insofar as the level of pay of the staff is outside the control of the Division, it is suggested that this issue be addressed by other county departments who have responsibility for classification and rates of pay. The Division will endeavor to work toward that goal, since this is a problem which is interfering with the Divisions's ability to fill a needed supervisory position at this time.

Re: Morale

The Report indicates that former employees stated that morale

³ The canvas was conducted in order to evaluate the legitimacy of the criticism of the Grand Jury Report that the turnover rate of the division is high. It was determined that comparative information was needed to know whether Tuolumne County's experience in turnover was characteristic or uncharacteristic of family support divisions through-out the state. Staff vacancies in several counties canvassed were so high that temporary employees are routinely hired to fill positions for protracted periods of time, adversely affecting performance.

is low in the Division and that it was a major factor in their decisions to leave their employment here. However, the Report also cites low pay as a reason for low morale, which is addressed above.

It should be noted that those cited were all described as former employees and not current employees. It should be noted also that employees as a whole leave positions for four primary reasons: 1. they retire; 2. they take employment elsewhere at a higher rate of pay or for promotional reasons; 3. they move from the geographical area for personal or professional reasons; or 4. they are unhappy in a job for a variety of reasons, some of which may relate to their unmet expectations of a job to which they may not readily admit, some which may relate to how they felt about the job because of working conditions which can also easily be made a scapegoat for generalized unhappiness. The Report seems to infer that the five employees who left the employ of the division in 1999 left because of morale issues - reason number 4 for leaving employment. The facts are quite otherwise.⁴ It is also natural when conducting inquiries about how people feel about a work environment to be drawn into negativism when inquiry is focused on narrow issues, and to fail to listen with a critical and inquiring ear, especially when there is insufficient time to make full investigation of a work environment, from which full investigation a balanced conclusion can be made as to the overall situation.

The Division acknowledges that - as in all workplaces - there have been problems over the years. Efforts are made at each point when this is brought to the attention of management to address those expressed concerns, wherever it is possible to do so without compromising the work product - that is, our service to the public. Efforts have also been made and will continue to be made to provide avenues for staff to express concerns, to offer suggestions for improvements to management, to involve staff in decisions where appropriate, and to provide positive encouragement and praise for a job well done. Current staff have expressed that such a commitment to improvement is evident to them.

FINDING: Some staff are dissatisfied with job descriptions not matching actual job duties.

⁴Of the five employees who left the Division in 1999, three left for jobs with higher pay, one left to work for another department and did not pass probation there, and one left the job one day and did not return, having worked for the Division only a brief time.

RESPONSE

Aside from management⁵, there are three categories of staff in the Division: clerical, accounting and caseworkers [called Family Support Officers-FSOs]. All job descriptions are developed by the Department of Human Resources. The first two categories of the Division staff positions mentioned above are generic and are used to fill positions through all departments in the County for clerical and accounting positions. The third is specific to the job duties of family support officers. However, at the direction of the Department of Human Resources, the job description of a family support officer reflects a broadly written set of job duties which the caseworker might be called upon to perform throughout the course of their employment. No one caseworker performs all of the duties set forth in the job description.

A careful review of the job descriptions for the primary positions in the Division reveals that there is nothing in the descriptions which is inaccurate in a generic way, or which is not a potential job duty in a category. As noted earlier in this response, however, the expectations of employees about the work they perform are not always met by the realities of their jobs, or as quickly as they would like. Some employees may be drawn to a family support officer position because of an expectation, for example, that they will be attending court with the attorney and will be testifying in court. Yet their specialized job duties may not lend themselves to that responsibility or the individual may not be trained sufficiently for some time in order to be able to do so. Knowing that the disparity of job description in comparison with immediate and actual job duties is an issue for some staff, an effort will be made to clarify the realities of the job requirements with employees in their job interviews to avoid similar problems in the future. Additionally, the Division's goal is to have all caseworkers cross-trained in the specialty areas, but this process will take time in order to make certain that all positions are properly staffed with trained employees.

FINDING: Some staff complain of an oppressive atmosphere, described as being one where staff are discouraged from sharing technical information, and the policy, while a legitimate one, leads to substantial inefficiency and stress.

RESPONSE

The only example given in the Grand Jury Report of complaints

⁵ The job descriptions of the chief investigator and deputy district attorney positions are admittedly out-dated and are being re-written.

about an oppressive working atmosphere is that former and current staff indicated they are discouraged from "even sharing technical information about cases or procedures..."

As stated in the Report, the policy for staff to discuss procedures and cases with their supervisors or at staff meetings originates from a training consideration. The desire is to make certain that staff are trained properly and with uniformity in order to carry out their work, because a great deal of the work performed, especially by caseworkers, has immediate and serious consequences on the payers of child support and causes distress and problems for families when mistakes are made. With the large number of relatively new staff [2/3 of the current staff have been with the division less than two years, and this a partial consequence of the expansion of staff], the complexity of the information and training needed for a caseworker to properly carry out their tasks,⁶ and the fact that the caseworker duties are performed in specialized units [e.g., intake, establishment, enforcement, modification], it is imperative that misinformation is not provided and that supervisors are informed of information or training gaps of the staff. When presented with the concern of staff that they could not talk with each other, the decision was made to encourage staff to inquire of their supervisors where there are questions about procedures and cases, but to otherwise allow discussions among staff about such matters. Certainly, any casual visitor of the Family Support Division will find staff both readily discussing work among themselves, as well as having casual personal conversations.

Despite the conclusion drawn by the Report as to the negative impact of the existing policy of encouraging caseworkers to discuss concerns/problems with their supervisors, it the experience of Division management that it is more inefficient and stressful to have staff sharing information that may well be inaccurate or incomplete, than to have questions clarified by their supervisors or trainers, even if that causes a delay in processing a case. Certainly, with the volume of files worked by caseworkers, work does not stop on all cases if questions on several need to wait for clarification by a supervisor. When mistakes are made in cases for whatever reasons, the repercussions flow to staff from a number of sources - the payer of support, the recipient of services and support, the supervisor, the compliance reviewer, and ultimately the funding sources for the Division's budget. It is, therefore, imperative that the Division management exercise its responsibility to provide staff with adequate tools and training to enable them to

⁶ Significant training - indeed, years - is required for a caseworker to become proficient in the knowledge of various specialty areas in order to be able to work a case from intake through establishment, enforcement, modification and closure.

successfully perform their duties. That goal is the driving force of the existing policy.

To attempt to address staff needs, however, effort is being made to make supervisors more accessible to staff on a regular basis, so that staff receives the constant training which is inherent in their work. To provide added support for staff, existing written procedures are being incorporated with the newly developed FSO AND CLERICAL PROCEDURES MANUAL which has been distributed to all staff, and new procedures are being written to assist the staff in carrying out their duties. The weekly FSO meetings have always been used for training, and training will continue to be on-going, with sections of the procedures manual discussed at the weekly FSO staff meetings in addition to discussions of cases and dissemination of memoranda and information. Clerical meetings are held monthly, and accounting meetings are held as needed. Meetings of the full staff are held every two months in order to up-date staff on new requirements, laws and procedures, and to discuss items of interest relating to the staff as a whole, such as amendments to the safety procedures, use of new forms within the office, etc. Agenda items for these bimonthly meetings are solicited from the staff as a whole. Staff are also encouraged to participate in significant areas of office management within the Division. These include areas such as safety issues, the development of procedures and forms, and the use of peer trainers in the conversion to a new case management computer system, which model can be used for subsequent peer training programs.

Finally, the management structure within the Division which has been in development for some time is now in place - one which includes the chief investigator, the deputy district attorney, the fiscal manager, the Supervising FSOs and the Legal Office Supervisor. This team will manage the work of the Division and plan and implement Division operations, including staff training. A legal office supervisor has been hired to supervise the clerical staff and supervision of the family support officers is shared between the Supervising FSOs, assisted by the Chief Investigator and the Deputy District Attorney. The structure was implemented to provide a mechanism for effectively sharing the responsibility for the operations of the Division and the supervision of the staff as a whole.

RECOMMENDATION: Staff should obtain outside training, with a strong focus on management practices and leadership techniques for the management team.

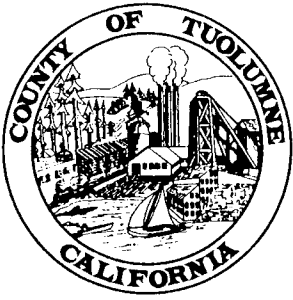
RESPONSE

The training schedule attached to the Report setting out the

number of training seminars on a range of subjects is testimony to the strong commitment of the Division to training of the staff at all levels. In regard to training offered outside the Division, staff are encouraged to obtain training in areas of casework management, supervision, community outreach, etc., and several staff members have recently attended a national child support conference held in San Diego, an advanced family support officer training, and compliance review training. This commitment to training will continue, including for management staff, and management and supervisory staff are scheduled to attend training in these areas in the near future.

RESPONSE TO CLOSING COMMENTS

In its closing paragraph, the Report makes reference to the state-mandated change of the operation of the Family Support Division out of the Office of the District Attorney. Tuolumne County has been approved by the State for a transition to a separate local child support agency and the target date for the transition is July 1, 2001. The Division will endeavor, both under the umbrella of the Office of the District Attorney and subsequently as a separate department, to be sensitive to the needs of the employees of the Division, to provide positive recognition for work well-performed and constructive encouragement for improvement, to involve Division staff in the decision making processes whenever appropriate, and to make adjustments as needed to enable staff to perform in a positive environment in which quality services can be provided to the community in the areas of the Division's State-mandated responsibilities.



County Administrator's Office

C. Brent Wallace
County Administrator

FILED

Tuolumne County Administration Center

2 South Green Street

Sonora, CA 95370

Phone (209) 533-5511

FAX (209) 533-5510

00 NOV -3 AM 8:28

SUPERIOR COURT OF CALIF
COUNTY OF TUOLUMNE

September 6, 2000

CLERK

Christine Pader

TO: C. Brent Wallace, CAO

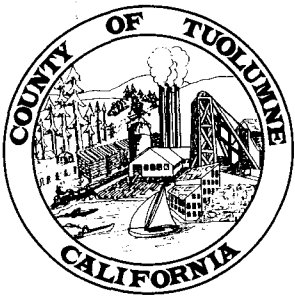
FROM: *CB*
Craig L. Pedro, Assistant CAO

SUBJECT: Response to FY 1999-00 Grand Jury Final Report – Animal Control

I wholeheartedly agree with both the findings and conclusions of the Grand Jury relative to the County's Animal Control Division. I would like to add the following comments:

1. The design of the Animal Shelter expansion will not be completed until Fall 2000 with construction to follow sometime thereafter.
2. The County sponsored legislation (AB 2754) aimed at reducing some of the most onerous provisions of SB 1785 was passed by both the Assembly and Senate and is currently awaiting signature by the Governor. Unfortunately, opposition to this bill was very high in the State Senate which resulted in significant amendments to the bill. In its present form, AB 2754 will provide minimal relief to shelters.
3. The Animal Control Manager will be exploring alternative methods of encouraging spay/neuter efforts throughout the County and will be presenting same for consideration by the Board of Supervisors as part of the FY 2001-02 budget process.
4. Last but not least, I do wish to personally salute the hardworking staff of the County's Animal Control Division and Animal Control Manager Jennifer Clarke in particular.

Cc: Jennifer Clarke, Animal Control Mgr.



Tuolumne General Hospital

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

00 NOV -3 AM 8:28

SUPERIOR COURT OF CALIF
COUNTY OF TUOLUMNE

CLERK Christine Pader

September 30, 2000

TO: Board of Supervisors

FROM: Joseph K. Mitchell, Hospital Administrator

SUBJECT: Response to Grand Jury Report

Attached is the response to the 1999-2000 Grand Jury Report for Tuolumne General Hospital.

Please do not hesitate to contact me if you have questions or comments.

RESPONSE TO THE GRAND JURY REPORT

I. CONTRACTS

Respondent disagrees, in part, with the findings.

The Grand Jury seemed to blend elements of two separate agreements into their findings and spoke as if a single agreement existed.

Public hospitals in California are permitted to hire physicians; this is the singular exception to the law precluding the Corporate practice of medicine.

The “Incentives” alluded to were in the initial hire agreement and were to be paid based upon Net Practice Receipts and **not** upon Gross Charges nor upon referral business to Tuolumne General Hospital. This language was adopted into the Physician Compensation Plan. There was clearly no Stark Law violation.

County Counsel hired an outside legal firm to review the agreement, which provided a minimum income guarantee and no incentives or bonuses. Their opinion was that there was no Stark Law violation.

Regarding the Recommendation, which implies otherwise, County Counsel and the Hospital Administrator have always adhered to the Stark Law and ethical standards. They have not violated the law; they will not violate the law in contractual arrangements.

II. FINANCES

Respondent disagrees, in part, with the findings.

The Grand Jury uses the term “Gift” in reference to County General Fund monies transferred to Hospital’s Enterprise Fund. Tuolumne General Hospital is a County Department; the County has obligations in areas of health, safety, etc. Allocation of funds to County Departments in those categories are not “Gifts”.

The hospital did not spend \$2.4 million on installation of the new computer system. The Meditech System cost \$1.25 million, which is being financed over five years.

In a survey of eleven **comparable** facilities, we found two that **require** Coding certification: Mark Twain-St. Joseph’s Hospital and Fremont-Rideout Health Group. Certification was **not** required at Auburn-Faith Hospital, John C. Fremont Hospital, Lassen Community Hospital, Madera Community

Hospital, Marshall Hospital, Oak Valley District Hospital, Sierra Nevada Memorial Hospital, Sonora Community Hospital, or Sutter-Amador Hospital. Though most have some certified coders on staff, two hospitals had none. The lack of availability of certified staff in rural communities is an impediment to recruitment in rural hospitals.

However, it is important to have experienced and knowledgeable coders and have their work periodically reviewed by outside experts. This has been Tuolumne General Hospital's practice.

The Chief Financial Officer was a newly appointed manager over the Business Office; she was, in fact, the Fiscal Manager rather than CFO in FY '98-99. Responsibility for the Business Office remained principally with the Hospital Administrator.

Recommendations:

- 1)
 - a. Implemented. A consultant was hired. Work began in August 2000, to be completed by December 2000.
 - b. As above. Additionally, a Request for Proposal for seismic assessment was let in July; three responses have been received; award is to be made in September.
 - c. Implemented: A consultant for Business Office operations/Meditech upgrade/etc. was hired in July 2000, to be completed in September 2000.
 - d. Implemented. As above.
 - e. Implemented. As above.
 - f. Implemented. Reorganization is underway to place all "Admitting-Registration" functions under one manager (hospital, physician office, rehabilitation). All billing functions will be overseen by another manager. This will be reviewed by March 2001 to ascertain effectiveness.
- 2) Implemented. This is part of the Consultant's review to be completed by December 2000.
- 3) Implemented. The CAO and Board of Supervisors hold the Administrator responsible and accountable. They are aware of all steps taken during this period; they are aware of Public Sector Personnel requirements and limitations imposed by the Memoranda of Understanding with Collective Bargaining Units.

- 4) Implemented. The Hospital Administrator meets weekly (more often as necessary) with the CFO and Deputy Tax Collector regarding issues within the Business Office. Individual staff within the Business Office are communicated with regarding specific issues anywhere from once per week to daily. The Administrator deals directly with the follow-up on Psychiatric Accounts and Medi-Cal carve-out accounts.
- 5) This recommendation requires further analysis. The CAO receives many reports currently on various aspects of the "collections" issue, status of AR, computer conversion, and Business Office operations. Whatever report is requested in any feasible format will be provided.

III. LABORATORY

Recommendations:

- 1) Implemented. The Infection Control Policy is reviewed annually at a minimum. It is updated as needed.
 - a. Gloves are to be changed between patients.
 - b. Laboratory coats are not required to be changed between patients, but rather when they become soiled.
 - c. These matters are addressed in the Infection Control Policy and are in compliance with OSHA and Licensing regulations.
- 2) Implemented. As above. The 1985 Policy was accurate.
- 3) Implemented. Employees failing to adhere to the Policies will be counseled.

IV. LONG TERM CARE

There were no recommendations. The Skilled Nursing Facility at Tuolumne General Hospital maintains a fine reputation within the community.

V. MORALE

Respondent disagrees in part, with the findings.

The Grand Jury acknowledged that they interviewed a small sample of employees, including the Business Office Staff, which was imploding. This was not a valid sampling.

Morale ebbs and flows within hospital settings. It was neither particularly high nor low during this past year. It is currently considerably lower in light of differences in the pay increases awarded different staff, job eliminations, and program revamping underway at Tuolumne General Hospital.

Response to Recommendations:

- 1) Implemented. Job descriptions have undergone several revisions over the past three years to "criteria-based" job descriptions (with the addition, as well, of "age-specific" requirements). An outside firm has just completed a "Reclassification Study" which examines job requirements versus practice and internal relationships of positions. This study began in April 2000.
- 2) Implemented. Annually the hospital has spent \$15,000 - \$20,000 on outside training. Internal training costs have not been tabulated. Cross-training has been a priority within the Nursing Department, and has intensified over the past year (concurrent with a slightly higher turnover rate in some areas).
- 3) Implemented. Employees "needs" and requests are taken into consideration, when preparing work schedules but cannot always be accommodated due to the 24-hour/7 day nature of our business. Additionally, "last minute" requests cannot always be accommodated.
- 4) Implemented. The Hospital Administrator has an "Open Door Policy"; the Administrator makes rounds throughout the facility several times weekly; the Administrator attends Orientation and Reorientation meetings monthly as well as Head Nurse/Supervisor and Department Head Meetings monthly. There has not been an instance when the Administrator has not met with individuals requesting a meeting or discussion.

VI. PSYCHIATRIC UNIT

Response to Recommendations

- 1) The recommendation will not be implemented at this time. The replacement of the door remains a low priority with the unit staff and the Administrator. A single such escape in the thirteen-year history of the unit with thousands of patients housed there indicates the lack of a real threat.

- 2) This recommendation has not yet been implemented, but will be by October 1, 2000; the three-key system was instituted two years ago by the Head Nurse at the time. This recommendation is a high priority with staff and Administration.
- 3) This recommendation requires further analysis; the furniture recommendation is a novel and constructive one. On the "locked" side (where some patients might "act out") the furniture issue will be reviewed with staff; whether to select a style that is "secured to the floor" or simply more cumbersome/less likely to be used as "weapons" or "projectiles" will be evaluated by unit staff.
- 4) Implemented. Assault intervention training has been scheduled for unit staff. This was facilitated by having an Out-patient Intervention Worker trained as a "Trainer".
- 5) Implemented. Cross-training remains a high priority for the Nursing Staff.



County Administrator's Office

C. Brent Wallace
County Administrator

October 4, 2000

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FAX (209) 533-5510
SUPERIOR COURT OF CALIFORNIA
COUNTY OF TUOLUMNE
CLERK *Christina Paden*

TO: Board of Supervisors

FROM: C. Brent Wallace, County Administrator *C.B.W.*

SUBJECT: Response to FY 1999-2000 Grand Jury Report

A friend of mine recently said, "...there are two sides to every story, and maybe more. The Grand Jury will write what they want to write." Neither of those concepts is acceptable with regard to the FY 1999-2000 Grand Jury Report. The Grand Jury has correctly held me, as County Administrative Officer, to a high standard. In my 28 year career (not 14 years as reported by the Grand Jury), I have acknowledged and supported the role of the Grand Jury in local government. I not only respect the role the Grand Jury fulfills, but I also honor those that dedicate a year of their time to complete the tasks they are charged to fulfill. The Grand Jury must be held to the same high standard of any government employee, for their duty is to provide an impartial and *complete* review and analysis of government itself.

It is not my intent to tell another side of the story, but to provide a complete report. The Grand Jury failed to adequately investigate issues, ignored various comments and deliberately ignored information, or information that could have been obtained with no difficulty. In two specific incidents the Grand Jury made statements that are clearly of their own creation. The Grand Jury simply cannot be allowed to write what they want to write. They must be held accountable for what they write. Providing unsubstantiated allegations with only vague references to people or events under the cloak of confidentiality is unacceptable.

In their attempt to discover and research various issues placed before the Grand Jury they made, in some cases, an honest attempt to provide a complete report. The Grand Jury states, "Evidence to corroborate or refute information he (County Administrator) provided was sought from as many sources as possible. Some of the information provided had the effect of sending the Grand Jury on fruitless, unproductive quests." *Fruitless and unproductive for whom?* Not to me. If the Grand Jury had simply exercised the use of Penal Code Section 933.05, the section of the Code that governs the operation of the Grand Jury, they could have answered many of the questions in which they claim that I provided misleading or conflicting information on. Rather than pursue the truth and complete information about an issue, it became, for reasons known only to the Grand Jury, *fruitless and unproductive*. The Grand Jury frequently failed to obtain information that would validate my statements.

The style and content of the Grand Jury report with regard to the Administrative Officer is confusing in its presentation. The Grand Jury presents a series of allegations, then creates a section of the report titled **Findings and Conclusions: Allegations**. The report on the Administrative Officer is the only section in the entire report that uses this type of format. This format is not only unusual for the report, but has not been used in previous Final Reports of the Grand Jury. The accepted manner of a Grand Jury Report is to present the Findings, the Conclusions then the Recommendations. It is striking that the actual six Recommendations are virtually absent of the majority of the Findings and Conclusions: Allegations in the Final Report.

There are six recommendations made by the Grand Jury. Two of those are for the Board of Supervisors, one for next year's Grand Jury, two regarding homicide trial funding and one regarding Workers' Compensation Claims. There is almost a total absence of Recommendations dealing with the findings and conclusions and allegations.

Because of the format and style of the Grand Jury Report it is impossible to deal only with the Conclusions and/or Recommendations. The following response is an exhaustive review of each of the Findings and Conclusions: Allegations.

Alleged Hostile Workplace

With regard to the attendance at Department Head meetings, the Grand Jury has made an inaccurate assessment of those meetings. Neither has the Grand Jury provided an example of a single incident in which a person attending those meetings was treated in an unprofessional manner. Certainly, there has never been an incident in which a Department Head has been berated in such a meeting. I specifically asked the Grand Jury to provide me with the specifics of such an incident. They did not do so, because they knew such an incident has never occurred.

Department Head meetings are 100% voluntary. There is no mandate to attend. The purpose of the meeting is to share information. The meetings are a method of providing data, reports, and a forum for discussion of issues of common concern. There has never been, nor will there ever be a discussion of an individual employee or an employee's performance. To validate these statements, the Grand Jury had at its disposal all the agenda printed for these meetings to review the content. It is clear that the performance of any employee is not a part of the formal agenda and never discussed in a department head meeting.

The Grand Jury does a disservice to the reader in placing comments about my behavior in the context of Department Head meetings. There may be Department Heads, past or present, that do not like me or the manner in which I do my work, but to imply that comments about my behavior came about as a result of Department Head meetings is untrue. There is simply no evidence of such action on my part.

The Grand Jury fails to provide any specifics with regard to the work product of a Hostile Workplace. If the situation is as bad as the Grand Jury insinuates, where is the evidence of that

in the work product that is weekly reviewed by the Board of Supervisors. There are no long drawn out battles in the Board meetings between the County Administrator and department heads. There is no evidence of berating employees or of my creating an environment that is in turmoil.

The Grand Jury states, "Most of Mr. Wallace's subordinates are intelligent, hard working, dedicated employees." Once again, the Grand Jury confuses the reader. *All of my subordinates are intelligent, hard working, dedicated employees.* The only subordinates of the County Administrator are those working directly under his supervision. The Grand Jury would have the reader believe that I have publicly criticized one of those with whom I work on a daily basis, my co-workers. That has never happened, and the Grand Jury knows that. This is a very poor use of wording in the report.

What the Grand Jury is stating, I think, is that I made inappropriate comments to a Department Head in a public place. I do admit to that - and I stated so to the Grand Jury. It must be made clear, however, that a Department Head is not a subordinate to the County Administrator. The Department Head is hired and fired by the Board of Supervisors. The ultimate responsibility of all Department Heads is not to the County Administrator, but to the Board.

The Grand Jury also provides only a portion of a quotation when they quote that I stated I have a "strong personality". That statement also included the fact that when a Department Head acts directly in conflict to a known Board of Supervisors' policy to achieve the personal favor of the Board, I will generally react. I agree with the Grand Jury that I should have reacted in a more professional manner and in another place. I will endeavor to make sure that such an inappropriate action does not happen in the future.

Please take a careful look at this section of the report. There is one admitted action on my part to substantiate the Grand Jury's allegation. For the Grand Jury to insinuate, or allege, that there is a hostile workplace is without substance. There is no substance provided by the Grand Jury, nor does the Grand Jury provide a true Finding, or a Recommendation, to sustain such an allegation.

Fear of Retaliation

This allegation is, by far, the most ridiculous allegation made by the Grand Jury. Again, please look at this allegation clearly. Where is the Finding? Where is the Conclusion? The Grand Jury takes one of my statements out of the context of a discussion and uses it to try and prove what? There is no evidence provided by the Grand Jury that anyone has suffered any retaliation in any manner.

During my last meeting with the Grand Jury I was asked about creating a hostile work environment, improper criticism of a Department Head (addressed above) and relationships with

certain other public officials. In the context of that discussion, I admitted to the improper criticism (addressed above), denied the accusations of poor relationships with other public officials and provided, in writing, irrefutable proof to the Grand Jury that the other incident that was alleged to have occurred did not happen.

The Grand Jury repeatedly returned to this issue. I asked clearly and concisely for the Grand Jury to provide me with specific incidents to which I could respond. After about the fourth or fifth time of this question, I responded that if the Grand Jury wanted me to answer their question they would need to supply me with specific details of the alleged issues, at which time I did say - "If you want me to respond you must provide me details. I have a right to face my accusers." That statement was not meant to be anything other than a request for details, which the Grand Jury was unwilling, or more likely, unable to provide to me. For the Grand Jury to publish a conclusion based upon only a part of the discussion is wrong. Again, the Grand Jury has not only failed to provide a Finding of any nature, it fails to provide a Conclusion that has substance.

Alleged Gender-Based Discrimination

I offer my compliments to the Grand Jury for doing the complete work in researching this item.

Alleged Mishandling of Funding for Sund-Pelosso Case

The allegations of the former District Attorney with regard to funding for the Sund-Pelosso homicide are without substance and the Grand Jury knows this. I did, in fact, work with numerous State officials to secure funding including, Mr. Mike Gotch, Governor Davis' Legislative Affairs Director, staff from Senator Montieth's and Assemblyman House's office, as well as sending communication to Governor Davis. Regardless of what the staff from the Attorney General states, I did seek their support as well. I responded to two telephone calls from Attorney General staff members and asked for their support each time.

If the work effort of anyone should be examined, it should be that of the former District Attorney. What did she do to secure funding? In fact, as the Grand Jury well knows, the former District Attorney had made a decision to resign from office and leave the County well before any decision regarding funding for the trial was made. The Grand Jury could have sought to verify this statement, which I made to them, by simply looking at the arrangements she had made prior to her departure. It was well known in the community that she was leaving well before she and I had a confrontation of any type. It is possible this is one of the *fruitless, unproductive quests* that the Grand Jury did not undertake.

It is beyond belief that any elected official, particularly one that had run unopposed for re-election, would resign because the County Administrator had recommended the hiring of a lobbyist. In fact, the former District Attorney was a member of the California District Attorney's

Association. The Executive Director for this Association is a *registered lobbyist*. And, the County pays the membership on behalf of the District Attorney to this Association. Is this an improper membership for a District Attorney? Absolutely not. Virtually all business in Sacramento is done through registered lobbyists, including the Regional Council of Rural Counties (RCRC) and the California State Association of Counties (CSAC), of which Tuolumne County is a member of both. For the former District Attorney to state that this is the reason she resigned is absurd.

With regard to the hiring of a lobbyist to work on behalf of Tuolumne County the Grand Jury provides an incomplete report. The following needs to be added:

- I stated to the Grand Jury that at the time the lobbyist was hired I did not know that he was not allowed into Senator Montieth's office. I further stated that if I had known this I would not have recommended him to the Board of Supervisors. The Grand Jury failed to include this statement in its report.
- The Grand Jury states that \$10,000 was spent on hiring the lobbyist and implies that the only function he was to fulfill was to secure homicide funding. The Grand Jury knows this implication is not true and they had total access to and were provided copies of, as the Grand Jury verifies later in the report, the monthly lobbyist's reports (Exhibit A). As the reports clearly show the lobbyist was involved in many activities on behalf of Tuolumne County and he was specifically singled out for compliments with regard to the extension of legislation relating to animal control regulations. Additionally, this is confirmed in the staff report submitted to the Board when the recommendation was made to hire the lobbyist. He was, in fact, hired to work on a variety of issues.
- The Grand Jury states the lobbyists ". . . may have been involved in lobbying for the legislation that ultimately was successful . . . in Siskiyou County." *May have been involved?* The Grand Jury knows this statement is incorrect. The lobbyist was absolutely responsible for securing funding in Siskiyou County. The Grand Jury had every opportunity to confirm this by calling any member of the Board of Supervisors of Siskiyou County. Why does the Grand Jury attempt to create doubt? Is there some hidden agenda?
- Ultimately the lobbyist, state legislative staff and I were successful in securing legislation for homicide funding for Tuolumne County. Senator Montieth's bill was passed by both houses of the legislature and sent to the Governor for signature. How could that possibly be a failure? Legislation (SB 161) even with bipartisan support, was vetoed by the Governor. All involved with SB 161 worked extremely hard on that legislation. We were very disappointed with the veto, but the veto contained the message of how to proceed in the future, which will be addressed below.

- The Grand Jury is disingenuous when it reports on Calaveras County as having received funding for a high-profile murder case (Charles Ng). The Grand Jury knows that this murder case, just as with the Siskiyou County murder case, has been included in the State budget for many years. Because they were continuing cases, the Calaveras and Siskiyou County cases were left in the budget. In fact, Calaveras County received more than \$20,000,000 over more than a decade for the Ng case. Because of this situation, Governor Davis was no longer willing to follow the precedent set by a previous Governor. Governor Davis' veto message of SB161 gave a clue that some other type of legislation would be needed. Along with County Administrators from four other counties, assorted lobbyists from RCRC and CSAC and a variety of other lobbyists and state legislative staff, we immediately began to work on legislation that would meet Governor Davis' needs for FY 00-01. For the Grand Jury to imply that another lobbyist had been successful with special legislation is inaccurate. There was no special legislation for Siskiyou or Calaveras Counties, but a continuous line item as part of the State budget bill, which was the preferred method of funding for Governor Wilson.

It should be noted that Calaveras County engaged the services of a paid lobbyist to assist the County with the funding and management of the Ng case. Thus, all the counties in recent years, including Siskiyou, Calaveras, and Sonoma, had utilized the services of a lobbyist to secure funding for high profile homicide cases. I was following the same pattern that had been utilized for several years by several counties, including the county in which I was previously employed. I was not trying to do something unique or vastly different.

The Grand Jury has stated that my actions were both "unwise and unproductive" by not seeking the help of the District Attorney and the Attorney General. Again, I would ask, what did the former District Attorney do to promote anything? What did the Attorney General do to assist the former District Attorney? Both of those offices are independent of the County Administrator. If they believed they had a better plan and could have gotten the money into the budget or a bill, why not proceed? I would have gladly supported any effort they put forth. The Attorney General is of the same political party of the Governor. It would seem that the Attorney General would have been a natural ally in supporting any homicide trial funding. Yet, to my knowledge - and the Grand Jury offers no supporting information - the former District Attorney and the Attorney General did absolutely nothing.

Finally, the Grand Jury makes an evaluation of the Rural Homicide Act (RHA) and legislation that was in process for most of the 99-00 year. In fact, I specifically stated to the Grand Jury that this legislation was in process, but that a specific section was still being worked on and that, at the time I met with the Grand Jury (late February 2000), the language was not finalized with regard to the criteria for award of funding. The Grand Jury's remarks on page 6 of the report are inaccurate because the legislation finally signed by the Governor was amended numerous times.

There is much more to say on this issue below, as the Grand Jury chose to separate this subject into two parts.

Alleged Mishandling of Workers' Compensation Case

This section of the Grand Jury report contains a statement that is absolutely untrue and a statement of the Grand Jury's own creation.

The Grand Jury states, "According to the Human Resources staff, files on Workers Compensation cases are routinely available to the Department Head in charge of that employee." This statement is absolutely false. In fact, Workers Compensation files are managed by a single employee in the Human Resources Office. That employee states, *"The Grand Jury is misinformed. We keep departments apprised of the work status of the injured employee, an estimated return to work date, and medical condition of the employee as it relates to work restrictions. We also advise the department if there is a concern regarding an unsafe working condition or practice."*

The Human Resources Manager responded to questions from the Grand Jury on this issue as well. His response is *"In my discussion (with the Grand Jury) I said I wasn't aware a department head had ever asked (to review a workers compensation claim file) before, which certainly implied that it wasn't routine."*

Workers Compensation files are confidential files and not "routinely available" for two reasons. These reasons were stated to the Grand Jury, but this must be another of those *fruitless, unproductive* issues that they chose to ignore. These files are both legal files and medical files. The County has an obligation to protect these files for the confidentiality of the employees medical status, and for the confidentiality of the legal process that must be followed to resolve the claim of injury.

Prior to the conclusion of this calendar year a set of guidelines will be recommended for adoption by the Board of Supervisors. These guidelines are those recommended by the counties excess insurance consultant and are consistent with current law. The guidelines will make it clear that Workers' Compensation claims and the resulting files are confidential and not available for review, except in cases where there are employee safety concerns, or workplace safety items that must be reviewed to protect employee health and safety. The guidelines will be recommended for adoption by both the County Administrator and County Counsel.

I would ask the reader to take a careful look at this entire section of the Grand Jury Report. Consider what is missing. **The Grand Jury make no mention of the injured employee.** A Workers Compensation claim is based upon an injury to an employee. The Grand Jury never even mentions the issue of protecting the employee. In fact, the Grand Jury knows, as did the former District Attorney, that the Workers Compensation claim contains information critical of the management of the District Attorney's office, including the former District

Attorney. The Grand Jury had total access to the report and knows that the issue was one of self protection for the former District Attorney, as the report clearly identifies that she had repeatedly failed to supervise one of her divisions. In spite of overwhelming evidence of the former District Attorney's lack of administrative ability, the Grand Jury focused on my refusal to provide her the report. There is no concern on the part of the Grand Jury for the injured employee, there is no acknowledgment of the former District Attorney's failure to effectively supervise her department to prevent additional injuries. The former District Attorney was, in fact, interviewed by the investigator that compiled the report. She read the report and failed to take action to correct management problems.

The Grand Jury makes an issue of the former District Attorney's "repeated requests", for the report. The appearance that the Grand Jury tries to make is that this was a long drawn out issue. It was not. The entire issue was resolved in a very short period of time. The repeated requests occurred in virtually one day to three different people. The former District Attorney **never asked me for the file** until after meeting with members of the Board of Supervisors.

The Grand Jury also fails to provide information with regard to the resolution of this Workers Compensation claim. Once the former District Attorney obtained the file, she did nothing. She did not inquire as to the health of the injured employee, she did not take action to correct the issues that caused the injury and she did nothing to make recommendations for her successor to assist him with managing the problems identified in the report.

The issues causing the injury are directly related to the management of the department. The former District Attorney was more concerned with any negative impact upon her than she was in resolving the issues of concern. Prior to her departure, she completed a job performance evaluation of the management of the department. That evaluation was the highest rating, Exceeds Expectations, that may be given on a job performance evaluation. This evaluation was given even with the overwhelming evidence provided in the Workers Compensation file that problems existed. The Grand Jury knew this information, and much more, and chose to ignore it.

Less than five months after assuming duties as the newly appointed District Attorney, Mr. Timothy Clancy, evaluated the performance of the management of this same function. In fact, Mr. Clancy interviewed every single employee of the department. Mr. Clancy provided me with documentation, **a copy of which was provided to the Grand Jury**, stating that there were significant management problems in the work unit. Shortly after this, Mr. Clancy and another member of the District Attorney's staff, met with me to discuss a manner in which the management of the unit could be improved.

Let me restate the issue, **what changed in less than five months?** The former District Attorney rated the employee performance as Exceeds Expectation. Mr. Clancy stated that a need to change the management of the work unit was necessary. I asked the Grand Jury this same question. Yet, the Grand Jury criticizes me and fails to mention that the former District Attorney allowed a work unit to exist under her five plus years of leadership that was in turmoil. Then,

upon her departure she simply affirmed that inadequate work performance would be accepted. Thankfully, Mr. Clancy had the courage to take another action.

The Grand Jury states, "We were also told that he stated that even if the Board ordered him to release it, he would not do so." This is a hearsay statement. Under no circumstances should the Grand Jury be allowed to make this kind of a statement in a final report, or any report. This is another instance of me asking the Grand Jury to provide me with information to which I could make a direct response. Who do I respond to? Who told the Grand Jury? Is this an allegation of the former District Attorney, or a County staff member?

I do admit to making a statement similar to this when I said, I would not release the report if a *single member of the Board of Supervisors ordered me to release the file*. When the entire Board met and then directed me to release the report, I did so. I released the file even though I felt it was an illegal act, but did so with the knowledge that County Counsel had offered a legal opinion that the file could be released. (With the proposed action of the Board to classify Workers Compensation files as legal files, the files will no longer be released to anyone other than those assigned the duties of managing Workers Compensation claims, in accordance with State law.) I also released the file with the knowledge that I was breaching the confidentiality of the injured employee.

The Grand Jury knows, from having reviewed the file, that the former District Attorney, did not believe there were management problems in the work unit. The Grand Jury accuses me of withholding a file, which contains information that she provided by direct testimony, as to the management problems of a work unit for which she was responsible. Her successor found this management problem did, in fact, exist. Does the Grand Jury anticipate that if she had this information sooner she would have taken action? Her final action of praising the management of the work unit is, in fact, a good indicator of what she would have done. Nothing.

To use an old adage, "the proof is in the pudding," the Grand Jury fails to provide any information that I mismanaged a Workers Compensation claim. In fact, the Grand Jury fails to account for the injured employee and fails to report that the claim was managed to a successful conclusion. The injured employee's claims were resolved and the claim was withdrawn. How can that possibly be the mismanagement of a Workers Compensation claim?

What the Grand Jury did was become an advocate for the former District Attorney in her failure to properly manage her department, as demonstrated by the report prepared by Mr. Clancy five months after he assumed office.

FINDINGS AND CONCLUSIONS: ADDITIONAL ISSUES

In this section of the report the Grand Jury attacks the very essence of who I am as an individual and as a professional in the field of government administration. **I absolutely deny each and every accusation the Grand Jury made in this section of the report.**

Conflicting Information Concerning Funding Issues for the Sund-Pelosso Murder Trial

The following statement is made by the Grand Jury, “However, Mr. Wallace went on to tell the Grand Jury that although we did have a line item in the budget, ‘through the bungling efforts of Nina Deane’ the line item got pulled. Now we ask: if Mr. Wallace’s chosen lobbyist was the one responsible for keeping the line item in the budget, why is it that the DA of the county in question would be at fault for its failure? We see this at (sic) yet another attempt on the part of Mr. Wallace to shift the blame to another person.”

The Grand Jury is disingenuous with this statement. The Grand Jury was provided a much more complete explanation of this issue. The former District Attorney had requested assistance for funding from one of the State Legislators representing Tuolumne County. The staff of that Legislator had the funding added to the **wrong** line item in the budget. The eventual outcome was that the County retained lobbyist, other lobbyists from the Regional Council of Rural Counties and the California State Association of Counties, and myself were all trying to correct what had been **incorrectly placed in the budget at the request of the former District Attorney**. At the time we were trying to get the incorrect data out of the budget bill, we were trying to move the correct legislation (SB 161) sponsored by another state Legislator forward.

The County retained lobbyist and I had secured more than \$3,000,000 of funding for a homicide trial in Siskiyou County. We were following the same process and knew precisely what to do for the Sund-Pelosso funding. Because the former DA proceeded without any coordination of effort with the State Legislative staff, the lobbyists and County staff from other at risk counties were trying to manage a disjointed and confused effort.

The issue that was raised before the Grand Jury by me was not one of trying to “blame another person” as they state, but to demonstrate that I know what I am doing and how to go about the legislative/funding process. A well planned, coordinated effort may have made a difference in having Senator Montieth’s SB 161 signed by the Governor. It is certain that having the funding submitted into the wrong line item of the budget bill did not help. Further, where is the failure by the lobbyist, of all organizations, and me? SB 161 was successfully lobbied through both houses of the legislature, only to be vetoed by the Governor, which was totally unanticipated.

As further evidence of the Grand Jury providing an inaccurate report, the Grand Jury concludes this section of the report by stating the following:

“Mr. Wallace’s current efforts center on working with Senator Chesbro on SB 815, which will rescind the new threshold of the RCHA . . . this would provide 100% funding of the amount over the threshold, neither of these bills will provide the 100% funding of the entire cost that was written into SB 161.”

If the Grand Jury had taken the time to utilize paragraph (d) of Penal Code Section 933.05, which is the section of the Penal Code that governs the operations of the Grand Jury, they would have found that SB 815 (Chesbro) was amended many times before it was placed into final form and ultimately became AB 2866 (Migden). This bill modifies the formula for payment of homicide trials for *all rural counties* and is a much more favorable legislation than when it was originally written. This bill was, in fact, signed by the Governor.

Penal Code Section 933.05 (d) states, "A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the finding prior to their release".

This language in the code section is permissive. The grand jury *may* seek clarification of its findings. In virtually every instance where the Grand Jury alleges I provided misleading or conflicting information, the Grand Jury deliberately left out information that was provided to them, they have trivialized the importance of an issue, they have made an accusation based upon information that is insignificant, or reported on an issue in a confusing manner leaving out significant detail.

With regard to SB 815 the Grand Jury knew this was a work in progress and that we had confirmation from the Governor's Office that he would favor a new bill that dealt with all counties, not just a chosen few. I even provided a copy of electronic correspondence on the subject to the Grand Jury, which was sent by me to Mr. Mike Gotch, Governor Davis' Legislative Affairs Director. It was through the efforts of several county lobbyists, including the one originally retained by Tuolumne County, that SB 815 was introduced and moved forward with the assistance of Mr. Gotch. The Grand Jury's reporting on this issue is not only inaccurate it is premature.

If the Grand Jury had taken the opportunity to use Section 933.05 (d) of the Penal Code as cited above, this issue could have been clarified and accurately reported by the Grand Jury.

The Grand Jury report goes to great length to point out that the County lobbyist refers to *AB 161* rather than *SB 161*. This is such a trivial issue as to be almost funny. It may be possible that I made verbal reference to the legislation as an Assembly Bill rather than a Senate Bill. It may also be true that the lobbyist retained to assist the County did the same thing. The legislature introduces more than 5,000 bills into each two year session. It is very easy to make an incorrect reference or to transpose numbers in a bill number due to the vast amount of legislation in process. The Grand Jury could have made a call to the lobbyist or to me for clarification, using section 933.05 (d), prior to the publication of the final report and either of us would have concurred with the incorrect designation of the bill.

There could not possibly be any reason that a lobbyist or I would give the Grand Jury misleading or conflicting information in this regard. Further, it is obvious that the information

provided by the lobbyist in written form is nothing more than a typographical error. And, frankly until the Grand Jury raised the issue in its final report, I had forgotten the number of the bill entirely as it was of no consequence since it was vetoed by the Governor. I moved on to the next legislative session and the next bill, which was adopted and signed by the Governor.

There is nothing in my statements made to the Grand Jury that is misleading or conflicting with regard to the Sund-Pelosso homicide. In fact, the Grand Jury has deliberately left out information that they were provided and could have taken time to research. I did not make a reckless statement to the Grand Jury about the former DA. I should have used a less inflammatory word, other than “bungling”. My point to the Grand Jury was that the former District Attorney acted upon her own, without coordinating her efforts with others, and her actions caused additional work.

Yes, the County retained lobbyist should take some credit for the passage of SB 161. He worked diligently with *other members of the legislature* to have the bill adopted. As for ‘suddenly no one is around when a line item “gets pulled,”’ is a dishonest manner of reporting by the Grand Jury on what did occur.

I made a report to the Board of Supervisors, regarding the 99-00 State budget hearings, in open session of the Board, regarding the Sund-Pelosso funding in the summer of 1999. The Grand Jury was aware of this report. I stated that the funding for the Sund-Pelosso homicide was deleted from the budget due to pure partisan politics. The vote followed Republican - Democrat affiliation. Since the Democrat’s have more votes the funding was deleted. How do I recall all of this so vividly? Please recall, that someone from this County made a statement that I had made a disparaging remark about Assemblyman House in my report to the Board. I wrote a letter of apology to Assemblyman House stating that I did not make any such remark, and I sent him a copy of the tape recording of that meeting to prove that I had not done so. This was a story reported in all the local media. The Grand Jury was well aware of this event.

Thus, it is not an issue of “suddenly no one is around”. The Grand Jury does a disservice to honest reporting by raising this issue without reporting on known facts and actual events. The funding was defeated because it was in the budget and the party in control of the budget did not want it there. Very simple.

The Grand Jury states, “ . . . Mr. Wallace is determined to handle this alone, and has again turned down assistance from the DA and the Sheriff.” This statement is made with regard to securing funding for the Sund-Pelosso homicide trial. This statement is an outright misstatement of what was stated by me to the Grand Jury and in conflict with documentation on file in my office.

Please review the report filed by Sheriff Richard Rogers in response to the 1999-2000 Grand Jury report. Sheriff Rogers correctly states what was in place to lobby and support SB 815. I solicited his advice and assistance. Sheriff Rogers made every attempt to keep me involved in his actions. This was a combined effort that was eventually successful.

It is important to note that this same offer of assistance was made by Mr. Clancy in his capacity of District Attorney. He made himself available to testify on behalf of the bill if needed. Mr. Clancy and the District Attorney and Sheriff from Mariposa County also agreed to allow the Administrative Officers to take the lead and coordinate any testimony or other support, that may have been needed.

At no time did I tell the Grand Jury that I would manage the legislation by myself. I did, in fact, solicit the help of many staff and elected officials, as the record of this activity will clearly indicate. The report of the Grand Jury on this issue is inaccurate in its entirety.

Recommendation to Hire a Lobbyist to Help Secure Funding for the Sund-Pelosso Murder Trial

This section of the Grand Jury report and any response that I may make becomes one of "he said, she said."

I maintain that the former District Attorney did, in fact, support the hiring of a lobbyist. If this were not so, why did she not take this issue to the Board of Supervisors individually or collectively? She never objected.

For the former District Attorney to state that she mistrusted me because of a recommendation to hire a lobbyist is without merit. The former District Attorney had accepted payment approved by the Board of Supervisors to the State Association of District Attorneys, which retains a lobbyist specifically for District Attorney related issues. Please remember as an elected official the District Attorney is independent of the Board of Supervisors. As such, the District Attorney Association has taken a different lobbying position than their respective Boards of Supervisors. For the former District Attorney to make a statement of lack of trust is simply a cover for her inability to manage her department and an excuse to give to the public for her departure before the end of her term.

With regard to the statements by staff members from the Office of the Attorney General, "Brent Wallace's basic response was, 'Yeah, yeah, yeah. I've got a guy; he's a lobbyist. We'll hire him and he'll be our representative in Sacramento and, basically there's nothing to worry about.'" I deny I made any statement of this sort or conveyed this type of attitude. I did request the support of the Attorney General, but it was never forthcoming. As noted earlier in this response, it would seem natural that the Attorney General would have been an advocate in support of the County regardless of any attitude I displayed.

Again, this is a “he said, they said” issue, but as evidence of the conversation that was held, the Attorney General staff and I discussed my involvement in Siskiyou County for homicide trial funding. The Attorney General staff asked, “Isn’t Siskiyou County where a new courtroom was built with homicide trial funding?” I replied that that was true and provided a description of how we had accomplished the construction in the budget bill. I stated that the lobbyist that I would recommend to the Board would be the same lobbyist. The conversation was positive and productive. Regardless of what they say, I maintain that the Attorney General staff supported the concept of hiring a lobbyist. I committed that I would provide the AG staff members names to the lobbyist to coordinate any support they could provide.

The Grand Jury reaches a conclusion that my statement to the Board that the Attorney General staff supported the use of a lobbyist does not appear to be supported by the facts. What facts? Their statements? Are my statements to be disregarded simply because they work for the Attorney General? **Again, if my written statement to the Board saying that the Attorney General staff supported the hiring of a lobbyist is a lie, neither the District Attorney nor Attorney General staff stood up in open session of the Board, when the recommendation to hire a lobbyist was considered, to refute my statement.**

Demeanor With State Officials

This is another section that is difficult to respond to. I have been involved in local government in this state for more than 28-years. I have many friends, acquaintances and colleagues in Sacramento that I rely upon to provide me professional assistance. I know how the governmental decision making system works. I would be very foolish to intentionally offend anyone that could provide assistance to the County.

I do take one great exception to one statement. The report states, “Another AG staff member said that while *he may not have been rude to them*, he did come close to exhibiting overt rudeness to the member of his own staff in attendance at the meeting.” Was I, or was I not, rude? **Further, such a meeting never occurred.** At no time did I meet with members of the AG staff and my own staff. The Grand Jury prints a hearsay statement and reports a meeting that **never** occurred. I will again assume this is one of those *fruitless and unproductive* issues which the Grand Jury failed to investigate completely.

I can only make conclusions from what is printed in the report. My verbal response to the Grand Jury was that I was not offensive to the Attorney General staff. None of the rest of the material contained in this section of the report was presented to me by the Grand Jury.

Therefore, according to this section of the report, *I was offensive, but I may not have been rude to the AG staff, according to the words recorded in this section of the report.* However, I did come close to exhibiting overt rudeness to my own staff, that was in a meeting that never occurred. Did the Grand Jury even try to confirm that a meeting occurred with members of my staff and the Attorney General? How do I respond?

The Grand Jury states, referring to a written statement that I provided to them, that “It is understandable that a person might see his own actions differently than others do in any given situation. However, Mr. Wallace’s written response is a preposterous statement. It requires a great leap in faith to assume the Tuolumne County District Attorney somehow prepared statements for AG staff . . .” What is more preposterous, to accept statements without corroboration that meetings that did not occur did occur, or to see my actions in light of what actually occurred?

Finally, the Grand Jury report on this issue is entirely dishonest. In my written response to the Grand Jury, providing information that I committed to provide to them after my meeting with them of February 24, I stated, “I have been very diligent in this matter. For anyone to state that I am naive or that I do not understand the process is an astounding statement. I have demonstrated my success in another County in exactly this same type of issue. I will make the assumption that the response from the Attorney General staff regarding these statements were prepared in advance by the former District Attorney.”

The entire context of the quotation above concerns the previous paragraph of my letter to the Grand Jury in response to the Sund-Pelosso funding legislation. The Grand Jury has taken the entire quote from my letter and applied it to a different issue. The Grand Jury’s own report confirms that the former District Attorney and Attorney General staff had conversation about the funding for the homicide independent of any meeting with me. For the Grand Jury to take my quote out of context is egregious reporting.

Allegation Made by Mr. Wallace that Ms. Deane was “Incompetent,” and “Negligent in Her Duties”

This section of the Grand Jury report is by far the most fascinating to me. They have refused to acknowledge proven, investigated deficiencies of the former District Attorney’s performance. In fact, the Grand Jury is condemned by its own report for trivializing significant management issues within the Department when managed by the former District Attorney.

I do admit to using the words “incompetent” and “negligent” in my description of the former District Attorney’s performance within the confines of the meeting on February 24, 2000, with the Grand Jury. Those words were never used outside of that meeting. I was providing the Grand Jury a response to a question and stating my opinion. It is not my responsibility to evaluate the former District Attorney’s performance. There is no provision in the law for a County Administrator to make evaluative comments. It would have been better if I had used less severe wording. However, responsibilities of the County Administrator do include the following:

- It is the County Administrator’s responsibility to protect the rights of employees and to assure that employees are treated fairly, regardless to which department they may be assigned. The Grand Jury interviewed an employee in one of the work units of the

District Attorney's office and received information that this employee may have been treated unfairly by one or more of the managers in that department. The Grand Jury also received a letter from this same employee requesting that they investigate the issues of concern to the employee. The Grand Jury did nothing. The employee was ignored. The issues of qualified management should have been addressed by the former District Attorney and by the Grand Jury.

- The Grand Jury received a copy of an electronic memorandum to me from the current District Attorney. That memorandum clearly details that one of the managers in the District Attorney's office could not manage the responsibility assigned. The Grand Jury knew and received a copy of this information. The Grand Jury should have acted upon that information. Both the current District Attorney and County Administrator did act upon this information.
- The Grand Jury obtained a copy of a memorandum sent to me by the former District Attorney in which she filed a sexual harassment complaint *on behalf of another female employee within the department*. I have never heard of such an issue in my life, but I was advised to investigate the issues of her complaint by County Counsel. I undertook an investigation of the complaint that disrupted the entire department for more than two weeks. I offered the entire file of this investigation to the Grand Jury, but the only document they wanted was a copy of the former DA's memorandum of complaint. I found this an astounding manner in which to review the issue.
- First, the harassment claim file contains at least two comments from District Attorney staff in which they express fear of the former District Attorney. I did not make that statement up when I provided it to the Grand Jury. I clearly stated that this was a statement made by employees in the department. I did not say to the Grand Jury that this was my statement. Second, after a two week investigation I found that there was *no basis for the complaint*. The entire issue revolved around the former District Attorney's attempt to illegally fire an employee, an attempt that she had made on at least two other occasions, according to the affected employee. The Grand Jury had this entire file at their disposal, but did not even request to review the file.
- The County has also received a claim for damages filed by another employee of the District Attorney's office. This complaint dates back to the tenure of the former District Attorney and is directly related to her failure to supervise the management of the office. The Grand Jury was not interested in reviewing this claim.
- On page 21 of the report, the Grand Jury records the responses of employees that they interviewed in the District Attorney's office with regard to the former District Attorney's supervision of the office. Please note, the employees felt she "badly mishandled a

number of personnel actions”, “a number of employees were dissatisfied with Ms. Deane’s leadership”, “many lacked respect for her trial experience and the fact that she never tried a case in court while in office”.

In and of themselves, these issues are insufficient to address the competency of any manager or administrator. When all of the above is taken together they represent a serious inability to manage the operation of the District Attorney’s office.

What does the Grand Jury expect? That these issues should be ignored? Again, I should have used less severe language as it is not my role to evaluate the performance of an elected official. It is my role to make sure the department is operated within the rules and policies of the County and Board of Supervisors. Clearly, the former District Attorney was not accomplished in management of an important department. And, the Grand Jury confirms this by their own investigation. The Grand Jury clearly ignored information they were provided independent of me in completing their report, as well as, ignoring information they had access to but failed to review.

Finally, with regard to this section the Grand Jury makes another almost funny allegation with regard to one of my alleged statements. The statement could have been clarified if they had used section 933.05 (d) of the Penal Code as addressed above, but for reasons unknown to me they make a point to demonstrate my lack of knowledge about the County’s Job Performance Evaluation process.

The Grand Jury alleges that I told them that the maximum number of points that an employee may receive on an evaluation is 57. I deny this allegation. What I said was that the employee evaluation under discussion received a score of 57 and a ***rating of Exceeds Expectations***, which is, in fact, the highest ***rating*** an employee may receive. Until the Grand Jury reported that the highest numerical score that may be received is 62, I did not know this to be true. All numerical ratings are assigned by the Human Resources staff, not the evaluating official. Again, this could have been clarified with one telephone call. What possible benefit would I gain by misleading the Grand Jury with such a statement?

The Grand Jury also takes my comments out of context in this section. My comments with regard to incompetence and negligence were related to the overall, long term, continued evaluation by the former District Attorney of one manager as Exceeds Expectations. I provided proof of Mr. Clancy’s reevaluation of the same management employee which would not have received the same rating from him. Mr. Clancy was courageous enough to begin to make immediate changes.

The former District Attorney was in office almost four years prior to my arrival. After her departure Mr. Clancy, me and members of my staff are responsible for correcting several deficiencies.

Allegation Made by Mr. Wallace That Ms. Deane was “Feared and Hated”

I do not recall using the term “hated”. It is not a word I typically use. I will assume the Grand Jury has quoted me correctly and offer my apologies for using the term.

As noted above, there are at least two recorded statements of employees that stated they “feared” the former District Attorney. The Grand Jury had access to these statements, but chose to ignore the file.

There is also one employee that stated to me that he did not like or trust the former District Attorney and that “employees were cheering her departure”.

When I made all of these comments to the Grand Jury I clearly indicated that they were comments made to me by staff from the District Attorney’s office. These were not reckless statements made to the public or for consumption by the public. They were simply statements that had been repeated to me by staff members of the District Attorney’s office, which I repeated for the Grand Jury. The mistake that was made was my repeating those statements to the Grand Jury.

I made these statements only within the confines of the Grand Jury meeting room, never in public or in private to any employee of the County, or any other individual. I did not seek out the Grand Jury to make these comments as the Grand Jury has insinuated. I made these comments in February 2000, at least four months after the departure of the former DA. **The Grand Jury has raised the issue of the competency of the former District Attorney, not me.**

Misleading Information Given to the Grand Jury Concerning Classification of Confidential Employees

The majority of this issue has been previously addressed. The Grand Jury has shaped this in a manner that suits the purpose of criticism of my action, when they have incomplete and inaccurate information, information they could have obtained if they had chosen to do the research.

The issue of “confidentiality” with respect to the Myers-Milias-Brown Act, is accurately reported by the Grand Jury, but it is incomplete. In addition to the Act allowing a county to adopt its own rules to determine employees that may be classified as confidential, this county has taken action to do so. The Grand Jury fails to report that those employees identified as “confidential” by the county are the only employees allowed to access personnel files. Even a Department Head, by law, may not have total access to employee personnel files maintained in the County’s Human Resources Office.

The discussion with regard to Workers Compensation files has nothing to do with this Act. It was not my intent to link the two, although the conversation did involve both issues.

The Grand Jury, as stated above in a previous section, knows that I provided the Workers Compensation file to the former District Attorney after being directed to do so by the Board of Supervisors.

Qualifications: Human Resources Department

I disagree entirely with the Grand Jury report and assessment of my qualifications. To my knowledge not one member of the Grand Jury took the time to review my education, background, or training with regard to personnel management. If they did do a background review, they never discussed it with me or those most knowledgeable of my qualifications.

The Grand Jury's assessment of my management of a Workers Compensation claim is inaccurate and incomplete. As noted above, the Grand Jury shows complete disregard for the injured employee, provides misinformation in their report and has created misinformation about the management of Workers Compensation claims.

The Grand Jury is only partially correct in the reasons that I stated for the need for the County Administrator to be the Director of Personnel. The primary reason is to manage the labor relations process, or the process whereby employees are granted wage and benefit increases. It is impossible to release this responsibility and retain recommendation authority for the budget. The vast majority of any governmental budget is labor costs. Simply having oversight of the budget is insufficient to control labor costs.

The Grand Jury states, "We have determined that a Human Resources Manager is a full-time job requiring specific, technical knowledge, formal education and substantial experience in this field." I fully concur and my background, experience and education will demonstrate that I have the qualifications to fulfill these requirements. However, I am also trained and sufficiently knowledgeable and skilled to know that I cannot fulfill these requirements under the current system of County government. That is precisely why the County has retained a highly qualified Human Resources Manager, and no less than five highly qualified staff members, to manage this function. I do not have day to day management duty in this regard. This has been assigned to the Assistant County Administrator. Generally, my only involvement is to review disciplinary action as required by the personnel rules and to establish procedures and policies for the labor relations negotiations.

Recommendations

As previously noted, please conduct a careful review of all of the allegations, conclusions and findings contained in the Grand Jury report. Please note the lack of consistency in the report and the fact that the substance of the report, such as it is, is not reflected in the Recommendations. My response to the 1999-2000 Grand Jury Report are as follows:

1. This recommendation is unnecessary as the Legislature and Governor have adopted new legislation that will provide funding to the County. Credit for this should be extended to the administrators from Shasta, Plumas, Lake and Calaveras Counties, the Regional Council of Rural Counties, the California State Association of Counties, and the informal contacts of Tuolumne County Sheriff Richard Rogers with Governor Davis.
2. This recommendation is unnecessary for the reason stated in number one above. There is no doubt that Mr. Clancy is a valuable asset in a situation where his involvement is necessary. He made himself available to testify on behalf of the legislation if needed, as did Sheriff Rogers and the Sheriff and District Attorney of Mariposa County. There was never any intent to keep them from being involved in this process if needed. What was avoided was any member of the team acting independently, creating unnecessary work for all concerned.
3. This recommendation will not be implemented. This has never been the policy of the County. Workers Compensation claims are legal claims. They are heard and resolved in a legal process, most often with judges and attorneys involved. Additionally, medical information in a claim cannot be separated from the legal issue, **that is the basis for the claim**. It is absurd for the Grand Jury to state that the legal issues can be separated from the medical issues. Only an employee has the right to release that information.

This does not mean that the Human Resources Office will stop its high level and quality of service to either the injured employee or the impacted department. Safety issues will be addressed to make the workplace safe and procedures will be reviewed to try and prevent injuries.

4. This is an issue for Board members to address in public session. It is not recommended by the County Administrator for reasons stated above. The Grand Jury makes statements that are not supported by the evidence of how the personnel function operates within the County. They have taken a single incident to try and make a point. There is no evidence that the personnel system operates ineffectively, or inefficiently.
5. There is no response to be made by the County Administrator concerning this recommendation. It is an inflammatory recommendation that has been refuted by the comments above.
6. There is no response to be made by the County Administrator concerning this recommendation. I would however ask a rhetorical question, what does the Grand Jury think that the Board of Supervisors does with regard to its involvement with Department Heads? Rarely does a day go by in which Board members do not

meet with, talk with, e-mail, and read information from a multitude of Department Heads. The County Administrator does not serve as a filter of information. Department Heads work for the Board, not the County Administrator. For the Grand Jury to suggest that the County Administrator filters information given to the Board is evidence that the 1999-2000 Grand Jury never fully understood how Tuolumne County government functions.

Conclusions

There is not one statement in the Grand Jury's concluding statement with which I agree. The 1999-2000 Grand Jury prepared a report that is inaccurate, incomplete, includes statements of their own creation which are untrue and fails to grasp the essential elements of how governmental functions interact.

I do admit to the following criticisms as noted above. I did make inappropriate comments to a Department Head in a public place that should not have been made. I did use severe language in criticizing the job performance of the former District Attorney. This is not my role as County Administrator. Even though I made those statements in the confines of the Grand Jury hearing, I should have been more circumspect with the words chosen.

Summary

After having had some weeks to carefully review the 1999-2000 Grand Jury Final Report and to evaluate the impact of the report on me, I have had to determine what is required of me as a person and as County Administrator. I have reached three conclusions:

- I need to do what is right, correct. Every thought, every action, every word that I utter needs to be correct. With regard to this report I admit to making statements that should have not been made. I demonstrated anger when a more reasoned word would have been the correct thing to do.
- I need to show compassion and kindness. When I am aware that another individual, regardless of stature has strayed over the line of also showing compassion and kindness, I will react. I do not intend to accept the criticism of the Grand Jury and abrogate my responsibility in this area. At the same time, kindness needs to be shown to all regardless of the offense. I failed in this regard with respect to the former District Attorney.
- I need to walk humbly within this County and among the residents of this County. I did not do the correct thing and I did not show kindness. I am, however, well aware that I have a rare privilege entrusted to me by the Board of Supervisors and I need to be constantly aware that my motives are to be above reproach and serve the members of the Board, individually and collectively.

With regard to the **majority** of the conclusions and allegations of the 1999-2000 Grand Jury final report I do not have any concerns when I review my actions with regard to doing what is right, showing compassion and walking humbly. Most of the report is simply untrue. The Grand Jury has provided an unfounded, unresearched and unsubstantiated report. The Recommendations sections is a testimonial to the inaccuracy of the report.

cc: All Department Heads
Administrative Staff



**EXAMPLES OF AUGUST
TO THE END OF THE SESSION
(SEPTEMBER 10) ACTIONS
ON BEHALF OF
TUOLUMNE COUNTY**

- A. Successfully achieved passage with nearly unanimous votes in both the Assembly and the Senate of AB 161, which was amended on the next-to-last day of the legislative session. This bill will provide 100% of the funding for the Sund/Pellosso trial. This action took place after such funding was first removed from the State Budget and then removed from a bill that it had been amended into in the form of SB 316.
- B. Began expiration of means to achieve some form of statutory immunity for the County relating to significant mine issues in the County.
- C. Successfully achieved passage of AB 150 (Aroner) to the Governor, which will waive pending Federal penalties against the County's Family Support program.
- D. Carefully monitored and participated in negotiations on bonds adopted in the last remaining days of the legislative session that were placed upon the March 2000 ballot.
- E. Successfully delayed passage of SB 402 (Burton). This bill would have imposed binding arbitration upon police and fire personnel.
- F. Continued negotiations with health associations seeking to find a compromise position to provide funding assistance to the County Hospital, both for construction expenses and operating assistance.
- G. Successfully achieved the defeat of SB 739 (Solis), which would have caused significant harm in the form of modification to employee relations statutes.
- H. Provided information to and responded to inquiries from:

Members, Board of Supervisors
County Administrative Officer and Staff

File



**EXAMPLES OF JULY ACTIONS
ON BEHALF OF
TUOLUMNE COUNTY**

- A. Successfully amended and achieved passage from the Assembly Local Government Committee of SB 316 (Chesbro), which will provide Tuolumne County eligibility to draw funds for special assistance related to the Sund/Pellosso murders.
- B. Represented the County on a working group drafting a proposed constitutional amendment as required in AB 1661 to provide substantial additional State financial assistance to the County.
- C. Successfully achieved signature of AB 1482 (Alquist) to delay for one year the implementation of the so-called "Hayden Bill" as it relates to animal shelters and obtained for the County as well a Legislative Counsel's opinion indicating a clear definition of *business days* to assist in implementation.
- D. Successfully achieved passage of AB 1036 (Wesson) from the Senate Local Government Committee and continued negotiations to maximize additional funding to the County and the County's flexibility under the property tax loan program.
- E. Assisted in successfully achieving the Governor's signature of AB 1661 to provide financial assistance to the County for fiscal year 1999-2000 of approximately \$150,000 to the County and to the library system.
- F. Continued efforts to modify the pending child support collection statutes to maximize County flexibility.
- G. Obtained a Legislative Counsel's draft of proposed legislation to provide substantial State financial assistance for the construction of a new Tuolumne General Hospital.
- H. Provided information to and responded to inquiries from:

Members, Board of Supervisors
County Administrative Officer and Staff

**EXAMPLES OF JUNE ACTIONS
ON BEHALF OF
TUOLUMNE COUNTY**

- A. Successfully obtained a Legislative Counsel's opinion helping to curtail some of the cost impact of the recent animal shelter legislation on behalf of the County.
- B. Successfully achieved passage from the State Assembly of AB 1036 (Wesson), which will significantly increase the State funding for property tax administration.
- C. Successfully achieved amendment of SB 316 (Chesbro) to include Tuolumne County on the list of counties eligible to receive 100% funding of major capital cases related to the recent Yosemite murders.
- D. Worked with other County legislative representatives to achieve successful adoption of local government funding within the adopted and signed State budget. Said funding will provide the County with approximately \$150,000 for fiscal year 1999-2000.
- E. Continued efforts regarding funding assistance for the construction of a new Tuolumne General Hospital.
- F. Continued efforts to seek exemption for Tuolumne General Hospital related to earthquake safety standards.
- G. Provided information to and responded to inquiries from:

Members, Board of Supervisors
County Administrative Officer and Staff
County District Attorney



**EXAMPLES OF MAY ACTIONS
ON BEHALF OF
TUOLUMNE COUNTY**

- A. Provided a legislative update and met with members of the Board of Supervisors in Sonora.
- B. Provided Budget language to both the Senate and Assembly and the caucuses of each house for proposed inclusion within the State Budget of naming the pending trial relating to the Yosemite murders within the State Budget Fund appropriate for said funding.
- C. Met with Assembly Health and Senate Health Committee staff regarding potential legislation to increase Medi-Cal funding for capital costs for a new Tuolumne General Hospital.
- D. Continued efforts to seek modifications to the ERAF statutes to cap the growth and revert that growth to the County, the city of Sonora and special districts within the County.
- E. Continued efforts on AB 1482 (Alquist) to seek some level of mitigation to the animal shelter statutes passed last session to assist the County.
- F. Provided County staff with the Governor's May Revision to the Budget for their review and analysis as to the specific impact upon County programs.
- G. Responded to legislative staff inquiries regarding booking fees within Tuolumne County and the impact upon the County's incarceration costs with a modification to those statutes.
- H. Successfully achieved passage of AB 1036 (Wesson) from the State Assembly and negotiating amendments to maximize the relief of net County costs for the Property Tax Administration system.
- I. Provided information to and responded to inquiries from:

Members, Board of Supervisors
County Administrative Officer and Staff



SHERIFF'S DEPARTMENT

Richard L. Rogers
Sheriff-Coroner

Lee Sanford
Undersheriff

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SUPERIOR COURT OF CALIF
COUNTY OF TUOLUMNE

CLERK *Christine Paden*

August 31, 2000

TO:: C. Brent Wallace, County Administrator
FROM: Richard L. Rogers, Sheriff-Coroner *Per*
SUBJECT: Response to FY 1999-2000 Grand Jury Final Report

SHERIFF'S DEPARTMENT AND JAIL

FINDINGS

(On page 39 it states) Located at 175 Yaney Street in Sonora, the Sheriff's Department and County Jail is---from the basketball court on the roof to the generators in the basement---a lesson in the efficient use of space. Every closet and stairwell has been utilized to accommodate its expanding needs. It has been apparent for years that its Yaney Street location is inadequate for a department that must continue to expand if it is to meet the needs of the future. Recently, temporary offices were constructed nearby. These provided much needed training rooms and moved several offices out of the basement. Future building sites are now being considered and bids are being gathered from architects as the County progresses in its efforts to provide a new home for the Sheriff's Department.

Response --- I agree with this finding. As of July 17, 2000, the Board of Supervisors contracted with RRM Design Group in association with Beverly Prior Architects. These firms have already begun the pre-design phase of the project involving the development of an architectural program addressing both facility and site requirements for a new consolidated Sheriff's Office. As for the County Jail, a California Board of Corrections (BOC) Construction Grant will have to be obtained to do any new jail construction. We are currently posturing ourselves to apply for a State BOC Adult Facilities Construction Grant when construction funds become available. Legislatively, this could occur in the State Budget as early as Fiscal Year 2001-2002.

During the Grand Jury's first visit, there was discussion regarding various difficulties faced by the Jail Nurse. At the time she was a County employee who found it difficult even to acquire sufficient supplies. On our subsequent visit, however, we found the situation to be greatly improved. The services are now provided by a private medical services provider that contracts with the County. Under contract are one primary nurse, one psychiatric nurse and four relief nurses. The jail clinic, though very cramped for space, is now fully supplied. The entire medical operation is more efficient, with many routine procedures being performed in-house. Formerly,

inmates had to be transported to the hospital for these same procedures.

Response --- I agree with this finding. The services provided by California Forensic Medical Group (CFMG) to our jail have been excellent. Our quarterly Quality Assurance Meetings with CFMG have provided realistic solutions for a continuing better level of medical care for our inmate population.

Leaking pipes in the basement were noticed during our initial tour. On our subsequent tour, we noted that this problem had been addressed and the leaks repaired.

Response — I agree with this finding. This is a continual problem in the basement due to the deterioration of the old plumbing in the main Sheriff's Office and County Jail. For health reasons personnel no longer work in the offices of the basement and now occupy the leased interim Sheriff's facilities located between Seco and Elm Streets, one block west of the County Jail.

(On pages 39 and 40 it states) Vital to county safety are the Sheriff's dispatchers. These employees respond to 911 calls from those county residents who live outside the city limits, track the location of deputy patrol cars and communicate with officers and emergency personnel. Currently, there are seven full-time dispatchers, a supervisor, and a dispatcher -in-training. However, the true need, as set by the County and based on both the workload and level of stress, is ten full-time and three part-time dispatchers. Although the County has attempted to hire more dispatchers, this effort has not been successful. The current inadequate number of dispatchers has caused their work days to often stretch into 10, 12 or even 15 hours in length — especially if another employee is sick or on vacation.

Response — I agree with this finding. We are currently experiencing a very difficult operational situation because of several factors. Qualified dispatchers are in tremendous demand by all emergency services agencies throughout California. Realistically, there are very few candidates who can become qualified dispatchers because of the stressful nature, qualifications and other difficult demands of the job. The ability to provide competitive salaries and benefits along with good working conditions are certainly issues which play a major role in the ability to hire and retain competent personnel. The County is very cognizant of these factors as it begins its scheduled negotiations this fall with the Deputy Sheriff's Association which represents the dispatchers in labor matters. The Sheriff's Department is presently working closely with the Human Resources Department to recruit new dispatchers. In order to remain functional during the interim, we have no choice but to work our dispatchers on lengthy shifts supplemented with qualified deputy sheriffs working as dispatchers on overtime on their days off. The County realizes that this adverse situation is costly in overtime pay and is both physically and emotionally demanding. We are very sensitive of the needs of our personnel and are making every effort to correct this situation as quickly as possible.

As reported in previous Grand Jury reports (1998), Tuolumne County continues to lose deputies to neighboring counties because of an uncompetitive pay-scale.

Response — I agree with this finding. Although there have been some significant improvements in equipment, facilities, working conditions and benefits for the deputies in recent years, the current competitiveness of the pay-scale remains a major issue and a deciding factor in retaining many of our deputies in the near future. We currently have six deputy sheriff vacancies and are experiencing major difficulty in lateral entry recruitment of qualified deputies from other agencies and graduates from POST law enforcement academies.

The Sheriff's patrol cars are scheduled to receive new computer scanners in July 2000. These have the ability to scan hand-written reports into the in-car computer. It is believed that this new technology will decrease the amount of time deputies spend in the office, thereby increasing their presence on the street.

Response — I disagree in part with this finding. The patrol cars are not receiving computer scanners but are receiving Mobile Data Terminal (MDT) on-board computers which will now enable deputies to write computerized reports in their vehicles. Deputies previously have been having to write either hand-written reports or return to the Sheriff's Office to use computers to write their computerized reports. Thirty-four (34) MDTs are currently been purchased and installation in the patrol cars began on July 17, 2000. This technology will keep deputies more in the field on their patrol beats by decreasing the time spent in the office writing reports. Additionally, a reduction in deputy response time to calls for service is expected to be realized.

RECOMMENDATIONS

(As stated on page 41)

1. Reevaluate and repair the salary disparity that is causing our first-rate deputies, and promising recruitment prospects, to slip through our fingers to our more salary-competitive neighbors.

2. Evaluate the salary and benefit package currently being offered to new dispatchers.

Response — The recommendations have not been implemented, but will be addressed beginning on September 11, 2000, with the start of labor negotiations between the County and the Tuolumne County Deputy Sheriff's Association (D.S.A.) to reach agreement on a new Memorandum of Understanding which will cover the salaries, benefits and working conditions of our deputies and dispatchers. Salary and benefit evaluation is a part of this process.

3. Evaluate the efforts being made to search for new dispatchers to ensure that those efforts are adequately aggressive and far-reaching.

Response — The recommendation has been implemented and we are continually re-evaluating our recruiting efforts at every opportunity. To be more aggressive and far-reaching in our efforts, we have implemented a continuous recruiting process through the County's Human Resources

Department and we have advertised by way of flyers, word of mouth from our employees, regular newspaper advertisements, and advertisements in law enforcement publications such as PORAC Law Enforcement News magazine. Recruitment is a priority and we have taken steps to speed up the written, oral and background process so that prospective recruits can be informed quickly about their eligibility status with job offers being made as soon as possible.

4. As far as possible, employees' needs should be taken into consideration when preparing work schedules.

Response — The recommendation has always been implemented however it must be realized that, being a 24 hour per day-7 days per week public safety organization, our ability to serve to the public must come first. Some of our regular work schedules are determined by the Memorandum of Understanding with the Deputy Sheriff's Association which addresses both employees' needs and the need to serve the public. Other scheduling is affected by low staffing or emergency situations and often is inconvenient for the employees but very necessary to maintain public safety. Although we are not always successful in every case, we do strive to find solutions to difficult staffing situations in order to minimize adverse impacts on our employees. After all, they are our greatest assets.

SPECIAL POINT OF CLARIFICATION

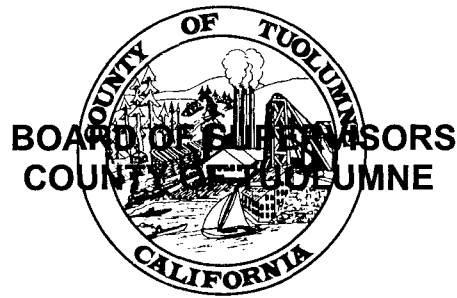
(On page 9 in reference to the Sund-Pelosso homicide funding, it states) Mr. Wallace's current efforts center on working with Senator Chesbro on SB 815, which will rescind the new threshold of the RCHA (Rural Counties Homicide Act), and on AB 1740, the Budget Bill. Language is to be added as a line item to AB 1740 that will increase the funding for five counties to include the additional 15% of the amount over the RCHA threshold, neither of these bills will provide the 100% funding of the entire cost that was written into SB 161.

The Grand Jury is also concerned that Mr. Wallace is determined to handle this alone, and has again turned down assistance from the DA and the Sheriff.

Response — I disagree with this statement concerning the Sheriff. After Mr. Wallace explained to me the course of action that he wanted to pursue in regard to SB 815 and AB 1740, I offered my assistance. Mr. Wallace requested that I make myself available to testify on the matter before the Assembly or Senate if it became necessary to do so to facilitate the legislation. Mr. Wallace was also aware that I would be in attendance at an upcoming luncheon in Los Angeles with Governor Davis and requested that I discuss the matter with the Governor if the opportunity arose. Although it never became necessary to testify, I did meet with Governor Davis and was able to briefly discuss the Sund-Pelosso homicide case and the pending legislative efforts by Senator Chesbro and Mr. Wallace in regard to rescinding the new threshold of the RCHA. I emphasized the importance of that legislation to Tuolumne County. Although the Governor was non-committal about any approval, he related that he would feel more comfortable in seeing this type of legislation because it was based on past precedent. He promised to give it his full consideration when it reached his desk. Throughout the entire legislative proceeding Mr.

Wallace and I discussed the legislative efforts several times and he kept me well informed. At this year's California State Sheriff's Association Conference in Stanislaus County, all of the Sheriff's had a luncheon with the Governor and I mentioned that the legislation was moving forward. He related that he was aware of the efforts being made and was looking forward to seeing the legislation once it arrived on his desk.

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: Mela
Superior Court

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

Date: October 17, 2000

Re: Response to Grand Jury Report for FY 1999-2000

Attached is the above document that was approved for submittal at their October 10, 2000 Board of Supervisors meeting.

DEPARTMENT OF CORRECTIONS

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

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SUPERIOR COURT OF CALIF
COUNTY OF TUOLUMNE

CLERK

Shirley J. Wierzbicki

August 10, 2000

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

Re: 1999-2000 Grand Jury Report

Dear Judge DuTemple:

As always, it was a pleasure to host the 1999-2000 Grand Jury during their December 7 & 8, 1999 visits to Sierra Conservation Center (SCC).

In accordance with your direction and as mandated by Penal Code sections 933 and 933.05, SCC's response to the findings and recommendations noted by the Grand Jury are presented below:

FINDINGS

Housing and Security Levels SCC agrees with the Grand Jury finding. For clarification, technically the Level III facility is classified as a high medium security housing unit.

Staffing and Budget SCC agrees with the Grand Jury finding.

Conservation Camp Program SCC agrees with the Grand Jury finding. The Camp Program is the most successful and cost effective program in the state using inmate labor. Although former camp inmates are restricted from peace officer classifications with the Department of Forestry (CDF), many have gone on to work for CDF as firefighters after parole.

Records Office SCC agrees with the Grand Jury finding. The SCC Records Office consistently receives statewide recognition for the excellence of their operation.

Medical Operations SCC agrees with the Grand Jury finding. The medical staff provides effective medical care for not only those inmates housed at the main institution, but also for the 2300 inmates in the 20 Conservation Camps.

Overcrowding SCC agrees with the Grand Jury finding. "Out of Bounds" areas in the housing units are scheduled for repainting and staff directed to enforce compliance.

Wastewater Treatment Plant SCC agrees with the Grand Jury finding. The plant is in the final testing stage with all systems functioning smoothly. The Environmental Impact Report (EIR) for a proposed pipeline to transport the tertiary treated water to an offsite location is under preparation. A public hearing on the EIR is scheduled for September 2000.

Allegations of Inmate Access to Explosives Correspondence alleging security violations has resulted in investigations by the SCC Investigative Services Unit, the Department of Corrections Office of Internal Affairs and the Office of the Inspector General. There have been no breaches of institutional security, no inmate access to explosives and no lack of security at the Wastewater Treatment Plant construction site.

Prison Signage SCC agrees with the Grand Jury finding. The institution has been in contact with state and county departments to have signs installed alerting motorists of the presence of a state prison in the vicinity.

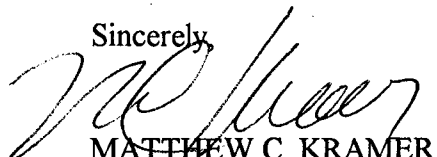
RECOMMENDATIONS

1. **Road Signs** Action on this recommendation has been taken prior to the issuance of the Grand Jury report. In January of this year, the institution received a suggestion from an employee that signs be placed on roads in the area advising motorists that there was a state prison in the area. Acting on this suggestion, the institution initiated contacts with State and County Road Departments. Signs are already in place on State Highway 108 and the institution has been in contact with the Tuolumne County Public Works Department for the installation of signs on O'Byrnes Ferry and Peoria Flat Roads. The signs for the county roads are estimated to be installed within 90 days.
2. **"Out of Bounds Areas"** Work orders for the re-painting of the Out of Bounds areas in the housing units have been submitted and expected to be completed within 60 days. Staff enforcement of the Out of Bounds areas is ongoing.
3. **Staff Morale** The issue of staff morale was not raised in either the findings or recommendations portions of the Grand Jury report. The institution is unable to respond to this recommendation.

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.

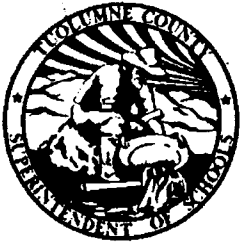
If you have any questions or require additional information, please contact me directly at 984-5156.

Sincerely,



MATTHEW C. KRAMER
Warden

cc: Board of Supervisors, Tuolumne County



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Dan White, Ed.D.
County Superintendent

August 21, 2000

Honorable Eric L. DuTemple
Superior Court of California
41 W. Yaney Avenue
Sonora, Ca. 95370

Dear Judge DuTemple,

As per requirement of Penal Code 933 and 933.05 this letter is my response to the findings and recommendations of the 1999-2000 Grand Jury Report. In areas where a general statement is made in the report I will describe to the best of my ability an actual situation that fits the statement. It is extremely important that the superintendents of Tuolumne County work together for the benefit of all children attending programs offered through our twelve local school districts as well as the Tuolumne County Superintendent of Schools Office.

One of the recurring themes throughout the Grand Jury Report is that as Tuolumne County Superintendent of Schools my perspective, role, and actions differed significantly from that of the superintendents of the twelve school districts in the county. For the most part I agree with that assessment. As I have learned in the past year and a half, there is a complex inter-relationship between county superintendent and the superintendents of the school districts in the county, resulting from differing functions and statutory responsibilities.

While recognizing the absolutely vital importance of positive working relationships with the district superintendents in the county to benefit the education of our children, it must be understood that my responsibilities as county superintendent are very different in many respects from those of a district superintendent. Having held both positions, I firmly believe that as a result of those differences in responsibilities, my perspective, role, and actions as county superintendent will at times be very different from that of a district superintendent. On occasion those differences require that I take positions and say or do things that school districts oppose. In those rare instances of conflict, I would not be fulfilling my constitutional and statutory responsibilities if I did not take a position.

Perhaps this would be an opportunity to briefly explain some of the responsibilities of the County Superintendent of Schools, as I see them. Hopefully this explanation will shed some light on the differences of perception between the district superintendents in the county and me.

Accountability

As a constitutional officer of the State of California, I have been elected by the people of Tuolumne County to be an educational leader for the whole county. I know that ultimately I will be held accountable by the people of the county, not by the district superintendents nor by the County Board of Education. That is not to say that I want anything other than to have positive, constructive working relationships with the district superintendents or that I wish to change in any way my efforts to involve the county board in shaping an agenda for the betterment of education in the county. It's just that I understand the reason the County Superintendent of Schools is an elected office—and that is to insure that educational policy is carried out well and effectively in accordance with the wishes of the people of the county.

On the other hand, a superintendent of a school district is an employee of the Board of Trustees that has been elected by the people to govern the district. A local school district Board of Trustees has been given wide authority to operate the district. Based on the values of the community they serve they decide the best way to deliver educational services in compliance with state law. Boards of Trustees

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TUOLUMNE COUNTY

BY *[Signature]*
Clerk



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hire district superintendents to assist them carrying out those responsibilities. Typically, the Board of Trustees establishes policies for the district and the superintendent, although often active in shaping such policies, is responsible for developing a plan to implement those policies. The superintendent of a school district is accountable only to the Board of Trustees and not the community as a whole. As educational leader in the district, the superintendent represents and advocates for the needs and interests of only that district. This creates an inherent difference in perceptive and responsibility between the district superintendent and the county superintendent.

Role of the County Board of Education

The County Board of Education, also elected by the people, has specific responsibilities provided by the constitution and state law. It does not operate like a school district Board of Trustees in that it is not the "governing board" for the operation of county educational programs. For instance, unlike a school district Board of Trustees, the County Board does not employ any of the employees paid by the County School Service Fund. Instead the Legislature has designated the county superintendent to be the employer of these employees. The primary responsibility of the County Board is to approve the budget for the County School Service Fund that has been prepared by my office to fund both the educational initiatives I have identified for the county as well as the many state-required services we provide. The County Board is charged with the responsibility of assuring the solvency of the County School Service Fund, which they do by approval of certain contracts and by reviewing audits of the fund. In addition, and unrelated to their fund monitoring responsibilities, the County Board of Education here in Tuolumne County serves as the County Committee on School District Organization, and as a form of administrative appellate review for decisions of school district Boards of Trustees in cases of student expulsion and denials of inter-district transfer requests.

County-Wide Educational Leadership

In the early days of the State's educational system, before many of the technological advances we now take for granted and before the State had developed the means of effectively regulating school districts, the county superintendent was given the responsibility to monitor schools and assure compliance with good educational practices in the county. Although today the State has many ways of checking school district compliance, the Legislature continues to rely on the county superintendent to "superintend the schools" in the county and to "enforce the course of study." What that means to me is that the county superintendent is expected to be an educational leader in the county, someone who can initiate discussion of new ideas, who can be a resource to the people of the county on educational issues, and who can work to raise the quality of education for all students in the county. Educational programs for low incidence disabled students, pregnant minors, juvenile offenders, and community school students are examples of programs to which the county superintendent gives leadership.

Service to School Districts

Another crucial responsibility of the county superintendent's office is to serve the needs of school districts in the county. The Legislature has required the county superintendent's office to provide many of these services. Some services such as credential registration for teachers are done directly for the state by each county schools office. Other services such as management of unemployment insurance claims and provision of audio-visual resources directly benefit the districts. Still other services, such as the support given to the Tuolumne JPA, which was created while my predecessor was in office, or to the automated fingerprinting service, initiated during my term of office, are not mandatory but benefit districts in the county in tangible ways. The county superintendent's office also provides additional support services to our small school districts.

Monitoring School District Solvency

Since 1991, the Legislature has delegated to county superintendents the responsibility to review and monitor the fiscal condition of school districts in the county. This responsibility has admittedly strained the relationship between school districts and county superintendents because according to state law, the County Superintendent's office must determine if school districts are able to satisfy their financial obligations. If it is determined that a school district cannot satisfy its obligations, the county superintendent may exercise some fiscal controls over the district after following the process provided by statute. Although I, and every county



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Dan White, Ed.D.
County Superintendent

superintendent whom I know, exercise considerable restraint in this monitoring, some districts remain resentful and suspicious. This is just one example in which actions of the county superintendent could be at odds with the policies of a school district.

Summary

In summary, as county superintendent I have different responsibilities to carry out and different constituencies to respond to than district superintendents. It is not surprising that the district superintendents and I don't see eye-to-eye on every issue. I am committed to working collegially and respectfully with the district superintendents to make sure that every child in Tuolumne County receives a first-rate education.

Findings:

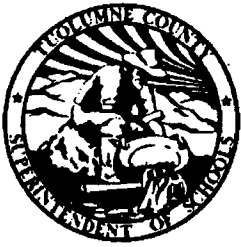
The first paragraph of the Findings section refers to county office staff as "hardworking" and "competent". Each department within our office does take pride in providing a high level of service to all of the school districts in Tuolumne County. I believe this is a true and accurate depiction of staff in the Tuolumne County Superintendent of Schools Office. It is a reflection of the philosophy of this office as described in our Vision and Tenets (see attached).

Upon arrival at the Tuolumne County Superintendent of Schools Office approximately a year and a half ago I found several conditions to exist. In an effort to improve staff morale and a sense of ownership, I started monthly staff meetings as well as whole staff e-mail communications following management team meetings. During this time we also established three committees with representation from staff on each committee. Staff involvement in these committees has been positive and meaningful. Staff members have an opportunity to communicate with their immediate supervisor or the county superintendent through face-to-face meetings, the telephone system, and e-mail.

The second paragraph describes some of the changes that have taken place within the county office. During the first year and a half there have been significant changes in the area of technology. A computer lab was created for the purpose of providing staff development opportunities to teachers and other school staff throughout the county. To date, approximately 360 persons have received training through the county office computer lab. We have also assisted school districts with various forms of technological support from our technology department. Several of the districts now have high speed Internet connectivity through the Tuolumne County Schools Office.

We have worked to facilitate the implementation of the "Wheels" Program. This program is a partnership involving Tuolumne General and Sonora Community Hospitals. The program has enhanced healthcare at many school sites in Tuolumne County. With limited resources this partnership has enabled us maximize our efforts. Staff within the Tuolumne County Superintendent of Schools Office has also written many grants. Thousands of dollars have been brought to Tuolumne County schools through these efforts. Grants are just one way our office has provided additional resources to the children of Tuolumne County. Staff development grants in the areas of language arts/reading and mathematics are examples of grants that make a difference in how our teachers address the needs of students in our schools. There has also been expansion of our State Preschool Program. Two additional sites will be opened this fall in partnership with local Headstart Programs. This expansion has brought in thousands of dollars and created a number of new jobs within our county.

Paragraph three depicts a "tremendous" conflict between the county superintendent and most local district superintendents. I do not believe there is such a "tremendous" conflict with most district superintendents. There is conflict but I believe it is not at the level described in the grand jury report. I also believe the conflict did resolve itself to some degree by the end of the 1999-2000 school year.



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Dan White, Ed.D.
County Superintendent

Providing support to our district superintendents is an important function of the Tuolumne County Superintendent of Schools Office. I cannot think of a single incident when a district superintendent has asked for help of any kind where a staff member or myself didn't make every effort to accommodate the request. All management staff and those working in their respective departments work hard to provide service to our local school districts. Many calls come to my office as well as to each department everyday. We receive 250-350 calls each day in our office. I do acknowledge that there has been disagreement at superintendent meetings regarding topics such as school district unification, character education, and the creation of a school within the county office to serve students currently being home schooled.

Under the "Communication" section the first paragraph states that the grand jury interviewed nine of twelve district superintendents. The feelings of "distrust" and "a lack of communication and collaboration" were expressed. To a degree those two statements are also indicative of feelings held by the county superintendent. I do believe progress has been made to improve trust and communication. A few superintendents expressed concern to me directly about my position on the unification effort. In this same paragraph there was also a perception of the county superintendent being unwilling to build consensus. I am willing to work with district superintendents in building consensus.

It was stated that programs have been taken out of districts' hands without consent or input. The most vivid example of this statement focuses on the Pregnant Minor Program. As a new county superintendent, I spent the first several months reviewing programs of the Tuolumne County Superintendent of Schools Office. The Pregnant Minor Program is a county program. A three-year contract was expiring after the 1998-1999 school year. In reviewing the contract and budget for the program several concerns arose. My concerns were based on a contract that did not have language protecting the funds generated by the program, a program where budget reports showed approximately \$100,000 of restricted funds over a three year period not properly accounted for by the district. It is a county program and there were good reasons for not renewing the contract.

The superintendent meetings held monthly focus on an agenda prepared by the county superintendent. Superintendents have an opportunity to add items to the agenda. The agenda is sent out the week prior to the meeting. Items of general importance are typical of items on the agenda. A point of conflict in the grand jury report centered on "not taking minutes at the monthly superintendent's meeting". This past year it was suggested that minutes be taken at the superintendent's meeting. I was fine with the suggestion and asked that a superintendent take minutes. No one volunteered to do so.

It was also mentioned that superintendents often avoided attending meetings with the county superintendent. The lack of attendance of meetings was not just at the monthly superintendent's meeting. Unfortunately, we had to reschedule a number of TCSEU (Tuolumne County Special Education Unit) meetings because of a lack of a quorum.

It was mentioned that some county office programs are being forced upon local school districts. I do not know specifically which programs are being referred to in this comment. There has been a Character Education Committee meeting once a month for the last year. There has been no intent to layer on a Character Education Curriculum. The message has been loud and clear from district superintendents that "Standards" are the focus and schools don't want or need something else added to an already full plate. The Character Education Committee is community based and sees Character Education as a community responsibility. As an educator I have a concern that a focus on "Standards" alone is not enough. With violence facing our schools across the country and in our county we need to build on appropriate relationships and sound values as we "raise the Standards bar" for all students.

During the 1999-2000 school year an item appeared on both the agenda for district superintendents and the agenda for the County Board of Education. The item was on offering a "Community School Program" to students being home schooled in Tuolumne County. County board members looked at this program as viable and needed in our county. I had been approached by parents living within Tuolumne County last fall about offering an educational program different from the traditional program being offered in our



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Dan White, Ed.D.
County Superintendent

local schools. They did express an interest in connecting with a non-traditional program within Tuolumne County. The Mountain Oaks School operated through the Calaveras County Office of Education looked like a viable option for these families. At present, there are approximately 200-400 students living in Tuolumne County who currently attend a Charter or Home School Program. The county board was encouraged not to proceed because of the lack of support from local school districts.

The first paragraph under the Unification section indicates that the grand jury was left with the impression that the county superintendent would not be neutral in presenting the controversial unification issue to the public. This is an interesting observation in that many local district superintendents and many school district board members have been anything but neutral in their discussion of unification. For over ten years I served as district superintendent in the Jamestown School District. During my twelve plus years in Tuolumne County I have expressed support for some form of school district consolidation. In running for Tuolumne County Superintendent of Schools just two years ago the number one question by the public at large focused on the unification of school districts. It took the efforts of a 17-year-old Sonora High School student to bring this issue forward. I believe we have schools to be proud of in Tuolumne County but I also believe that we have the opportunity to be better through the proposed unification. The report commissioned by the Sonora Area Foundation on "How Can Tuolumne County Schools Work Together to Better Serve Their Students" has some excellent suggestions on how the Tuolumne County Superintendent of Schools Office and Local School Districts can work together.

If the State Board of Education makes a determination that the unification of the Sonora Union High School District and its feeder elementary districts should be placed on the ballot, then I, as the Tuolumne County Superintendent of Schools, will convene a task force to present both sides of the issue to the public. The task force will have two proponents and two opponents as members. Together, we will provide information to the public on both sides of the issue. The intent is to provide the people within the affected attendance areas with information that will help them cast a vote based on the best information available. People will need to keep in mind that there are pros and cons on this issue. The most important question is whether or not the current configuration of school districts maximizes student performance at all levels (elementary and high school). If the consolidation of school districts has the potential to improve student performance over the existing system it should receive careful consideration.

The grand jury found no documented wrongdoing by anyone in the County Schools Office with respect to the petition drive. I agree with this finding.

School board members have an opportunity to participate in Brown Act Workshops both in and out of the county. I believe that superintendents and trustees have an appropriate understanding of the Brown Act and should be expected to function accordingly.

The Business Services Department in the Tuolumne County Superintendent of Schools Office functions at a high level. We did experience moving to SACS (Standardized Account Code Structure) during a time when we had several staff changes within the department. The transition was difficult for our staff as well as district staffs. Our business office works well with local school district business personnel and I believe that most of the transition issues have been resolved.

Recommendations:

1. I welcome review of our office in areas appropriate for review by the grand jury.
2. As a service to school districts the Tuolumne County Superintendent of Schools Office does offer Brown Act Training. A training opportunity will be made available during the 2000-2001 school year. All school board members will be invited.

Tuolumne County Board of Education meets second Monday of each month at 4:00 p.m.



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County Superintendent

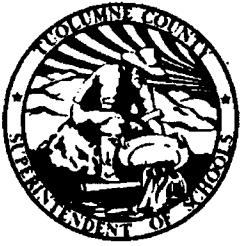
3. I agree with this recommendation. The Tuolumne County Superintendent of Schools Office will post a link to the Sonora Area Foundation website for interested parties. School Services of California is a credible organization and their findings will be of interest to the community at large. I would encourage the local newspaper to print the School Services Report on "How Can Tuolumne County Schools Work Together to Better Serve Their Students" or possibly a summary of this report.
4. I agree that a facilitator should be called on to bring district superintendents and the county superintendent together to work out issues. This was an agenda item at the June 12 superintendents meeting. A committee has been established to work with me to select a facilitator. This activity will take place in the fall of 2000.
5. I do not have a problem with district superintendents taking issues to the County Board of Education if the necessity arises. There is a county board representative for each school district and that person is also available for input. It would also be my desire to be welcomed to bring items to local district boards as appropriate. An effort should be made by all superintendents to resolve issues or conflicts at the lowest possible level. The taxpayers and children of Tuolumne County should expect the educational leaders of the county to work together. For the most part I do believe this occurs with the day-to-day operations. It may not (with the different roles of district and county superintendents) be reasonable to expect that there will always be common agreement on issues. The needs of children and their issues should be kept first and other issues should be kept out of the equation. Together we can do more for children than we can as individuals.

I take my role as Tuolumne County Superintendent of Schools very seriously. It is important that I listen to the people of the county and perform the function of county superintendent at the highest possible level. Tuolumne County is a great place to live and we need to provide the best education possible for all of the children of our county.

Sincerely,

Dan White
Tuolumne County Superintendent of Schools

cc. Board of Trustees - Tuolumne County Schools Office
Tuolumne County School District Superintendents
William Polley, Superior Court Judge
Amy Lindblom, Union Democrat



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Dan White
County Superintendent

Vision Statement

The Tuolumne County Superintendent of Schools Office exists to serve local school districts and ultimately all students including those with special needs. In order to promote academic, vocational, artistic and personal success of all Tuolumne County students the TCSO will:

- Maintain mandated services at the highest level of efficiency and productivity in order to meet the varying needs of districts and their students
 - Serve as a clearinghouse to disseminate accurate, timely and user-friendly information
 - Encourage and facilitate collaboration among districts to make the best use of resources
 - Provide curriculum support for students and staff
 - Provide leadership and advocacy for legislation which benefits the students of this county
- Assist districts to develop a smooth transition from grade to grade and school to school to promote preparedness for college, careers and citizenship
 - Assist districts to ensure all students are enrolled in a meaningful educational experience
- Maintain a process by which districts identify their needs, make suggestions, and assess the performance of the county schools office
 - Maintain strong partnerships with community and county agencies

Tenets

High quality of service and responsive leadership
Flexibility and adaptability to the changing needs of schools and community
Collaboration among the districts on goals that are in common
Respect for the autonomy of individual school districts
Support student success
Accurate, accessible and user-friendly information and resources
Embrace and encourage independent and creative thinking
Relationships based on respect, trust and integrity

Lifelong learning is everyone's responsibility

18966 Ferretti Road P.O. Box 350 Groveland, CA 95321-0350

September 15, 2000

The Honorable Eric L. DuTemple,
Presiding Judge of the Superior Court of California,
County of Tuolumne
60 North Washington Street
Sonora CA 95370

Re: 1999 – 2000 Grand Jury Report

Dear Judge DuTemple:

In accordance with the July 13, 2000 transmittal of the 1999 – 2000 Grand Jury Report, this correspondence will serve as the required response by Groveland Community Services District.

Prior to our formal response to the findings and recommendations in the report, the District wishes to clarify a couple of preliminary statements made by the Jury. These were contained in the section entitled "Reasons for Investigation".

Regarding prior reviews of GCSD by a Tuolumne County Grand Jury, please note the District was subject to review by the 1997 – 1998 panel. Another clarification is the former General Manager did reach a plea agreement in connection with the unauthorized release of treated wastewater into First Garrotte Creek.

Findings:

Reservoir 2

The District would like to more fully respond, however there is ongoing active litigation that precludes the District from answering at this time.

District Bidding Process

Though the District is in general agreement with the Grand Jury on this item, we feel the conclusion falls short of recognizing the action the District took in implementing a policy for managing projects. Please note the following:

- A December 1999 Draft of the policy was reviewed at the December 13, 1999 Board meeting. The document was referred to the GCSD policy committee for additional review and comment.
- A February 28, 2000 draft version of the Construction Management Policies and

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CLERK OF SUPERIOR COURT
COUNTY OF TUOLUMNE
CALIF.
Cheryl J. Wamberg

Standards were prepared and additional comments were received.

- These additional comments and revisions have been incorporated in another draft version dated March 28, 2000.
- At the April 24, 2000 Board workshop, the Board reviewed another draft of the document for future consideration and adoption.

This culminated in the Boards adoption of Resolution 3-2000 on May 8, 2000.

Concerns about Weapons and Threats of Violence in the Workplace

Similar to the prior issue, the report falls short of emphasizing the positive steps the District took in addressing this issue and implies the personnel policies were adopted as a result of the Grand Jury investigation. When GCSD staff and Board became aware of the problem, immediate action was taken to adopt Resolution 1-2000, Workplace Violence Policy.

Possible Brown Act Violations

The issues of possible Brown Act violations were addressed with District Legal Counsel, as with all similar legal issues.

Possible Public Records Act Violations

We agree that the District can improve procedures utilized in making public records available to the individuals who request information. Most of the information for the Board of Directors is published with the board meeting information packet and is also available to the public. The District also strives to accommodate reasonable requests for public information. However, there may be times that this interaction is less than satisfactory for the individual requesting the information. This is an issue to be improved with revised District policy and customer service. We do not agree that this constitutes a criminal violation of the Public Records Act.

District Documentation Practices

We agree that the District can improve procedures utilized in keeping pertinent information, particularly as they relate to projects. However, there is a complete record of Board committee and full meeting agendas and minutes that documents the chronology of events involving Reservoir 2. Other project documentation issues were addressed with the adoption of the Project Management policy previously discussed.

Morale

The Jury's investigation occurred during a particular period of upheaval, uncertainty and turmoil, during which a search for a full time replacement for the General

Manager position was being conducted. Completion of the hiring process, and finalizing of the collective bargaining agreement negotiations we believe are the most significant issues to improving District morale.

Recommendations:

The following comments concerning the Jury recommendations are consistent with the item number designation in the 1999-2000 Grand Jury Report.

1. This has been implemented with the adoption of the Construction Management Policy.
2. This has been implemented with the Workplace Violence policy adopted in December 1999.
3. The District has scheduled GCSD counsel to provide additional training and information pertaining Brown Act compliance at the regular Board meeting scheduled for November 13, 2000. Current Board members have also availed themselves to training provided by Tuolumne County and other available seminars.
4. District counsel has provided guidance in the past, and as indicated above will provide comprehensive information to allow for more consistent compliance with all of the detailed requirements of the Brown Act.
5. The District will draft and adopt a comprehensive public records policy to be more efficient in production and tracking of public information requests.
6. The District is in the process of collective bargaining terms and employment conditions with represented employees. Aspects of these terms are elements for merit and step pay increases, as well as a classification and compensation study to determine District needs and assure competitive wage scales. This is an initial step in a comprehensive approach to updating the Districts employment practices that will reflect a more objective approach in employment decisions.

The District also encourages membership in a variety of professional organization such as the California Water Environment Association and American Water Works Association and other similar national, state and local groups. These types of associations sponsor a number of continuing educational conferences and seminars to enhance technical, supervisory and managerial skills.

GCSD appreciates the conclusions of the panel with the recognition given to the employees and the overall direction of the District.

Please feel free to contact the District at (209) 962-7161 should you require any additional information.

Respectfully,

Groveland Community Services District

A handwritten signature in cursive script that reads "Alicia Baker Henderson".

Alicia Baker Henderson
Chairperson

A handwritten signature in cursive script that reads "Jeff Winner".

Jeff Winner, P.E.
General Manager/Engineer

cc: Hallinan
Board