

TABLE OF CONTENTS

Jury Membership..... 2

Disclaimer..... 2

Letter of Transmittal..... 3

Mission Statement 4

Tuolumne County Community Development Department 5

 Building and Safety 6

 Clerical 7

 Code Compliance 8

 Engineering Development Division..... 9

 Fire Prevention..... 10

 Geographic Information System 12

 Planning 13

Area 12 Agency on Aging..... 14

Amador-Tuolumne Community Action Agency 16

 Home Energy Assistance Program..... 16

Human Services Agency 18

 Adult Protective Services..... 18

 Child Welfare Services..... 19

 Office of Emergency Services 20

 Addendum-Emergency Medical Services..... 22

 Office of Bio-Terrorism..... 24

Tuolumne County Sheriff’s Department 26

 Tuolumne County Jail 26

Sierra Conservation Center..... 31

Tuolumne County Clerk, Registrar of Voters 35

Jamestown Beautification Project 37

Tuolumne County Grand Jury Website 41

Agencies Investigated by Grand Jury 1997-2006 43

Appendix 45

Responses of Affected Agencies in the 2004-2005 Final Report..... 45

- Board of Supervisors 45
- Agricultural Commissioner 45
- Community Development Department..... 45
- Office of Assessor-Recorder-Recorder..... 45
- City of Sonora..... 45
- County Administrator’s Office Re: Facilities..... 45
- Tuolumne County Health Department 45
- Tuolumne County Department of Social Services 45
- Tuolumne County Probation Department..... 45
- Sheriff’s Department 45
- Treasurer and Tax Collector 45
- Tuolumne General Hospital..... 45

Jury Membership

Jerald A. Ballesta	Carol Lewis
Donald Barga	*William Marrs
*Glenda Chaney	Steven McKee
Patrica B. Childs	John Nicolet
Diana Clever Felber, Pro Tem	Denise Rogers
Melissa Giles	Orley Ryals, Foreman
Carol Halliburton	*JoAnn Stevens
Arline Harrell	Ocha Strong
Jay Jarboe	George “Jake” Thompson
Stefanie Jones	Regina Tilley
Lois Layton, Secretary	Valentine “Bernie” Wick

Disclaimer

This Grand Jury sought to preclude any conflict of interest in which a grand juror may have a personal involvement, a material, economic or financial interest, or could not be an impartial third party. Each juror brought to the attention of the full Grand Jury any relationship that could be, or even give the appearance of, a conflict of interest and agreed not to participate in any investigation involving that relationship including interviews or acceptance of any report involving any such relationship. The Grand Jury is composed of 19 jurors and at least 12 jurors must approve each individual report. The printed Final Report is composed of the approved individual reports, which are based on information obtained from outside sources with none of the information being obtained from any excluded Grand Juror.

*Denotes members unable to complete the full term

Letter of Transmittal

June 30, 2006

The Honorable Eleanor Provost
Superior Court of California, County of Tuolumne
60 North Washington Street
Sonora, California 95370

Dear Judge Provost,

The Tuolumne County Grand Jury 2005-2006 is pleased to submit its final report to you, the Tuolumne County Board of Supervisors, and the citizens of Tuolumne County.

The Grand Jury wishes to thank you and the District Attorney for your enthusiasm, support and advice. Also, a very special thanks is given to your Jury Coordinator, Laurie Wyman, for her patience and help.

This report is the result of dedicated, hard-working jurors who volunteered myriad hours of their time and energies in investigating and reviewing county government. Citizen complaints were meticulously researched and included in the investigations. Some county departments or agencies not observed recently by previous grand juries were included in the investigations. The final report presents a balanced focus of the large spectrum of local government.

The life span of a sitting grand jury is short. During that allotted time, the jury members learn and apply a lot of information. To improve and help future grand juries, it is recommended some jurors continue with the next grand jury. Their knowledge drawn from the current grand jury's investigations and deliberations will be advantageous in dealing with responses of affected departments. Also, they can facilitate jury training to expedite the process of getting into the business of being a grand jury.

This Grand Jury observed that final reports of previous grand juries remain out of sight to the general public or are not easily accessible shortly after they have been published. To make available online the current final report, and eventually put online previously published reports, the Tuolumne County Grand Jury Website is being developed as a cooperative effort project of the Superior Court, the Grand Jury, the County Administrator's office and County Web Master's office. Once online, the website will be a working online resource.

It is our expectation our findings and recommendations will be reviewed in a positive and constructive manner.

Serving on the Grand Jury has been a special experience for each of the jurors. We have gained knowledge and a better understanding of county operations. It has been my unique privilege to work with these loyal and dedicated grand jurors.

Very respectfully submitted,

Orley G. Ryals, Foreperson
Tuolumne County Grand Jury 2005-2006

Mission Statement

The Tuolumne County Grand Jury is an investigative body composed of citizens of Tuolumne County. The Grand Jury's mission is to make a careful examination of county government, city government, special districts and properly presented complaints submitted to the Grand Jury. A report of findings and recommendations will be submitted to the Supervising Judge, The Honorable Eleanor Provost, Superior Court of California, County of Tuolumne at the conclusion of the 2005-2006 Grand Jury term.

The grand jurors will diligently and impartially perform their duties to the best of their individual and collective abilities. The Grand Jury's function is to make independent investigations on behalf of the people of the County of Tuolumne and make recommendations for improvement. Grand Jury findings will be based on facts, not emotions nor perceptions, be clearly presented, and within the course and scope of our charter.

Local civil service is a stewardship. Territory is not owned. Recommendations for improvement of specific areas of stewardship are by the collective counsel of this panel. Exemplary individual or departmental stewardship is also recognized. The Final Report has in it a theme, as paraphrased by a statement of the late President Lincoln, of "government of the people, by the people and for the people" in Tuolumne County will endure.



Tuolumne County Community Development Department

Summary

The 2005/2006 Tuolumne County Grand Jury investigated the Tuolumne County Community Development Department (TCCDD), which is comprised of the following seven divisions:

1. Building and Safety *
2. Clerical
3. Code Compliance
4. Engineering Development Division *
5. Fire Prevention Bureau
6. Geographic Information Systems
7. Planning

Although each of these divisions is a part of the TCCDD, each is assessed individually due to their unique responsibilities. These assessments are shown on subsequent pages, as are requests for responses where appropriate.

Procedures

The Committee met with Director Bev Shane and other county personnel. They also studied documents relating to these departments followed by appointments with the citizens filing the complaints.

Findings

Under the leadership of Bev Shane, department heads continually work toward improving communication with the public and encourage the public to seek assistance from her and all department heads.

There were incidents where Environmental Health was involved in the completion of some building projects and were not in accord with the rules held by the Building and Safety or the Planning department. This caused some confusion with the citizens involved. Environmental Health, however, is under the Department of Public Health and was not a part of this investigation.

* Complaint received

BUILDING AND SAFETY

Introduction and Reason for Inquiry

As part of the overall investigation of the Tuolumne County Community Development Department, the Building and Safety Department was reviewed because complaints were received by the Grand Jury.

The complaints were:

1. Lack of adequate information given to individuals when applying for a building permit.
2. Applicants were not told that the generation of a building permit may require additional permits.
3. The complainants were left with the impression that Building and Safety personnel either did not know the required information or that they assumed the public understood the results of requesting a building permit.
4. Non-uniformity exists in the interpretation of the building codes and in the implementation of these codes.

Procedures

The complainants agreed to appear before the investigating committee and answer in-depth questions about their complaints. Complainants were seen separately and asked to present all of the evidence they had in their possession to substantiate their complaint.

Following those visits, the investigating committee visited the Building and Safety Department and spoke to Lane Manuel, the chief building official, and Bev Shane, the Director of TCCDD. At that time the committee requested a copy of all printed materials that were given to the applicants. After reviewing these materials, the committee felt that they were not designed in a manner easily understood by the general public.

The committee also requested a copy of the department's Standard Operating Procedures (SOPs.) Bev Shane supplied a list of materials used by each section to explain to new and old employees all operating procedures.

Findings

After reading the complaints and interviewing the complainants, it was apparent that the Building and Safety Department personnel did not explain in detail all the information that was needed. This caused delays in getting permits and understanding the need for different permits after a project had been started. Procedures available for the use of applicants were poorly stipulated. Important information was frequently buried in the text, greatly increasing the possibility of vital information being overlooked.

It was also presented during the complainants' interviews that different inspectors had different interpretations of the codes and requirements. Further, the complainants stated that the questioning of the application of those codes and/or requirements could make a project harder to get approved.

However, it was found during interviews with Ms. Shane and Mr. Manuel that some applicants did not follow the directions they were given.

Conclusions and/or Recommendations

It is the committee's conclusion that most of the complaints were a result of poor communication or miscommunications between the Department and the applicants. There is an overall lack of adequate, in-depth, written instructions given to the permit seeker for both the acquisition and the application of those permits.

The Grand Jury recommends the Tuolumne County Community Development Department take the following steps to assist the public:

1. Publish checklists which indicate how many and what kind of permits will be needed depending on the application.
2. Provide in-depth information at the time of permit issuance and ensure that the applicant understands what is required.
3. Assure that all departmental staff fully understand the codes and that these codes are interpreted uniformly.
4. Redesign their Policy & Procedures so they can be uniformly interpreted and followed in the absence of key personnel.

Commendations

The Grand Jury wants to thank Director Shane and Chief Building Official Lane Manuel for promptly meeting with the committee for both scheduled and unscheduled visits. It should be noted that the complaints received by this Grand Jury were prior to Mr. Manuel's appointment.

CLERICAL

Introduction and Reason for Inquiry

Chris Mongene is the Assistant to the Director of the Tuolumne County Development Department, Bev Shane. There are three Senior Office Assistants who provide difficult and specialized office support relying on independent judgment to accomplish their tasks.

1. Building and Safety
2. Code Compliance
3. Development Division of Public Works

4. Fire Prevention
5. Geographic Information Systems
6. Planning

Under the direction of a Senior Office Assistant or department manager, office technicians focus on the review of guidelines and regulations to develop and implement policies, procedures, office administration, management support, special projects and duties related to the department. An in-depth technical knowledge of the multiple functions within each department is essential.

This inquiry was not complaint driven. It was a part of an investigation into each operational component of the Tuolumne County Community Development Department (TCCDD).

Procedures

The Committee visited the TCCDD offices several times to observe and seek specific information. Office personnel greeted the members and directed them to requested materials.

Findings

At each level the clerical staff performed their tasks in a professional and helpful manner.

Conclusions and/or Recommendations

The Grand Jury presents no recommendations at this time.

CODE COMPLIANCE

Introduction and Reason for Inquiry

Chief Code Compliance Investigator, Rick Roberts, and his Assistant investigators make up the employees in this division.

Their primary duty is to administer the provisions of Chapter 1.10 of the Tuolumne County Ordinance Code as adopted by the Board of Supervisors in 1999 and to provide oversight to the administration and enforcement of the Building and Safety, Engineering Development of Public Works, Environmental Health Division and the Planning Division.

This inquiry was not complaint driven. It was a part of an investigation into each operational component of the Tuolumne County Community Development Department (TCCDD).

Procedures

The members of this Committee met with Rick Roberts to learn of his duties.

Findings

The Code Compliance Division is a policing agency, which initiates and coordinates investigations of violations, where each violation is recorded and given a control number. It is also responsible for all correspondence associated with a violation and any required forms.

This Division functions with the assistance of the Tuolumne County Community Enforcement Team (TCCET) that consists of representatives from the Sheriff's Department, Child Welfare Services, Environment Health Division, Building and Safety Division and the Fire Prevention Bureau.

The Code Compliance Division along with the TCCET, coordinate activities by identifying locations with multiple violations, conducting joint site inspections and exchanging information.

As attachments to the 2005-2006 property tax bills, this Division provided information informing property owners of an "Amnesty Program." Between March 25, 2005 and March 27, 2006, property owners could disclose in writing any violations existing on their properties without paying a penalty. The property owner would then have to comply with the ordinance in a timely manner to avoid penalties.

Conclusions and/or Recommendations

In order to avoid future violations by property owners, Mr. Roberts is working toward educating the public by speaking to realtors, homeowners, clubs and churches. At these gatherings, he gives out pamphlets with pertinent information. He expressed his availability to speak to groups by contacting him through the TCCDD. Through these interactive dialogues, he hopes to communicate to the people of our county his goals to help us live in a safe and healthy environment.

ENGINEERING DEVELOPMENT DIVISION

Introduction and Reason for Inquiry

Applicants for building permits who are not familiar with County Codes are not given all the information they need at the beginning of the application process. As a result, they experience frustration and unexpected costs in the form of additional permit fees and required construction. After meeting with County personnel and a complainant, the Grand Jury recommends full disclosure by County personnel at the start of the permit process.

Duties of the Engineering Development Division (EDD) include:

1. Oversee development review
2. Plan review
3. Construction inspection
4. Grading and drainage encroachment

5. Violation and enforcement of encroachment codes
6. Engineering review and inspection services for projects under the jurisdiction of other County divisions.

Duke York is the Deputy Public Works Director and coordinates projects with Tuolumne County Community Development Department (TCCDD). This accounts for about 10% of the department's responsibilities

Procedures

This was a complaint driven inquiry and involved the enforcement of the encroachment codes. The first 20 feet of all encroachments (i.e. driveways) on county roads must be paved.

A Grand Jury Committee met with Bev Shane, TCCDD Director; Lane Manuel, Chief Director of Building and Safety; Duke York, EDD Director; Peter Rei, Director of all eight divisions of Public Works. The complainants issues were investigated with field checks and interviews.

Findings

It has become a policy for the TCCDD that when a permit is applied for, on any new development, it opens the door for further review of the property using current rules. Property owners wishing to make improvements to existing property may find they incur additional costs in encroachment fees, permits and paving of their driveway encroachment. Local contractors are familiar with this policy and factor in the added costs. However, if the property owner is not using a contractor, unexpected costs may be added to the project.

Encroachment issues continue to be a problem for residents of Tuolumne County. All encroachments (i.e. driveways) on county roads must be paved. The encroachment policy has been enforced due to the numerous liability claims of windshield damage caused by rocks and gravel from driveways and other hazardous conditions.

Conclusions and/or Recommendations

It is our recommendation that the County, from the start of any permit application, inform the applicant of all costs, including probable encroachment fees that may be applicable. All written material given to the applicant must state, in understandable and concise language, such as a checklist, what is expected of them. Full disclosure by County personnel, at the beginning of the permit process will help to reduce aggravation and stress for them and the applicants.

FIRE PREVENTION

Introduction and Reason for Inquiry

As stated in the Tuolumne County Community Development Department (TCCDD) Annual Report, Fire Marshal Kary Hubbard, with her staff of three, analyzes the current fire risks throughout the county, endeavoring to make them less hazardous. This is done through public

information forums, education, fire prevention engineering, and cooperation and code enforcement.

This inquiry was not complaint driven. It was a part of an investigation into each operational component of the Tuolumne County Community Development Department.

Procedures

Committee members met with and interviewed Fire Marshal Kary Hubbard.

Findings

The Fire Marshal's primary duties are two-fold:

1. Educate the community and,
2. Inspect residential and commercial projects, some of which include day-care facilities, camps, schools, care homes, jails, hospitals, and casinos.

Permits are issued for public fireworks displays, storage and use of flammables/combustibles, fire sprinklers, alarm and hood systems.

The staff works closely with Building and Safety and Environmental Health as well as the California Department of Forestry (CDF) to facilitate responses to violations and complaints.

Conclusions and/or Recommendations

There were several commercial property fires in 2005 that may have been reduced or avoided had manpower been sufficient to conduct timely inspections. The Fire Prevention Bureau needs an inspector whose primary task is to inspect restaurants and other commercial properties.

Following are the Grand Jury's recommendations:

1. Hire another inspector
2. Charge a mandatory fee to commercial properties to offset the burden of another salary.

Commendations

The Tuolumne County Grand Jury wishes to recognize Fire Marshall Kary Hubbard and the entire Fire Prevention Bureau team for its outstanding performance in accomplishing its goals.

GEOGRAPHIC INFORMATION SYSTEM

Introduction and Reason for Inquiry

The Geographic Information System (GIS) is computer technology that enables the Tuolumne County Community Development Department (TCCDD) to view topographical and geographical maps of the county.

The Division started as a planning tool to assist the Planning Department. It has become a separate division within the Planning Department.

Personnel consist of the GIS coordinator, Larry Beil, with one part-time and two full-time technicians.

This inquiry was not complaint driven. It was a part of an investigation into each operational component of the Tuolumne County Community Development Department.

Procedures

Grand Jury members met with the Geographic Information System Division Coordinator, Larry Beil. He demonstrated common tasks of the GIS using its present computer capabilities.

Findings

There are various ways to display topographical and geographical information using the GIS. The simplest way to obtain a display is to type a street address into the computer. The GIS software program presents a corresponding visual view of the addressed plot of land.

This technology provides a digital means with which to manage, analyze and display geographical or topographical information. "Core data" for the program are the county's roads and parcels. Much of the data acquisition has been obtained through aerial photography. A primary challenge to this division has been to adapt the technical data to a format understandable by the internet user.

In the past, a two-foot resolution aerial map had been used to input data into the system. By upgrading the input maps to that of a one-foot resolution quality, the viewer is now able to identify buildings, roads and encroachments not fully visible using the older two-foot resolution maps.

Conclusions and/or Recommendations

The GIS has the potential to be a viable research and planning tool for the TCCDD. However, it is only as useful as the information it contains and that information must be updated in a timely manner. As more information is included in the system's databases, anyone from any department will be able to access online the system's resources easily and quickly. These updates should expedite the flow of processing plans and permits.

The Grand Jury recommends the continued refining and expansion of the available data and making the system more available to all users.

PLANNING

Introduction and Reason for Inquiry

The Planning Department, under the supervision of Principal Planner Mike Laird, performs complex office and field work regarding planning, zoning and land-use matters. This department does plan studies to support special or large planning projects, and interprets and enforces various zoning regulations of Tuolumne County.

This inquiry was not complaint driven. It is a part of an investigation into each operational component of the Tuolumne County Community Development Department (TCCDD).

Procedures

Members of the Grand Jury met with and interviewed Principal Planner Mike Laird.

Findings

The California Land Conservation Act, better known as the Williamson Act, has been the state's premier agricultural land protection program since its enactment in 1965. The Tuolumne County Board of Supervisors, by Resolution 106-04 dated June 15, 2004, require applications for new contracts. New Land Conservations Contracts for the Williamson Act require the collection of fees. (More information on the Williamson Act can be found at www.conservation.ca.gov/dlrp/lca or by contacting the Division of Land Resource Protection, phone (916) 324-0850.)

In the past, the Planning Department received seven to ten applications per day involving a processing turnaround of 48 hours. With the increased volume of applications, the processing turnaround extends to two weeks or more.

Due to its unique history, our county has five planning commissions. One commission serves Columbia, another Jamestown. Two others serve the rest of the county. The City of Sonora has its own commission, which is separate from the TCCDD.

Conclusions and/or Recommendations

Information provided to the Grand Jury by the Planning Department indicates that there is a greater flow of work than in many counties of similar size and, in addition to its current responsibilities, the department is also in the process of evaluating housing needs affecting residents with lower incomes.

The Grand Jury recommends increasing the current staff of planners from seven to twelve as recommended by the Director of TCCDD.

Area 12 Agency on Aging

Summary

This agency assists with Medicare problems and other health insurance concerns for the five counties of Alpine, Amador, Calaveras, Mariposa, and Tuolumne. This program is the Health Insurance Counseling and Advocacy Program (HICAP). HICAP counselors assist in providing information on Medicare Part D Pharmacy Programs only. Counselors are registered with the State of California after undergoing extensive training. Their services are by appointment only.

An individual requesting an appointment must show a Medicare card and provide a list of all prescriptions, including medication strengths and dosage information. This information is fed into a computer program, which can be printed to show the needs of the individual.

Medicare's Part D program is carefully explained to each prospective client who must then decide which insurance program and pharmacy they wish to use from the list provided. There is, for example, no need to call each pharmacy to obtain this information. It is a matter of picking the plan that best suits the individual's needs. The counselors can not recommend or endorse any particular insurance program or pharmacy.

Reason for Inquiry

The Grand Jury received a two-part complaint. The first was regarding information received on the Medicare Part D Pharmacy program. The second concerned a refund from a previously selected insurance company.

Procedure

On Monday May 1st, 2006, a committee made up of grand jury members met with Interim Director Linda Zach and three of her staff. Questions were asked of this group to better clarify and understand their duties regarding these complaints.

Findings

Area 12 Agency on Aging is part of the California Department of Aging, which is a part of a nationwide program of advocacy for older adults. Their Mission Statement is: The responsibility of Area 12 Agency on Aging is to service all of the five counties, including those with different social and cultural needs; support self-determination and independence among the older and younger disabled population; and provide leadership in the development of a community-based system of care. This mission is accomplished through a network of education, advocacy, problem solving, program planning and funding.

The consensus of the committee regarding the first complaint (Medicare Part D) was that there was a misunderstanding by the client as to what actions should have been taken. Regarding the second complaint about a non-responsive insurance company, the staff of HICAP is not required to intercede on behalf of a client.

Conclusions and/or Recommendations

It appears that the HICAP staff personnel did not make it clear that they were attempting to work this into their schedule as a favor to the complainant. The complainant, however, was expecting a call back from them. A courtesy call from the Agency explaining the circumstances would have eliminated much of the confusion.

Commendation

The grand jury committee wishes to thank Linda Zach and her staff for welcoming us and taking time from their workday to meet promptly with us and answer our questions.

Amador-Tuolumne Community Action Agency

HOME ENERGY ASSISTANCE PROGRAM

Summary

The Amador-Tuolumne Community Action Agency's (ATCAA) Home Energy Assistance Program (HEAP) is a federally funded program distributing funds to designated states who then distribute these funds to agencies within each county. The funds are then allotted to individuals or families on a priority-based need. Normally, funds become available about March or April of each year and applications are sent out over a period of several weeks to those who have responded to an inquiry.

Reason for Inquiry

This is a complaint driven report about a citizen not receiving an application in a timely manner and the door to the office being locked during the posted hours of operation.

Procedures

Following a Grand Jury committee meeting on Monday, May 1, 2006, the committee went to the Washington Street offices of the ATCAA. After some confusion, the office was found on the third floor since the first floor offices had been flooded. After introducing themselves, the committee stated the reason for their visit. ATCAA Executive Director Shelly Hance and Christine Porovich who handles HEAP then showed them into a meeting room.

Findings

Part of ATCAA is the Home Energy Assistance Program (HEAP). This office is open Monday through Thursday, 9:00 A.M. to noon and 1:00 P.M. to 4:00 P.M. This program offers energy assistance as well as other help such as home energy efficient improvements to low-income individuals and families each year. It is not an entitlement-type program. Thus, recipients must reapply each year for reconsideration.

The applications used by HEAP are mailed or hand delivered over a period of about four months into the calendar year after the funding is received. Both the time-frame for form distribution and the amount of funds available varies each year. Since funding is very limited the Agency must prioritize based on the applicants' needs.

The committee was unable to be specific about the complaint regarding the door being locked during posted business hours because they were not provided with a date by the complainant. This complaint was, however, brought to the attention of the Agency.

Conclusions and/or Recommendations

HEAP personnel should clearly explain to all applicants that benefits must be applied for and reconsidered each year since the applicants' situation might differ from previous years.

Each qualified applicant should clearly understand that the funding from the federal government to the state governments and, ultimately, to the county governments does not always happen at the same time each year.

HEAP personnel should make sure the hours and days of operation are clearly posted and that the office door is unlocked during those times.

Commedations

The Grand Jury extends their thanks to Shelly Hance, Christine Porovich and their staff for their courtesies and for being very forthcoming under difficult circumstances. They were recently voted *Most Community Oriented Business* by vote of the citizens.

Human Services Agency

ADULT PROTECTIVE SERVICES

Summary

The committee interviewed Assistant Directors, Ann Connolly and Nancy Lindgren in both scheduled (October 28 and December 8, 2005) and unannounced (October 21, 2005) visits. They walked the committee through a hypothetical elder abuse complaint. The staff was knowledgeable and showed compassion for their clients. Working overtime is a common occurrence.

Introduction and Reason for Inquiry

Adult Protective Services is charged with overseeing the safety and well being of adults, particularly the elderly and indigent, in Tuolumne County. This inquiry was not complaint driven. It was an extension of a follow-up to a previous complaint of slow or non-committal response from Child Welfare Services

Procedures

The Grand Jury interviewed Assistant Directors, Ann Connolly and Nancy Lindgren in both scheduled (December 8, 2005) and unannounced visits. Cynthia Phillips, Social Services Supervisor was also interviewed during the course of the committee being walked through a hypothetical complaint (scenario). Each director was quizzed about department charters, personnel and their attitudes, and financial status of the department.

They were also asked about staff problems with the family/friends of the clients and if they were able to get police protection when it was needed.

Research was done regarding the educational requirements of this department.

Findings

This department currently operates with a staff of approximately 120 people. All have Bachelors in Social Sciences and at least 30 college credits in related fields.

Funding is from State and Federal sources. Requests for supplemental funds are submitted to the Board of Supervisors as required.

The staff has had to call law enforcement on many occasions for protection and/or support when assistance was required in removing an elder or to arrest an abuser. Elder abuse cases are very emotional cases where tempers are not always controllable.

The supervisor was asked to walk the committee through a hypothetical complaint of elder abuse.

In all scenarios the Supervisor and staff involved showed they had the required knowledge and skills to complete the task.

There is very little turnover in the staff and as a result they have developed a good working relationship with each other

The Human Services staff is able to handle the current workload but they are putting in too much overtime at the cost of individual time.

Conclusions and/or Recommendations

Increased staff would allow the department to better serve each individual case.

Commendations

This group of individuals is to be commended for their dedication, interactions with each other, positive attitude, and professional, compassionate handling of each case, often under adverse conditions.

CHILD WELFARE SERVICES

Summary

Members of the Grand Jury made a scheduled visit to the Child Welfare Services Department on October 21, 2005. The committee toured the facility and interviewed department heads and, when available, the next lower in the chain of command. Each Supervisor was asked to describe their respective departments and give a brief description of the functions of the department. Existence of Standard Operating Procedures (SOP) was confirmed and they talked the committee through the normal procedure of handling a complaint.

Introduction and Reason for Inquiry

The Child Welfare Services Department is charged with assuring the safety and well being of children in Tuolumne County. This inquiry was not driven by a new complaint. It was initiated as a follow-up to a previous complaint filed with the 2004/2005 Grand Jury, of slow or non-committal response from Child Welfare Services.

Procedures

The Grand Jury toured the site and interviewed the CWS Program Manager, Tamera Blankenship. Kent Skellenger, Director of Human Resources also addressed the entire Grand Jury. Research was done to determine educational requirements for staff.

Findings

The CWS department, led by Program manager Tamera Blankenship, is made up of 2 supervisors, 4 support staff, and 12 social workers. They handle approximately 1000 cases of abuse or neglect and place approximately 150 children in foster care annually. Each call is

evaluated using state-developed procedural guidelines. There must be some level of abuse or neglect indicated to initiate an immediate investigation/visit.

The funding for this department comes from a variety of State and Federal sources.

Most of the staff meets the state educational requirements. Exemptions to some of the educational requirements are granted to rural counties.

Thirty-five percent of foster care placements are out-of-county. The main reasons are lack of in-county long and short-term foster care homes, the child requires a higher level of care, or the child is placed with relatives out of the county.

This department handles heavy caseloads with a dedicated and highly skilled staff. In addition to increases in the cost of living and cost of doing business, State and Federal requirements continue to increase without the funding to implement them.

Even with the high caseloads, this department receives only about 15-20 complaints against it annually. Most are handled at the supervisor level. If the complaint cannot be resolved locally it goes to the state level.

Conclusions and/or Recommendations

In order to assure the safety and well being of our most vulnerable citizens, the children of Tuolumne County, the Grand Jury recommends that this department receive the necessary funding to expand their staff and to recruit foster parents.

OFFICE OF EMERGENCY SERVICES

Introduction and Reason for Inquiry

The Tuolumne County Office of Emergency Services was reviewed for readiness, completeness and competence to perform the tasks defined by their Standard Operating Procedures for disasters. Documentation was found to be lacking in completeness and out-of-date. However, there was no lacking in personal desire to do a good job nor was there a lacking of enthusiasm for the job.

This inquiry is not complaint driven. The Grand Jury selected the Office of Emergency Services to be reviewed due to the current worldwide terror and ever present fire threats. The intent of the Committee was to determine the readiness status of the department.

The Office of Emergency Services is “manned” by one person, Maureen “Mo” Frank, Department Manager. She is responsible for providing services to the County of Tuolumne for recovery from natural disasters, bio-chemical disasters, fire, and earthquake. She also writes Grants and is the County Purchasing agent. Mo reports to C. Brent Wallace, County Administrator.

This inquiry was to determine if the County is able to survive and recover from the above-mentioned disasters.

Procedures

A Committee, comprised of 2 Grand Jury members, scheduled an office visit with the Office of Emergency Services Coordinator, Mo Frank, on November 1, 2005. A second meeting with Mo Frank and the full Grand Jury was scheduled for November 9, 2005.

The Department Manager was asked to explain the duties and requirements of the job to include all of the tasks that fall within her jurisdiction. In addition, we wanted to know who dictated the document guidelines and are the guidelines universal within the State of California and the United States.

Findings

Committee questioning conducted at the Office of Emergency Services revealed that although many required documents were completed they were also out-of-date. Most are out of date by at least 8 years, some since 1996 when the plans were initially submitted. We were told that the Federal Government had wanted to submit a generic plan/guideline for all states to follow but that the Federal input had not been very clear in its direction and intent.

When asked if the County/State plans were checked against local groups such as schools, fire departments, police, etc., the answer was yes and the plans were consistent.

Conclusions and/or Recommendations

The Office of Emergency Services emergency documents are in disarray and out of date as a result of the lack of Staff and time. Each of the documents has multiple changes and adjustments that must be made and current copies submitted to the County. Each of the proposed plans needs to be checked, exercised for effectiveness, and if needed, reworked and reviewed before the next exercise.

The single person attempting to cover all of the requirements of this department is doing the best that can be done by one person. Any 2 of the current tasks assigned to this department should be sufficient to justify a full-time Staff Assistant Manager.

We recommend that updating the Standard Operating Procedures be the number one priority of this office. In order for the Office of Emergency Services to properly perform all assigned tasks there must be a division of and a reassignment of duties and/or responsibilities. The Office of Emergency Services needs at least 2 assistant staff members, management qualified, and at least 2 qualified technicians.

ADDENDUM-EMERGENCY MEDICAL SERVICES

Summary

This addendum covers the Pandemic Exercise held at the Mother Lode Fairgrounds on April 6, 2006. The exercise was a combined effort of the Human Services Agency, which includes the Public Health Department and the Emergency Medical Services Department. This exercise was developed as a large-scale drill to test its ability to vaccinate residents in the face of a flu pandemic.

Procedures

Three members of the Grand Jury and their family members participated in the exercise as “patient” volunteers. Although this was an exercise, all the professional staff approached their responsibilities in a serious and professional manner. This included not only those from the Human Services Agency but also those from the fire departments, ambulance services, and the Sonora Police Department.

As we arrived by car we were directed to the parking area by a staff member wearing a mask. In the absence of signage, we walked from the parking area to where we thought we were supposed to register. One member walked in through the front gate but was not directed, either by staff or by signage, to a registration area. After a couple of “false starts” we were told to join the line already formed. As we waited in line a staff member queried each of us and completed a blue tag from information verbally supplied by the volunteer. This included our name and how we were feeling. On completion, we were told to hang these tags around our necks. These tags were checked each time we went from station to station. If your answers to the health questions indicated that you felt fine you were directed into the Muir Building for the next phase. If, however, you said you had been sick recently or currently had a fever, sore throat, rash, etc., you were pulled from the line, masked and directed to follow a yellow line to an isolation area at the far end of the Fair Grounds.

For those volunteers who were symptom-free, the next phase consisted of viewing a short informational video about what we could expect from the immunization process and other general health information. Following this, we moved into the area where the “mock” vaccinations were given. After a brief wait, we were directed to a table where a staff person did another health screening. Following this screening, we were given our vaccination by a RN and asked to wait for five minutes before leaving to make sure that no allergic reaction occurred

One member of the Grand Jury was “symptomatic” and was sent, unescorted, to the isolation triage area where he was screened and given a numbered tag. He was then given a more detailed screening which included having his blood pressure and pulse taken. Another nurse rechecked his symptoms using the additional health information. He was then given his vaccination and released.

As each of us left, we were handed an envelope of very useful health-related information including a brochure entitled *Save Your Life. Guide to Emergency Preparedness*, which provides excellent information for everyone.

Findings

Initially, the Grand Jury volunteers found the process a little “ragged around the edges.” That is, although the staff seemed willing and able to perform their assigned tasks, they did not seem clear on what to do next when things did not go as expected. For example, when the original registration area was changed everything was momentarily stalled while communication about the change was made. It appeared to us that there was a problem with the radio-controlled system they were using. After that was corrected, everything went quickly and smoothly. If there were further problems, they were not apparent to us.

Conclusions and/or Recommendations

It was obvious, from the number of professional staff involved, that the exercise was planned for and could have accommodated many more than the 150 volunteer “patients” that did participate. The staff, while performing admirably, was not able to approximate the experience of a real pandemic simply because of the low turnout. Of course, an exercise can be orchestrated with as much realism as possible, but it cannot duplicate the unexpected. While medical and emergency personnel are trained to respond to immediate problems on a daily basis, a pandemic would present a whole different situation with possibly thousands of very sick individuals.

The Grand Jury recommends:

1. Distribute the “Save Your Life” brochures in as many public gathering places as possible.
2. Organize another emergency/pandemic exercise, ideally before the end of 2006.
3. Have the exercise on a day where more volunteers would be available – perhaps a Saturday or Sunday.
4. Prior to that exercise, request that the local newspapers publish factual information about the possible consequences of a pandemic or other mass-emergency situation. This information must include where people can get specific types of help in the event of an emergency.
5. Solicit widely for “patient” volunteers using newspapers, schools and service clubs, for example.
6. Large signs should be posted to indicate registration areas, waiting areas, triage areas, etc. Maintain the necessary supplies to create and quickly place additional signs as the need arises.
7. Establish a smooth and logical pedestrian/patient traffic pattern with appropriate signage prepared in advance.

8. Patients being directed to the isolation triage need to be escorted in such a way as to minimize exposure and health risk to others

Commendations

Although the participating grand jury members are unable to personally identify everyone with whom they had contact, it is to be noted that each and every one of the staff we encountered was courteous, professional and helpful. Although this was an exercise, it became obvious that the participants were in the hands of knowledgeable people.

The participating grand jury members are very confident, that should a disaster occur, the health needs of the people will be taken care of by the doctors, nurses, police, ambulance personnel and all the other well-trained emergency personnel in this county.

OFFICE OF BIO-TERRORISM

Introduction and Reason for Inquiry

The County Health Department Office of Bio-terrorism was reviewed for readiness, completeness and competence to perform the tasks defined by their Standard Operating Procedures for bio-terrorism events. Documentation was found to be lacking in completeness and out-of-date. However, there was no lacking in personal desire to do a good job nor was there a lacking of enthusiasm for the job.

This inquiry is not complaint driven. The Grand Jury selected the Office of Bio-terrorism to be reviewed due to the current worldwide terror threats. The intent of the Committee was to determine the readiness status of the department and to make sure volunteer personnel are available for the duration of such an event.

The County Health Department Office of Bio-terrorism is under the supervision of Dr. Todd Stolp, who is contracted by the County Board of Supervisors. Janet Cook is the assigned Bio-terrorism Coordinator. It is their responsibility to prepare a plan of readiness for any event that threatens the county and to make sure that a viable plan is put into action. The federal government and state agencies have assembled medical supplies and medicines available for distribution to accommodate a terrorist attack. The program is known as Strategic National Stockpile (SNS). It is up to the coordinator to make sure a point of dispensing (POD) is assigned throughout the county when needed. It is the responsibility of the Health Officer to coordinate the different agencies (police, fire, medical) in the County to help fight such a catastrophe.

This Office oversees the coordination within the County of the stockpiled medicines and medical supplies that have been received from the Strategic National Stockpile (SNS). This Office is to establish Points of Dispensing (POD) sites and to notify the public where they must go to receive their regimen of medical supplies.

This inquiry was to determine if the County is able to survive and recover from the above-mentioned disasters.

Procedures

A Committee, comprised of 2 Grand Jury members, scheduled an office visit with Janet Cook at the County Health Department Office of Bio-terrorism on 11 January 2006. A second meeting with the full Grand Jury present was scheduled with Dr. Todd Stolp and Kent Skellenger on the 18 January 2006, in order for them to give a full overview of their duties to the County and Human Resource Services.

Findings

The documents for the County Health Department Office of Bio-terrorism are lacking the required information. The PODs are identified; many locations are available and documented. Who will staff the POD, for how long, and etc. is not documented with actual names as specified in the guidelines.

In case of a bio-terrorism event the method of notification to the public is by radio and TV. Should there be widespread power outages there are satellite phones to coordinate with emergency service agencies. Emergency vehicles with public address systems will go door to door to notify the general public.

The Bio-terrorism Response Plan for the County Health Department Office of Bio-terrorism is lacking some very necessary information. The SOPs are not up-to-date and are inadequate. Although the PODs are identified and locations known, the staffing requirements and the who's who for each are NOT known. Who will staff the POD, for how long, and etc. is not documented with actual names as specified in the guidelines. ("Volunteers" is NOT a specific person that anyone can contact when needed.)

Given the rural nature of the county the difficulty of notifying every individual in the county is of great concern. This concern deepens in the event of widespread power outages.

Conclusions and/or Recommendations

The County Health Department Office of Bio-terrorism needs to rework the various plans to meet State guidelines. Names and/or lists of names of available personnel qualified to supervise and man each POD during an emergency need to be part of the plan. Many may volunteer but qualified individuals are needed to manage. These individuals need to be known by all. Training exercises need to be reviewed and addressed so administrators and volunteers can fully understand their responsibilities. Also, initiate the Citizens Emergency Response Team (CERT) to get volunteers trained to respond to emergency situations.

Tuolumne County Sheriff's Department

TUOLUMNE COUNTY JAIL

Introduction and Reason for Inquiry

Sections 919 (a) and (b) of the Penal Code tasks the Grand Jury with an annual inspection of any jail or prison within the county. "Jail" is defined as a locked adult detention facility that holds both non-sentenced and convicted adult criminal offenders for a period of 12 months or less.

Based on our investigation, the following items were of concern to the Grand Jury's Jail/Prison investigatory committee:

1. Serious inadequacy in the overall number of jail deputies
2. Serious inadequacy in the number of female jail deputies
3. Inability to hire and retain jail deputies
4. Potential lack of a background investigator (for new-hires)
5. Lack of adequate space within the jail to accommodate the inevitability of more prisoners and provide more workspace for jail personnel
6. Jail personnel not subject to random substance abuse testing

The Tuolumne County Jail (Jail) is operated by the Tuolumne County Sheriff's Department, which consists of the Sheriff (an elective 4-year office) who also serves as Coroner; an Under Sheriff; the Chaplain Corps; Executive Clerical Support; an Operations Bureau and a Support Services Bureau. Within those two bureaus reside specific departments that include various investigative, field and Court security operations. There is a Support Services Bureau that includes, but is not limited to, the operation of the Tuolumne County Jail.

Procedures

At our invitation, Sheriff Rogers addressed the Grand Jury on August 24, 2005. He addressed issues concerning the Jail including those in an August 17, 2005 article in the *Union Democrat* entitled "Sheriff's staff down by 13 deputies." He also provided us with information about the Jail's general day-to-day operations,

The Jail/Prison Committee consists of seven members. This Committee made three visits to the Jail. One was a scheduled visit made on Sunday, September 18, 2005; the second was an unscheduled visit made on Friday, October 7, 2005; the third, also unscheduled, was on Friday, January 13, 2006.

The booking, intake/holding, medical, housing units, dining hall, classrooms, visiting area, the roof-top exercise area, the third floor "hard-case" lockup, personal and institutional storage areas, and kitchen were inspected. In addition, Jail Deputies, the on-duty Registered Nurse and the Commander were interviewed.

Prison staff was asked what the procedures are when a prisoner files an abuse complaint. Although these complaints are rare, the review of complaints is handled “in-house” working up through the chain-of-command.

On October 7, 2005 after approval from the Sheriff, a male trusty and a female trusty were interviewed, separately and privately. Questions were asked about their general satisfaction with the facility, the treatment they received and, specifically, if they had any complaints.

One of the female dormitories was visited and several inmates were interviewed but unlike the trusty's interviews, these discussions were held in an open dormitory setting. One dormitory houses 16 women, the other 10.

Findings

The length of incarceration is 12 months or less. The maximum capacity is 148 inmates. Eight holding cells must be kept available for special needs such as the booking of juveniles, females and suspected gang members. (Juveniles are not housed at this facility but are transferred to available Juvenile facilities outside the County.)

None of the inmates interviewed stated that they had any particular problems. Each trusty had a job: the male in the kitchen, the female in the laundry. They stated they liked working since it made their days of incarceration pass more quickly.

Both trusties were also asked if they had been given and understood the rules as specified in the booklet each inmate receives. Both trusties answered in the affirmative.

At the time of our visit this booklet was only available in English. However, it was in the process of being translated into Spanish. The Spanish translation is supposed to be available in the near future. Individuals, who are unable to read and ask for help in understanding the booklet, are read the contents by jail staff.

All prisoners have an exercise period of one hour three times a week

While the jail is old, it appeared well-maintained and well-managed although cleanliness is an issue in some areas.

The food budget for this fiscal year is \$264,552. Each prisoner receives three meals a day (hot or cold breakfast; bag lunch; hot dinner) at a cost of \$5.22

Potential inmate overcrowding is a constant concern. Detainees (those not sentenced) and/or prisoners are released earlier than scheduled to accommodate new inmates and prevent overcrowding. While the Committee was at the jail, a detainee was “cited out.” (“Citing out” means that the detainee is released before their court date and must sign a form promising that he/she will return for that court date.) This release was possible only because the charge was a misdemeanor. If the release of a detainee had not been possible, then an existing prisoner would have been released to make space for the new detainee or prisoner. This early release would have to fit specific criteria including length of sentence, type of offense, and fit within a time-window for normal release. Between March 2005 and November 2005, 330 prisoners or detainees were in the early release program.

For many years, Grand Jury reports have stated the need for a newer, larger jail facility. The early release program is a result of having too small a jail. And, as our County grows, the need for more jail space will also grow. However, the reality is that grant funding must come from California's Department of Corrections. However, this Grant would not provide the funds for the purchase of land and the related purchase requirements. Tuolumne County must have the ability to own land suitable for the site. Unfortunately, new construction funding has not been restored by the U.S. Congress, which was last available for fiscal year ending 2001.

The current staffing level of jail deputies at the jail has fallen to 12, half the budgeted number of 24. Because of that shortage, as much as 20 hours of overtime must be assigned weekly at a current cost in excess of \$130,000. As of January 1, 2006, only 25% of the Sheriff's overtime budget remains with more than six months left in the fiscal year.

On Friday, January 13, 2006, three Committee members paid an unscheduled visit to the Jail and met with the Jail Commander J. P. Jones about monies allocated for jail deputies salaries. This visit was prompted by information in the July through December 2005 minutes of the Board of Supervisors' meetings that indicate Sheriff Department "unused salary" monies are returned to the General Fund each month. It was explained to us that dollars are allocated at the beginning of each fiscal year to pay the salaries and benefits for a full staff. When that number falls short of a full staff, as with the jail deputies, the unused monies must be returned to the General Fund for reallocation.

There were only six female Jail Deputies at the time of our visits. As of February 2006, two have left, or will soon leave, the department. This shortage of female officers is of particular concern since the law requires a female officer be present at all times. For example, when the Committee visited, its female members were "patted-down" by a female Jail Deputy and each female detainee must undergo a physical search at the time of incarceration.

There are three eight-hour shifts: days, 06:30-14:30; swing, 14:30-22:30; and graveyard, 22:30-06:30. When fully staffed, each shift is ten hours long providing a two-hour overlap. Since there are only 12 deputy sheriffs, there is no overlap period and overtime is required.

The lack of officers is, according to the Sheriff, the Jail Commander, and accounts in the *Union Democrat*, due to low, non-competitive salaries and benefit packages. This causes dedicated personnel to leave for more lucrative jobs and makes it extremely difficult to attract and keep new personnel.

It takes approximately 12 months to hire, conduct a background investigation, and train a new deputy. All investigatory work is done by a member of the Department's staff. Outside assistance for background investigations is prohibited in the five-year contract with the Deputy Sheriffs' Association (DSA) that expired December 31, 2005. A new contract is now under negotiation. All these costs, including salaries, are paid for out of the Sheriff's Department entire annual budget which is \$16,286,375 for the fiscal year, July 1-June 30. The Jail portion of that budget is approximately \$3M this fiscal year. This budget is negotiated by the Sheriff, the DSA and the County Administrators.

As of July 1, 2006 (the beginning of the new fiscal year) there will not be any investigative officers within the Department to conduct the background work needed for prospective new

hires. Under the present contract (which expired December 31), this function cannot be performed by a non-Departmental (DSA) person. This is unacceptable since, although many applications have been received, the hiring process cannot proceed because there is no one to do the background investigations. This essential function must always be available either by using personnel from the Department dedicated to this task or by contracting with an outside entity.

The Committee received verbal information from an applicant that electronic applications (the preferred method) for employment had not been satisfactorily acknowledged as received. This applicant took the initiative and placed a phone call to the Human Resources Department where it was determined that the electronic system was not downloading all the information leaving potential employees unaware of where their application was in the process. Ultimately, this applicant completed a paper application, which was promptly processed. The Jail Commander with whom we spoke on January 13 was unaware of this problem.

More cleaning personnel should be assigned to the night shift. They currently have two regulars with an occasional third member. Some of the floors in the newer area have a buildup of dirt around the baseboards and some of the floors are sticky. The older sections have no baseboards and concrete floors. These areas appear cleaner and that could be because it is a more open area or the result of a more efficient cleaning crew.

Conclusions and/or Recommendations

None of these recommendations are going to be easy to achieve nor do we suggest that the Department has ever taken these issues lightly. It is extremely difficult to acquire the funds needed to accomplish these and other goals associated with running a facility solely dedicated to incarceration. In addition there are bureaucratic problems that are difficult to solve.

The Grand Jury recommends:

1. Hire 12 new Jail Deputies, with particular emphasis on female deputies, and retain current personnel.
2. The Sheriff must vigorously pursue every avenue to provide the financial incentives to attract and keep necessary personnel. The entire Department will continue to suffer until these hurdles are crossed.
3. The Sheriff's Department must be allowed to contract with an outside entity to conduct background investigations required for hiring new personnel or a background position(s) must be added to the Fiscal Year budget for 2006-2007.
4. Improve communications between the Sheriff's Department and the Human Resources Department regarding the processing of applications so that those interested in employment are not left "stranded."
5. Build a new, larger jail. The Sheriff must continue to work with State and County governments, with all information available to the public to elicit their cooperation in acquiring suitable land.

6. Once the land is acquired, the Sheriff and the County Supervisors – with the assistance of resident's of the County - must vigorously lobby the U. S. Congress and the State of California for money needed for a newer, larger facility.
7. Start random substance abuse testing of Jail employees.
8. Although substance abuse testing is a part of the extensive pre-employment investigation, these tests should not stop when employment begins. If an employee is at risk, programs that exist within the community can be used to help that employee.
9. In addition, it is recommended that the Board of Supervisors perform a walk-through of the Jail at least once a year. Although the Supervisors are fully aware of the staff shortages and the short-falls in the facilities, at a minimum an annual inspection might strengthen their resolve to assist.
10. Assign additional personnel to the night shift cleaning crew.

Commendations

Our Sheriff, Dick Rogers, has taken early retirement due to serious health concerns. Because of his strong leadership, his Department will not flounder but his presence will be missed. An election to replace him will be held at the end of this year and the Under Sheriff has been assigned to serve in the interim.

Sheriff Rogers hosted this Committee at the Jail on two occasions in addition to addressing the full Grand Jury at the Court House. On each occasion, he was forthcoming in answering questions and providing information that allowed us to better understand the workings of the Jail and his Department as a whole. Although one of those visits to the Jail was unannounced, he graciously took time from his busy schedule to talk to us and arrange for the necessary Jail personnel to escort us during our investigation. On our third visit, also unannounced, Commander J. P. Jones spent a considerable amount of time with Committee members providing answers to our questions.

All personnel with whom we interacted were professional, helpful, and approached their jobs in a positive manner. They graciously accommodated us while providing for our physical safety, answering our questions and providing us with the information we requested. Our needs were met without reservation in spite of the serious personnel shortage.

The Grand Jury thanks all the Tuolumne County Jail department personnel for their assistance and cooperation. We are encouraged by their steadfastness and dedication to their chosen careers.

Sierra Conservation Center

Introduction and Reason for Inquiry

Penal Codes 919(a) and 919(b) instruct the Grand Jury to do an annual inspection on the condition and management of any jail or prison within the county. While the Sierra Conservation Center (SCC) is operated by the State of California Department of Corrections (DOC) it resides in Tuolumne County and is our County's third largest employer.

By definition "prison" is a secure facility operated by the State of California or a contracted prison provider that houses sentenced offenders under the jurisdiction of the California DOC.

One citizen complaint was received and investigated:

1. Heating/cooling of the Infirmary in the Levels I and II area.

In addition, the following observations were made and are of concern to the Grand Jury:

1. Each dormitory is extremely crowded. Bunk beds are provided which allow more than twice the number of inmates to be housed beyond the original design intent.
2. The summer temperatures, combined with the overcrowded conditions, make the temperature in the dormitories rise to uncomfortable levels.

Notes: *Many of the inmates have personal fans next to their bunks in an attempt to keep the air moving.*

The dormitory housing inmates with an on-going or chronic health concern is air-conditioned.

Procedures

At our invitation Mr. Kenny Calhoun, Public Information Officer for SCC, visited the Grand Jury on November 2, 2005. He provided us with background material such as when the prison was established, its budget, its staffing and mission and programs to support that mission.

The Jail/Prisons Committee, consisting of seven members, was given permission to visit SCC. Prior to that visit, telephone contact was made by the Chairperson with Mr. Calhoun for the necessary arrangements, including pre-screening. This visit was made on Wednesday, November 2, 2005, at 3:30 P.M. and will be referred to as *VISIT I*.

Following the prison's security procedures, Mr. Calhoun welcomed us into their conference room where we were introduced to Chief Deputy Warden Ivan Clay, Associate Warden Frank Chavez, and Acting Associate Warden Jim Russell. Warden Anthony Malfi, new to this facility as of September 8, 2005, was off site on business.

On November 29, 2005, the Committee made an unannounced visit arriving at 8:00 A.M. and departing at 3:00 P.M. This visit will be referred to as *VISIT II*.

A third announced visit was made to assess the Base Camp on January 24, 2006 and will be referred to as *VISIT III*.

Findings

The facility was built in 1965 as a fire camp and is located on 420 acres near Jamestown. The original design consisted of housing units for 1,240 men and included two gymnasiums. As of November 2005, there are approximately 4100 inmates. There are no women at SCC.

There are three levels of incarceration. Levels I and II (minimum and low-medium custody determined by intake interviews and other strict criteria) consist of several dormitories housing 36 prisoners each. In 1987, a 1,000-bed Level III medium security-housing unit was built. Due to overcrowding, both gymnasiums were converted into dormitories housing an additional 450 inmates. One of those housing units is dedicated to those with specific medical needs and where the ratio of Corrections Officers (COs) to inmates, is higher. There are a total of 22 fire camps.

Some inmates have jobs within the system but the number of jobs available is very limited. All levels of incarceration have access to the library, which contains academic, vocational and legal materials. For those inmates confined to their cell, reading materials are made available while all others may access the Library on approval.

VISIT I: Each of the Associate Wardens gave a brief but comprehensive overview of their specific responsibilities: Mr. Chavez is responsible for approximately 225 inmates housed in Level III. Mr. Russell is the acting Associate Warden responsible for Business Operations. Mr. Clay, Chief Deputy Warden, also provided specific and general information about the prison. Mr. Calhoun, as Public Information Officer, provided much of the background and detail information.

According to information provided by SCC staff, there are 883 staff at the prison and approximately 250 staff at the fire camps. That number is partially made up of 713 uniformed staff; 148 Business Services personnel (Plant Operations, Food Services, Accounting, Procurement, Information Systems, and others); 70 Medical personnel; 56 personnel in Records; 49 Correctional Counselors; 21 Substance Abuse Counselors and 26 Academic and Vocational Instructors.

The Infirmary was visited where particular attention was paid to the temperature of the unit as a follow-up to the complaint received. Because we visited on a day that was neither too hot nor too cold we were unable to make a suitable judgment. The Infirmary is open 365 days a year, 24 hours a day and includes facilities for both mental and physical health needs including a Pharmacist and Dentist.

Mandatory drug testing is done to inmates at Level III while Level I and II inmates are tested when there is cause. All employees are subject to mandatory, but random, drug testing. In 1998 the prison was selected as one of five for expansion of the DOC's Substance Abuse Program (SAP). In their last two years of confinement, 200 inmates participated and, once paroled, continue treatment in a community-based program. The program was expanded to include 130 inmates at the Baseline (Fire) Conservation Camp - the first in the State to be

included in the program. In 2004, Celebrate Recovery SAP, a 12 step Christian-centered volunteer program was implemented.

During this visit it was brought to our attention by Kenny Calhoun that a home owner south of the prison had complained of excessive noise when the firing range was used. The SCC's administrative personnel, as well as administrative personnel from the DOC, are working with the Sierra Conservation Center Citizens' Advisory Committee and the area homeowners to address and alleviate the noise problem and to improve all safety aspects of the range. Several things have been done (relocation of targets, building of berms, etc.) and more are planned. This work is ongoing since the SCC understands that they must not only be good neighbors but also have the obligation to respond to, and act upon, complaints that come to their attention.

VISIT II: On November 29, 2005 the Committee spent a full day in Level III talking to Warden Frank Chavez, interviewing the COs working at that level and visiting their infirmary and classrooms. Level III is the highest level of incarceration at SCC where approximately 150 inmates are serving life sentences. We also briefly interviewed several inmates.

Also within Level III is a separate unit known as ADSEG or ADministrative SEGregation. This consists of 100 cells, each able to house two inmates. As the name ADSEG implies, these inmates are unable to function in a traditional dormitory setting or must be segregated from the general population for their own safety, the safety of other prisoners, or for the safety of the prison staff. Because there is a fence down the center of the building it can also be used to house non-violent inmates during, for example, an ongoing investigation.

While there, the committee met with three members of the Men's Advisory Committee (MAC) which is made up of inmates elected by their peers. They expressed three areas of concern:

1. The Law Library is not always open and available to those who have jobs.
2. The sally ports (a fenced corridor with gates on both ends) are potentially dangerous because when filled to capacity (before being opened) the risk of physical harm by other inmates is extremely high. (NOTE: This situation no longer exists. The sally port exit is now open.)
3. The prisoners would like a digital camera available in the visiting area so that the CO in charge can take pictures of their visitors, which can then be printed out and taken back to their dorm or cell. Currently, Polaroid pictures can be taken of visitors but those pictures are not allowed inside since the photos have a pocket on the back in which contraband could be hidden.

VISIT III: On January 24, 2006, the committee visited the Base Camp. In order to qualify for this camp, inmates must be at Levels I or II and, for adequate training, have 3 or more years left on their sentence. Depending on individual circumstances, some inmates are able to reduce their sentence by subtracting two days from their sentence for every one day worked on a fire line.

The facilities for the inmates are first class and the prison staff was very cooperative and informative. The inmates' living quarters are single-level open-bay structures except for two rooms at one end that are for the lead members of the team. (Each structure, six in all, houses one Fire Team.) This arrangement is done to facilitate expedient action when a fire call occurs. These structures are all of the same design and are all very clean and functional. The grounds are clean and groomed to perfection.

All prisoners at the Fire Camp are low-risk. They appear to be very content with the camp, the prison staff, and their jobs in general. They "know they have a good thing going!"

The fire training they receive is quite extensive and is done under the supervision of the California Department of Forestry at a fire-training center not located at the Base Camp.

During the low fire season, work is done at the warehouse that is equipped for making various backpacks and associated carrying packs. There is also a very fine computer-controlled setup for making plaques, lettering on hats, etc.

Conclusions and/or Recommendations

Replace the Infirmary's existing environmental control unit with one that is designed to handle the building load. It was mentioned by a staff member that the current unit does not appear to cool the area and therefore may be insufficient for the area volume and heat loading from the staff and medical equipment used in the facility.

Evaluate the Library's open hours so that all inmates can be accommodated.

Provide a digital camera for use by the Corrections Officer stationed in the visitors' area. This camera should be capable of downloading images of a prisoner's visitor directly to a printer thus allowing the inmate to return to his quarters with a photograph of that visitor.

Explore the possibility of providing an evaporative cooler in each dormitory. The committee was told that the prisoners do not complain and, in fact, are extremely quiet during the heat of the summer. However, it would seem that with that many men crowded together in over-heated quarters, a potential volatile situation could be created.

Commendations

The Grand Jury wishes to thank Wardens Malfi, Clay, Chavez, and Russell for hosting us and answering our many questions. Special thanks go to Mr. Kenny Calhoun for making himself available to us, providing background as well as current information and, along with a dedicated professional staff, seeing to our safety while visiting SCC.

We also commend the prison staff for their continuing interaction with our county's Sierra Conservation Center Citizens' Advisory Committee. This committee is dedicated to improving, involving and strengthening the public's understanding of the prison and its varied missions. Through their cooperative efforts, our community will continue to benefit from a better understanding of our entire prison system and specifically, our "town-within-a-town," the Sierra Conservation Center.

Tuolumne County Clerk, Registrar of Voters

Summary

The Office of the Tuolumne County Clerk is also the Registrar of Voters. This office oversees 46 precincts and 29 vote-by-mail precincts.

This Grand Jury was privileged to be invited to be a part of the Election Observer Panel. This is a courtesy extended each election year by the Registrar's office. Nine of the Grand Jury's total number of 19 participated - most observing polls in their own neighborhoods. In addition, our Foreman was a poll worker in a precinct.

We found this an interesting and informative process, as most of us have never been on the "other side of the table."

Introduction and Reason for Inquiry

During elections, personnel are required to stay at Election Central until all precincts are counted and the unofficial results have been tabulated and released.

Good training enabled the poll workers to quickly overcome the minor problems that were experienced. We observed a smooth operation performed by a dedicated group of our county's citizens.

Procedures

Participating jurors attended an Election Observer Training session prior to Election Day. Jurors were advised of the dos and don'ts, given a nametag and a letter of introduction to present to the Precinct Inspector on our arrival. The Grand Jury Foreman, as an active poll worker, was given a self-study manual and training CD.

Several jurors observed both the opening and closing procedures while others observed various polls throughout the day. Regular proceedings of voting were observed: the sign-in, obtaining a ballot, voting in a booth or enclosure and then returning the ballot to a poll worker who then places it in the ballot box.

Also observed were interested groups checking the voter index to determine who hadn't voted yet. They then called those who hadn't voted to see if they needed transportation to the polling place. Some of the jurors remained to observe the functions at Election Central.

Jurors were allowed to ask poll workers about their efforts for the day and they, in turn, could be asked about their reason for being there.

Findings

The majority of poll workers were efficient and helpful. At most precincts there are four precinct workers consisting of one Inspector and three assistants. Some precincts had one Inspector and two assistants. If possible, the polling places are set up the night before Election Day. Polls are open from 7:00 A.M. to 8:00 P.M.

Many voters expressed their thanks to the poll workers but some said they had difficulty in finding their polling place.

There are two lists used by the poll workers. One list is by street address and one list is alphabetical. This allows the poll workers a cross-reference. In some cases, there is more than one ballot used at the same precinct. Which ballot you are given is determined by your street address since some issues are specific to only certain areas.

After the polls close at 8:00 P.M., the workers' open the ballot box and begin to sort and count the ballots by type. The various ballot types include not only regular ballots but also provisional and absentee. These ballots are then placed into the proper containers for transport to the Registrar's office along with the supplies used by the poll workers. In the more remote areas of the county, two Deputy Sheriff's pick up the ballots and supplies and deliver them to the Registrar's office.

Overall training is very complete consisting of a full-day training session at the Tuolumne County Fairgrounds. Some precinct workers return year after year and are quite knowledgeable. There were, however, some last minute fill-ins who had never worked the polls before. Not having the advantage of the daylong training meant their training was more-or-less "on the job." It was noted by the observer that the binder of instructions each Inspector was given seemed to be sufficiently clear allowing quick solutions to minor problems.

Election Day is a very long day, consisting of 13-plus-hours for the precinct workers. Only one person at a time is able to leave for lunch and no other significant breaks were observed.

Conclusions and/or Recommendations

It is difficult to recommend anything to make this "well-oiled machine" better but just maybe a little easier in the future. For example during local and state elections, four precinct workers may be adequate but during a national election, the Registrar might be able to use high school student volunteers as "go-fors" or even provide them with some of the same training as the poll workers. In the past student volunteers have been very helpful.

Commendations

The Grand Jury commends these dedicated and committed poll workers for a job well done. They represent our County responsibly and seriously and have our gratitude and thanks.

Jamestown Beautification Project

Introduction

Jamestown is thought to be one of the best-preserved Gold Rush towns of the Sierra Foothills. The nearby Railroad Museum is one of the area's historic treasures. The objective of the Jamestown Beautification Project is to revitalize Main Street and Integrate tourism to include Railtown.

Reason for Inquiry

The Grand Jury was asked to review the status of this project after receiving a written inquiry by a citizen living in Jamestown. The inquiry asked about the money that had been appropriated for this project and the progress being made.

Procedure

A sub-committee of the Grand Jury interviewed Mark Houghton of the Department of Public Works, and Mary de Beauvieres, of the Tuolumne County Planning Department. The Grand Jury received substantial printed material to substantiate all information given at the interviews.

Findings

The Tuolumne County Board of Supervisors identified the Jamestown Beautification Project as a priority enhancement project. The money given for the project was not a grant, as the project fell short of qualifying for one. The Local Transportation Commission (LTC) originally appropriated \$310,000 for the Main Street Beautification Project. This money was allocated to the Jamestown project under the direction of the County Department of Public Works. Mark Houghton, of this department, is in charge of the project. He reported to the Grand Jury committee that his department is also working with the Jamestown Area Planning Commission (JAPC) in the development of the project. The process has been slow because of the lack of agreement among all interested parties, public and private. There has been a two-year lapse since the original plans were approved, so a third revision is being completed by the consultant services and is expected very soon.

The main areas of concern are the sidewalks, landscape, signage and lighting. The street lighting plan calls for a specialty item that will not be maintained by PG & E. One has been placed in the Park so far.

It should be noted that Mark Houghton's responsibilities with the Department of Public Works covers many areas besides the Beautification Project. This explains the charge by the Public Works Department against the Beautification Project funds.

On the following page information that was provided by the Department of Public Works has been included for clarification of expenditures and time line.

Conclusions/Recommendations

Mark Houghton and Mary de Beauvieres have worked conscientiously on the project, ever mindful of the need to balance time and money. Supervisor Dick Pland has been very supportive and helpful as well. Later this year four trees and planter boxes will be implemented and maintained by the landscaper who contracted the job. However, it is time to move on with the project and get it finished. The interested and involved citizens of Jamestown need to make an all-out effort to work together for the good of all interested parties.

4/18/2006



Memo
 Tuolumne County
 Public Works Department

To: Tuolumne County Grand Jury

From: Mark Houghton

RE: Jamestown Beautification Project

I have been requested to provide information on the finances provided and used for this project. The table below provides the current amounts, which are documented on the attached pages. In brief, the project was funded for \$300,000 by the TCTC in September 2002. In addition to this amount, it is expected that an additional \$75,000 will be transferred from the Jamestown Lighting district to fund the street light replacement, which is a significant component of the overall project.

	Preliminary Budget	Current Budget	Expenditures to date
1. Consultant Services	\$64,000	\$110,000	\$101,755.55
2. Administration	\$13,000	\$13,000	\$16,143.25
3. Construction	\$220,000	\$220,000	\$2,067.61
4. Construction Admin	\$33,000	\$20,000	\$00
5. Project contingency	\$20,000	\$12,000	\$00
Total	\$350,000	\$375,000	\$119,926.41

Description of Expenditures

- 1) Consultant Services includes the funds paid to Quad Knopf to prepare the Master Plan, and the construction drawings for the first phase of improvements.
- 2) Administration pays for all Public Works staff time spent on the project. This is typical for all special projects which the county oversees.
- 3) Construction is the amount available for physical improvements.
- 4) Construction Administration covers the staff and consultant time to administer the construction project, including inspection, materials testing and staking.

Financial Update 1532 Grand Jury



COMMUNITY DEVELOPMENT DEPARTMENT

BEV SHANE, A
Director

BUILDING AND SAFETY - CODE COMPLIANCE - FIRE PREVENTION - PLANNING - GIS

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Mailing: 2 S. Green S
Sonora, CA 95376
(209) 533-5633
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JAMESTOWN MAIN STREET BEAUTIFICATION PLAN CHRONOLOGY

September, 2002	Funding approved by Tuolumne County and Cities Area Planning Commission; \$300,000 to prepare and implement Jamestown Main Street Beautification Project
January, 2003	Town Hall Meeting held to discuss Jamestown Beautification Public Works Department sends Request for Proposals to consultants
March, 2003	Quad Knopf selected as consultant to prepare Master Plan
November, 2003	Quad Knopf presents draft Master Plan to Jamestown Area Planning Commission (JAPC)
January, 2004	Historic Preservation Review Commission (HPRC) reviews Main Street Beautification Plan; recommends approval with minor revisions
February, 2004	JAPC recommends approval of Master Plan
March, 2004	JAPC recommends focusing construction money on Alternative A (Landscaping, Lighting and Signage – see <i>March 24, 2004 memo outlining alternatives</i>)
April, 2004	Board of Supervisors approves Main Street Beautification Plan
November, 2004	HPRC reviews preliminary construction drawings for lighting, landscaping and curb / gutter improvements.
December, 2004	JAPC reviews preliminary construction drawings.
January, 2005	JAPC continues discussion on preliminary construction drawings.
February, 2005	JAPC completes review of preliminary construction drawings.
July, 2005	JAPC requests update on status of construction project to implement Main Street Beautification project. (<i>See memo prepared by Mark Houghton, Deputy Director of Public Works outlining budget and expenses to date</i>)
September, 2005	Mark Houghton, Deputy Director of Public Works attends JAPC meeting to discuss status of construction project. Discussion focuses on maintenance issues.

Tuolumne County Grand Jury Website

Introduction and Reason for Inquiry

Each year the Grand Jury spends many hours investigating county government. Most of the Grand Jury's work is done quietly with little or no fanfare. At the end of each Grand Jury's term a Final Report is published of that Jury's findings, recommendations and conclusions. The publication of the Final Report seems to create some excitement among those interested in the workings of local government. By the time the affected departments have responded to the Final Report, it also seems the excitement has subsided. The Final Report documents are put away with those of previous Grand Juries.

To find a user-friendly device to research past reports, research was done on how other County Grand Juries made their publications available to the public.

Procedures

During this Grand Jury's orientation the question, "How does the Tuolumne County Grand Jury get its own website?" was verbalized. The issue was brought before the Superior Court. The issue was discussed with the County Administrator, C. Brent Wallace on November 7, 2005. The County Administrator assembled a Grand Jury Website Planning Team on December 9, 2005. In attendance were: Laurie Wyman (Jury Coordinator), Tami Kaerney (Jury Support Services), Orley Ryals (TCGJ Foreperson), Cheryl Allegri (Executive Assistant to County Administrator), C. Brent Wallace (County Administrator) and Jim Sells (Web Master).

Findings

Almost every Grand Jury in California has its own website in which past investigations and reports can be researched online. On those websites are links to basic information. Also, there are links to past reports and investigations. Many have both the reports and their respective responses indexed. With a printer coupled to a computer, one, within a few minutes, can print out investigation, findings and recommendations dealing with specific areas of concern.

Tuolumne County Grand Jury has no website. It is mentioned in a couple of links from other online sources. A Tuolumne County Grand Jury Website would provide a practical means to research past juries' investigations

Conclusions

The website received approval. The Grand Jury Foreperson and the Jury Coordinator were invited to attend county website training beginning after the first of the year. Web Master, Jim Sells, asked the Grand Jury Foreperson to provide a hard copy of data to be included in the website. With the hard copy of textual data on hand, the website will be designed.

The Grand Jury Foreperson met with the County Web Master, Jim Sells, on January 12, 2006. The draft website data was discussed. Also discussed was the timeframe in which to develop

the site and make it operational with the publication of the 2005-2006 Grand Jury Final Report.

The county website training commenced on March 27, 2006 and continued through the end of April. On March 23, 2006 the training availability was cut back to allow only the Grand Jury Foreman to attend.

Recommendations

The Tuolumne County Grand Jury Website is a newly developed research tool. There is much to do to add past Grand Jury reports and responses to the website database and refine the system to better serve the researcher. To accomplish these tasks, the following recommendations are submitted:

1. A current Grand Jury member, knowledgeable of the website system, be retained on the 2006-2007 Grand Jury.
2. A seat in the county website training class be reserved for an incoming member of the 2006-2007 Grand Jury.
3. The Jury Coordinator, as the designated county employee to enter information into the web system, receive the county website training class.
4. A seat in the county website training class be reserved for the Jury Support Services designee to provide a back-up county employee to the Jury Coordinator's duties to enter information into the web system.

Summary

The Tuolumne County Grand jury Website was developed as a cooperative effort project of the Superior Court, the Grand Jury, the County Administrator's office and the County Web Master's office.

The Tuolumne County Grand Jury website may be reached at www.tuolumnecounty.ca.gov/grandjury

Agencies Investigated by Grand Jury 1997-2006

Department	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06
Agricultural Commission								X	
Ag Commissioner								X	
Ag Programs								X	
Weights and Measures								X	
Air Pollution Control								X	
Animal Control	X		X					X	
Y2K Preparedness		X							
Air Pollution Control Office								X	
Airports						X			
Amador/Tuolumne Comm. Action Agency									X
A.N. Francisco Bldg. Hours of Operation								X	
Animal Control	X	X	X		X				
Area 12 Agency on Agency									X
Assessor-Recorder								X	
Archives						X		X	
Behavioral Health (formerly Mental Health)									
Big Oak Flat Groveland Unified School Dist./ Tenaya School	X						X		
Board of Supervisors		X		X			X		
Mgt./Oversight of Fiscal Affairs						X			
Child Support Services (formerly DA Child Support Services)									
City of Sonora-Development Project								X	
Clerk-Auditor-Controller	X	X	X	X	X	X			
Elections			X						X
Community Development Department				X					
Building Department	X								X
Clerical									X
Code Compliance									X
Development Division of Public Works	X	X						X	X
Educational Reimbursement								X	
Fire Prevention									X
Geographic Information System									X
Planning	X								X
Conflict of Interest State of Economic Interests Form 700						X			
County Administrative Office						X			
County Administrative Officer			X	X	X	X			
County Budget							X		
County Fire				X					
County Counsel					X				
District Attorney			X						
Criminal Division		X							
Victim/Witness			X						
Facilities Management								X	
Farm Advisor							X		
Groveland Community Services Dist.	X		X						
Grand Jury,Recommendations/Responses			X						
Follow-up 97-98 Final Report		X							
Correspondence Committee		X							

2005/2006 Tuolumne County Grand Jury Report

Department	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06
Human Services Agency	X			X					X
Adult Protective Services				X					X
Child Welfare Services				X		X	X	X	X
Eligibility Division				X					
Environmental Health				X					
Health	X								
In-Home Services				X					
Mental Health/Alcohol/Drug Services		X							
Office of Emergency Services									X
Office of Bio-Terrorism									X
Women, Infant, Child Program (WIC)								X	
Information Systems and Services	X					X			
Jamestown Beautification Project									X
Jamestown Mine Property		X			X				
Library	X	X							
Probation								X	
Adult								X	
Juvenile								X	
Public Defender						X			
Purchasing									
Recreation						X			
Resignation of DA Nina Deane			X						
Revenue and Recovery								X	
Salary Increases									
County Administrator					X				
County Counsel									
Schools Consolidation	X	X							
Sheriff's Department									
Boat Patrol	X	X	X	X	X				
911 /Emergency Response									
Jail	X	X	X	X	X	X	X	X	X
Morale								X	
Narcotic Task Force		X				X			
Sierra Conservation Center	X	X	X	X		X	X		X
Sierra Railroad Right-of-Way						X			
Tax Collector-Treasurer	X							X	
Tuolumne Co. Superintendent of Schools Office			X			X			
Superintendent & Staff						X			
County Schools						X			
Special Education						X			
Tuolumne County Transit						X			
Tuol. Co. Visitors Bureau/Film Commission		X							
Tuolumne General Hospital	X		X		X		X	X	
Personnel Management			X			X			
Contracts			X						
Finances			X						
Laboratory Procedures			X						
Long Term Care			X						
Morale			X						
Psychiatric Unit			X						
Tuolumne Utilities District	X					X	X		
Twain Hare Community Services Dist.	X								
Veteran's Services						X	X		

Appendix

Responses of Affected Agencies in the 2004-2005 Final Report

•Board of Supervisors

•Agricultural Commissioner

•Community Development Department

•Office of Assessor-Recorder-Recorder

•City of Sonora

•County Administrator's Office Re: Facilities

•Tuolumne County Health Department

•Tuolumne County Department of Social Services

•Tuolumne County Probation Department

•Sheriff's Department

•Treasurer and Tax Collector

•Tuolumne General Hospital