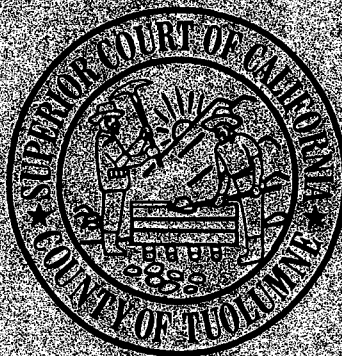


TUOLUMNE COUNTY

GRAND JURY



2002-2003

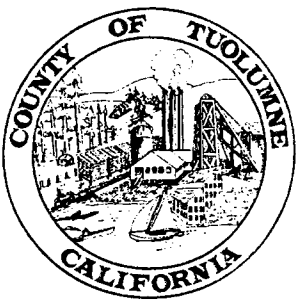
FINAL REPORT

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Grand Jury — County of Tuolumne

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

June 30, 2003

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

Dear Judge Polley:

The 2002-2003 Tuolumne County Grand Jury is pleased to submit its final report to you, the County Board of Supervisors and the citizens of Tuolumne County.

The Grand Jury wishes to thank you and District Attorney Donald Segerstrom for your endless support. A special thanks goes out to Jury Coordinator Laurie Wyman for her assistance.

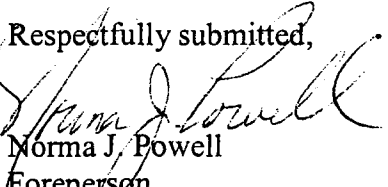
This year's report represents the dedicated efforts and work of nineteen Grand Jurors who volunteered thousands of hours out of their lives to investigate, research, and prepare this year's report and the updated Grand Jury Manual.

We have chosen to address items of concern without attempting to place blame. Instead, we chose to highlight the need for attention, correction or follow up while acknowledging operations and staff that performed well.

It is our expectation that our findings and recommendations will be honestly examined and not cast aside as meaningless. The Grand Jury review is one of the only avenues our citizens have of reviewing our county's operations and providing input.

Serving on the Grand Jury is a special experience that all community members should be afforded. We have gained knowledge and understanding into county operations that many of us would not have experienced otherwise. It has been a privilege to serve our county as the Foreperson and work with such wonderful jurors.

Respectfully submitted,


Norma J. Powell

Foreperson

Tuolumne County Grand Jury 2002-2003

THE 2002-2003 TUOLUMNE COUNTY GRAND JURY

Norma Powell, Foreperson	Groveland
Darroll Morehouse, Foreman Pro-Tem	Sonora
Suzan Houser, Secretary	Twain Harte
Dennis Boylan	Sonora
Judee Channell	Sonora
David Choate	Sonora
Bill Copeland	Jamestown
Bob Healy	Sonora
Barbara Hessler	Groveland
Karen Hurtado	Columbia
John Mendiola	Sonora
Karen Miles	Sonora
Kris Persson	Tuolumne
Randy Rivers	Sonora
Deborah Snodgrass	Sonora
Carl Swanson	Sonora
Penny Taylor	Twain Harte
Roger Thompson	Sonora
Thomas Vogt	Sonora

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.

**MISSION STATEMENT
ADOPTED BY THE
2002-2003 TUOLUMNE COUNTY GRAND JURY**

The Grand Jury is an investigative body composed of citizens of this county. Our mission is to make a complete and careful examination of county governmental agencies, including properly presented complaints submitted to us. We shall submit a final factual report of our findings and recommendations at the conclusion of our term.

We will diligently and impartially perform our duties to the best of our ability. Our function is to make independent investigations on behalf of the people of Tuolumne County and make recommendations to improve the county. Our findings will be based upon facts, be clearly presented, and within the course and scope of our charter.

COUNTY ADMINISTRATIVE OFFICER

C. BRENT WALLACE

Overview

Members of the Grand Jury investigated the County Administrative Officer, Mr. C. Brent Wallace as a follow up of two previous Grand Jury reports and Mr. Wallace's response to the 2001-2002 Grand Jury report. In his response he stated that he disagreed and that he had "proposed a method of adjusting salary that would be less". The Grand Jury reviewed his current and past salary and benefits to validate this response. The Grand Jury also received a complaint regarding possible unauthorized expenditures of county funds by Mr. Wallace.

Procedures

The Grand Jury requested and reviewed copies of the employment contract of Mr. Wallace, addendums to the contract, records of his beginning salary and any increases since the time of his employment. The Grand Jury also requested and reviewed copies of his expenses, specifically including, but not limited to, all travel expenses and County credit card purchases.

Findings

An in-depth investigation revealed some inconsistencies in the figures previously provided.

Mr. Wallace began his employment with Tuolumne County on July 13, 1998 (under a contract of June 2, 1998).

Salary	\$ 93,129	Range 490 Step D
Cafeteria Plan (benefits)	5,628	\$469 x 12
Auto Allowance	5,400	\$450 x 12
457 Match (retirement)	<u>2,794</u>	3%
	\$106,951	

According to his contract if he were to be terminated during the first twelve months of employment, his severance pay would have been an amount equal to that which would accrue during ninety (90) calendar days. If his employment were to be terminated after completing twelve (12) months of employment, his severance pay would be an amount equal to that which would accrue during one hundred eighty (180) calendar days.

On July 13, 1999 his 457 match (retirement) compensation was \$2,936 with all other compensations remaining the same as the previous year.

Mr. Wallace received a salary step increase July 18, 1999 (under a contract of June 2, 1998).

Salary	\$ 97,982	Range 490 Step E
Cafeteria Plan (benefits)	5,628	\$469 x 12
Auto Allowance	5,400	\$450 x 12
457 Match (retirement)	<u>2,936</u>	3%
	\$111,946	

On October 17, 2000, Mr. Wallace began work under a new contract with the County that in part stated that in the event of his termination, he would be paid an amount equal to that which would accrue during the remainder of the term of the agreement (in this case October 16, 2004.)

Salary	\$100,865	Range 496 Step E
Cafeteria Plan (benefits)	5,820	\$485 x 12
Auto Allowance	5,400	\$450 x 12
457 Match (retirement)	5,043	5%
Longevity	<u>10,580</u>	20 ranges (years)
	\$127,708	

In a letter dated June 25, 2001 the County Administrator requested that the salary range for the Tuolumne General Hospital Administrator be increased to a maximum of \$150,000. Just eight days later on July 3, 2001, Mr. Wallace made a formal request for a salary increase for himself in a letter to the Board of Supervisors, thereby insuring that his salary would remain higher than that of the Hospital Administrator (or 10% higher than any other paid County employee with the exception of doctors).

Mr. Marini was hired as the Tuolumne General Hospital Administrator at a salary of approximately \$120,000. A contract amendment of July 10, 2001 stated in part that "If the Hospital Administrator's salary range increases on or after August 1, 2002, the salary range of WALLACE shall be increased to 513, Step E (\$109,790.54)." This clause has not yet taken effect, but should if any Hospital Administrator's salary range increases.

The amendment further stated, "The COUNTY hereby agrees to recognize thirty (30) years of WALLACE's local government service towards accrued years of service for Retention Incentive Pay. WALLACE shall continue to accrue years of service towards Retention Incentive Pay from the date of this Agreement."

The July 10, 2001 amendment to Mr. Wallace's contract also stated that his salary range would increase to 503, Step E (\$104,449).

Salary	\$104,449	Range 503 Step E
Cafeteria Plan (benefits)	6,180	\$515 x 12
Auto Allowance	5,400	\$450 x 12
457 Match (retirement)	8,500	Maximum under IRS Code
Longevity	<u>16,859</u>	30 ranges (years)
	\$141,388	

The Board of Supervisors approved all of these requests and amendments.

Members of the Grand Jury thoroughly reviewed all of the expenditures for travel and purchases at County expense of Mr. Wallace and found no abnormalities.

Conclusions

While the Grand Jury accepts that the negotiations of Mr. Wallace with the Board of Supervisors with regard to his salary increases or incentives were in no way illegal, we believe that there is the “appearance of impropriety” which could and should have been avoided.

Recommendations

This Grand Jury recommends that in the future the Board of Supervisors be more thorough in their investigations of proposals relating to personnel salaries brought to them to determine whether or not they will have an impact on other salaries.

TUOLUMNE COUNTY AIRPORTS

Overview

Members of the Grand Jury conducted a routine review of the Tuolumne County Airports as prescribed in the guidelines as set forth in the Grand Jury Procedures Manual.

Procedures

Members of the Grand Jury visited the Columbia Airport office and interviewed Mr. Timothy Deike, Tuolumne County Airports Director. Numerous documents submitted by Mr. Deike at our request were reviewed. The members also spoke to some airport customers to get their input into the overall operations.

Findings

In the review of the Airports budget, the Grand Jury members found that with the addition of Air Med II renting space at Columbia Airport, there was an unanticipated financial gain to the County of approximately \$10,237 per year. Air Med leased the last three offices that were available at Columbia Airport. A further non-monetary gain to the County was the refurbishing of an old helipad at Air Med's expense. More importantly, Tuolumne County residents also benefit greatly from the addition of this new air service in that response times for the transportation of medical patients have been greatly reduced.

There is a large building at Columbia Airport that previously housed a high tech firm that is currently being looked at by the County for a possible purchase. If successful, it could accommodate at least one, if not two, Fixed Base Operators (FBO's) as well as provide new offices for the County

Airports and a meeting room. The County is presently awaiting an appraisal of the facility in order to determine the cost benefit of ownership.

Airport Entitlement Funds of approximately \$125,000 have again been applied for which will assist in the development of a Pine Mountain Lake Airport Master Plan. This is the third year that the Airports Department has requested these funds. There is already a Master Plan in place for the Columbia Airport.

One of the issues that has been brought forth during some of the Airport Advisory Committee meetings is the need for new radio frequencies. The frequencies currently in use have a lot of congestion due to radio traffic from other airports using the same frequencies. The Airport Director has been in contact with the Federal Communications Commission (FCC) and has been advised that there are only seven (7) frequencies to choose from. All seven of these frequencies are very congested; however, Mr. Deike is in the process of applying for a frequency that is reportedly only being used in Southern California at this time.

Mr. Deike stated that the County fees for tie-down spaces and hangars are competitive with other airports of the same type. He advised that Columbia rents, on the average, one transient tie-down every two weeks and one every five weeks at Pine Mountain Lake. These transient rental fees range from \$4.00 to \$8.00 per day depending on the type of aircraft. All hangars are currently occupied. Mr. Deike's opinion is that most pilots do not want their aircraft to sit outside and that they would rather have them in hangars. Mr. Deike is in contact with hangar contractors and hopes to go out to bid soon for the construction of some new hangars.

While tie-downs rent for \$35.50 to \$44.50 per month, rent on new hangars would range from \$250.00 to \$350.00 per month. Funding would most likely require a state loan for construction. Mr. Deike says that the only way an airport can be self-sufficient is to obtain a fair market value for those assets that it owns, leases or rents. His plan is to increase the assets that will provide the greatest source of return.

Hangar use is obtained from the County through a permit process. In reviewing a copy of the permit application, it was found that aircraft owners are made aware of the storage requirements in hangars when they sign the

application form. Hangar occupancy is granted for the storage of aircraft and personal property associated with the specifically identified aircraft.

The permittees sign that they will not store or stock equipment and materials, including fuel and other flammable materials that will constitute a fire hazard, and will store in the hangar only aircraft and associated ground equipment. Permittees also agree that they will not modify the structure or wiring, nor paint, remove, deface, bend, drill, cut, or otherwise alter any portion of the premises without prior written permission of the Airport's Director. Microwaves and refrigerators are also prohibited under the Permit.

During the review process, the question came up as to what percentage of compliance to the above Permit requirements is currently being experienced. Mr. Deike estimated that there was about 50% compliance in March of 2002. He feels that compliance is a few points higher at the time of the writing of this report and based his estimate on his observations in his travels around the airports and viewing open hangars.

Mr. Deike was scheduled to conduct official inspections, along with a County Building Inspector and the County Fire Marshal, in January of 2003. The hangar permittees were notified in advance that the inspections would take place; however, these inspections were cancelled as a result of concerns expressed by some of the airport users. Continuing discussions between the various factions are being held and a possible result may be the re-wording of the permit and a clearer understanding of what will be allowed inside the hangars. Some airport users that Grand Jury members spoke to complained that they were concerned that the inspections would displace them from their hangars and that the older hangars might even be torn down and replaced with newer ones that would carry along with them a higher permit fee.

It appeared to the Grand Jury members that the Director is continuing to move in a direction of improvement of the facilities, grounds and avionics associated with the airports. These items however, need coordination, agreements with the FAA in many cases, overview from other governmental agencies, further studies and an infusion of finances in order to initiate them. Some of the planned projects could take years to get through the permit and planning stages before they can be implemented. Meanwhile, the Director appears to be working closely with the Building Department and the Fire Marshal to improve the overall quality and safety of the existing facilities.

Conclusions

The two county airports appear to be working within or very close to their operating budgets. The inclusion of the unanticipated funds as a result of Air Med II operations will be a good asset and assist in making the airport operations a self-sufficient department of Tuolumne County.

If the County is successful in purchasing the large building presently under consideration, the Airports Department would increase their assets and have additional space available for new airport related businesses. A few businesses have already expressed interest in renting space in the building.

Once the Airport Entitlement Funds are received as a result of the Director's application, the Pine Mountain Lake Master Plan can be developed and both airports would then have Master Plans in place.

Congestion on radio frequencies will be an ongoing problem. Unless the FCC releases new frequencies, there does not seem to be a ready fix for these problems. As airports located in the San Joaquin Valley grow as a natural result of the population explosion in those areas, airport use will also grow and the frequencies will become even more congested.

Recommendations

The Grand Jury recommends that the Airports Director publish a newsletter or a monthly bulletin to all airport user groups to keep them informed of pending or proposed rule changes, inspections, construction or demolition projects and meetings. Airport user groups and the Airports Director should work closely together to improve the operations of both airports and to develop a common goal.

Inspections of all airport facilities should be done on a regular basis to ensure compliance with all related codes and ordinances. These inspections should be a combination of announced and unannounced inspections. However, the wording in the Permit would need to be changed to reflect this.

The Airports Director should continue to pursue all available financing methods for the improvement of existing structures, the development of additional hangar space and the repair or installation of new avionics for the airports. New contracts for hangars should be sought which will provide a long-term lease clause of sufficient duration to make it attractive for investors to build.

CARLO M. DeFERRARI ARCHIVES

Overview

Members of the Grand Jury conducted a routine review of the Carlo M. DeFerrari Archives as prescribed in the guidelines as set forth in the Grand Jury Procedures Manual.

Procedures

Members of the Grand Jury toured the facility on September 12, 2002 and interviewed archivist, Charlie Dyer. A follow up interview with Mr. Dyer was conducted on November 19, 2002.

Findings

The official records of Tuolumne County are located in the Carlo M. DeFerrari Archives at 490 Greenley Road, Sonora, behind the main library. It was dedicated for public use in December of 1999 and officially opened in June of 2001. It was named in honor of Carlo M. DeFerrari, a third generation Tuolumne County native, former County Clerk, and "Official Historian of Tuolumne County".

The Archives is a one-story, concrete block building with a full basement. It is climate controlled with 72° (+/-4°) temperature and 40% humidity. The facility is open to the public Monday through Friday, 9 to 4, by appointment by telephoning 536-1163. Public use of the Archives is primarily for genealogical research and research in preparation of Environmental Impact Reports. The public is only permitted in the Research Room, access to which is restricted by a locked door from the reception area.

Another locked door separates the Research Room from the main stack area and basement. The Research Room is tastefully decorated with vintage photographs, maps, old courthouse furniture, restored courthouse chairs, and wooden Tuolumne Foundry mold templates. The Research Room contains audiotapes comprising the Tuolumne County Oral History Collection. Eating, drinking, smoking, and the use of cell phones are not permitted in the Research Room. Personal belongings are not allowed and only paper and pencils are to be used for note taking. Ink pens are prohibited. By design, there is no photocopier at the Archives as archived materials could be damaged if placed on a copier.

Historical records are kept in the main level stack area which is a room with rolling cabinets on steel tracks. This high density shelving system is rather ingenious as the cabinets can be slid together to maximize storage space. Only 40% of this space is currently being utilized. The County of Tuolumne Fiscal Year 2002-2003 budget includes \$10,085 for another row of these cabinets. Old Superior Court records in their original boxes and cabinets occupy the entire south wall. The County receives \$15,000 from the State for the storage of Superior Court records. Archived records include Assessment, Auditor, Supervisors, County Clerk, Great Registers, Justice Court, Marriage, Naturalization, Probate, School, Sheriff and Treasurer records. Obviously handwritten, many of the records are in large bound books and date back to statehood. The oldest record in the Archives is the Jamestown Alcalde's (Mayor) record book from before statehood.

Contemporary records are stored in the records center, which is the building's lower level. A system of pallet racks, steel rack shelving, and standard file boxes are lettered/numbered for easy record retrieval. Record retention dates are clearly labeled. A standard file box nominally contains a cubic foot of records. The record center's capacity is 5,256 cubic feet. It is currently at 51% of capacity with 2,700 cubic feet of stored records. In the year ending June 30, 2002, the center received 349 cubic feet of new records and destroyed 301 cubic feet of records. Destruction of records at the end of their retention time is key to maintaining space for future record storage. Sixteen County departments keep records at the center. The Archives handles on average a dozen requests daily from County departments for record retrieval.

The facility is solely managed by Charles Dyer, Records and Archives Coordinator, and under the supervision of the Assessor/Recorder. In July of

2002 the Board of Supervisors approved a new classification specification and salary range for this position: Records and Archives Coordinator I/II/Senior, with salary ranges of 276, 291, and 306, respectively. Mr. Dyer was reclassified as Level II. After two years at Level II, he will be eligible for the Senior Level. Mr. Dyer has filled this position since the program's inception. He was formerly employed at the Sheriff's Department as a property clerk. Mr. Dyer has utilized County Jail inmates and probationers in the set-up and maintenance of the facility.

Volunteers have contributed over 1,000 hours in the past year at the Archives. Many are associated with the Tuolumne County Genealogical Society or the Tuolumne County Historical Society. Under Mr. Dyer's direction, volunteers catalog records and clean books for restoration. Many of the old record books require restoration such as repairing torn pages, and replacing covers and bindings that can cost as much as \$600 per book. \$10,000 is included in the Fiscal Year 2002-2003 budget for book restoration.

The County receives \$100 per month from the United States Forest Service for storage of 200 file boxes of artifacts. The agreement with the Forest Service includes an understanding that they might be asked to leave with notice if space were no longer available. Clearly the first priority is the storage of County records.

Conclusions

The Grand Jury members were greatly impressed with the Archives as a well conceived, designed and managed facility that should be a source of pride to the citizens of Tuolumne County.

Recommendations

The Grand Jury recommends that Archives continue with the current course of book restoration, file cataloging and volunteer participation.

The Grand Jury recommends that Archives continue with the current course of record retention schedules and the destruction of records at the end of the retention period.

The Grand Jury recommends that Archives explore the feasibility of renting available space to other government agencies.

TUOLUMNE COUNTY AUDITS

Overview

This report is a follow-up investigation to the 2000-2001 and 2001-2002 Grand Jury Reports concerning the timeliness and/or lack of public audits for the County of Tuolumne.

Procedures

Grand Jury members met with the County financial committee and the independent auditor, Macias, Gini, & Co., on September 30, 2002. Assistant Auditor/Controller, Deborah Russell was also interviewed.

Findings

The 2000-2001 Grand Jury Report (pages 2-6) cited the "timeliness and/or lack of public audits" and recommended a "target of completing the audit in six months after the year-end". The 2001-2002 Grand Jury Report (pages 70-74) similarly noted that they were "hampered by the fact that independent audits...were not done and/or reported on in a timely fashion". When the current Grand Jury began its term on July 1, 2002 the most recent available independent auditor's report was for the period ending June 30, 1999--36 months prior. While the Government Code provides that County audits are to be "at least biennially", the County is required by Office of Management and Budget (OMB) directive and State grant requirements to perform yearly audits.

Grand Jury members found that the situation has improved. The audit report for the fiscal year (FY) ending June 30, 2000 was completed July 18, 2002; the audit report for FY ending June 30, 2001 was completed August 20, 2002; and the most recent audit report for FY ending June 30, 2002 should

be completed shortly. Fieldwork for the 2001-2002 audit began August 12, 2002. The State required compliance audits were completed and submitted by December 31, 2002. The audit has been done but the report has not been completed. This report was originally to have been completed by February 2003; however, this date has been extended as the County opted to incorporate some of the guidelines set forth in recently issued Government Accounting Standards Bulletin (GASB) # 34 in the current audit. GASB 34

radically changes the presentation of the account groups and types in the financial statements and will be required for audits beginning with FY 2002-2003.

Problems at Tuolumne General Hospital (TGH) were cited as causes for the delay in issuing the past-due, prior year audits. The new hospital administrator is striving to resolve these problems. Also, the hiring of a Chief Fiscal Officer at TGH in March 2002 has enabled Assistant-Auditor Controller Deborah Russell to focus more on County issues, including budget and audit, rather than spending a significant amount of her time on TGH issues.

Macias, Gini & Company are the independent auditors. Their contract runs through completion of the audits for FY 2002-03.

Conclusions

The independent auditor and the County have succeeded in "playing catch-up" with the prior year audits and are now in a better position to perform the yearly audits in a more timely fashion.

The delay in issuing the auditor's report indicates problems that should be investigated.

Recommendations

The Grand Jury should continue to be involved in the audit process and be

apprised of any delays. The Auditor/Controller's Office should continue to strive towards their internal target of completing the audit within six months of the fiscal year end.

CHILD WELFARE SERVICES (CWS)

Overview

Members of the Grand Jury conducted a routine review of Child Welfare Services as prescribed in the guidelines as set forth in the Grand Jury Procedures Manual.

Procedures

Grand Jury Members interviewed Kent Skellenger, Department of Social Services Director, Cori Ashton, Ongoing Case Management Team Supervisor, and Tamara Dykes, Emergency Response Team Supervisor, and one social worker. Grand Jury Members reviewed the State Department of Social Services Manual of Policies and Procedures Division 31 and portions of the 2002 Desktop Edition of California Juvenile Laws and Rules as well as documentation received pursuant to our written request.

Findings

Child Welfare Services is part of the Tuolumne County Department of Social Services. The unit consists of an Emergency Response Team and an Ongoing Case Management Team. Each team has a supervisor, social workers and an office assistant. At the time of the Grand Jury review, there were 12 social workers, 2 supervisors, 1 social service aid and 2 office assistants. There are no vacant positions.

A prior Grand Jury report expressed concern over staff turnover. Grand Jury members were told that in an effort to retain staff, monetary incentives are now being offered after 6 months, 2 ½ years and 5 years of service.

New social workers receive 12 days training over a 4 month period at UC Davis. UC Davis is on contract to provide this training and it also provides training once a month for all social workers. In addition, there are weekly in-house meetings.

The existing facilities are adequate for office use. Grand Jury Members were told that plans have been approved for an emergency placement child care center to be in operation by October of 2003. At the present time when children are removed from the home, they are kept at the CWS office until the other parent or a suitable relative can be located to come and get them. If no one is available to pick up the children that day, they have to be placed in a foster home. The new placement center will be a house with foster parents under a one-year contract. It is to be used as a temporary placement facility only. All efforts will be made to make the facility a "home" where children can be taken and kept temporarily until other placement arrangements can be made.

In 2002 CWS received 1,597 reports of abuse and neglect of children. Of these, 1,340 children were seen by an Emergency Response social worker. This is an in-person response rate of 84%. The majority of the reports (1,037) alleged neglect, 183 reports alleged physical abuse, 133 reports alleged sexual abuse, 114 reports alleged emotional abuse and the remainder were caretaker absence/incapacity, child at risk due to sibling abuse, and severe neglect.

All reports received are screened to determine whether or not they meet the definitions of child abuse and neglect as described in Section 300 of the Welfare and Institutions Code. In the event they do not, the screener will attempt to refer the reporting party to other appropriate services such as mental health counseling.

If a report is determined to meet the code criteria, it is assigned to an Emergency Response Social Worker. If threat of injury to the child is imminent, there is an immediate response by the social worker. Otherwise, the social worker is required to make contact with the alleged victim within ten days from the date the report was received. The investigation can include interviews with other children in the home, the parents, other adults in the home and collateral sources.

If the report is substantiated, risk to the child is assessed. A family may be monitored for 30 days from the initial contact to determine if the risk to the child has been reduced. If so, the report is closed. If the child continues to be at risk of serious physical or emotional harm, a case may be opened. This can be a voluntary case with voluntary reunification services being offered to the family while the child remains in the home.

If the parents are not willing or able to accept services to reduce risk to the child, the child may be taken into protective custody. CWS must make reasonable efforts to prevent the need for removal of the child. If those efforts fail, CWS appears before the court within 72 hours to request that the child be detained.

Once the Juvenile Court orders detention of the child, another hearing is held within 2-3 weeks to determine whether or not the allegations are true. If the Court determines that they are, a third hearing is set to determine placement of the child and an appropriate case plan for the family for reunification or supervision of the child residing at home. It is at this time that the child is declared a dependent of the Juvenile Court and the Ongoing Case Management Team takes over the case.

Juvenile court cases are usually reviewed at 6 months and again at 12 months. Welfare and Institutions Code requires that families be given 6 months to reunify with children under 3 and 12 months to reunify with children 3 and older. There are some exceptions. CWS advised Grand Jury Members that once cases enter the Juvenile Court system, most take 18-24 months to be resolved. Once families reach this level of intervention, they often have a long history of behavior such as addiction, mental illness and poor parenting skills that need to be addressed.

Children that have been removed from the home are placed with a suitable parent or relative when possible. If this is not feasible, they are placed in a foster home. At the present time there are 30 licensed foster care homes in Tuolumne County. CWS advised Grand Jury members that only 15 of these licensed foster care homes are available to have children placed with them at this time. This is further complicated by the fact that some foster parents specify that they will only take children of a certain age. If an appropriate relative or local licensed foster care home is not available, the child has to be placed in an out of county foster home.

Grand Jury members asked about the grievance process against social workers and foster care parents. Although the grievance procedures are spelled out in the policy and procedures manual, there is only a Notice of Rights and Responsibilities pamphlet given to families. Grand Jury members found this pamphlet to be vague and lacking in clarity. Grand Jury members were further advised that only one grievance filed against CWS actually went to a State Department of Social Services hearing in the last three years.

Conclusions

The Child Welfare Services office is a fully staffed unit functioning within the State guidelines. Training needs are being adequately addressed with the UC Davis contract. Areas of concern in previous Grand Jury reports appear to have been or are being addressed, including staff turnover. Grand Jury members were impressed with the dedication and enthusiasm shown by the parties that were interviewed.

Recommendations

The Grand Jury recommends that efforts be made to recruit more foster care parents to avoid out of county placements.

The Grand Jury recommends that steps be taken to develop a more "user friendly" pamphlet of rights. Although we understand that once a case is in the Juvenile Court system that these are explained to the parents, we feel that this should be part of the initial contact. Another possibility that could be looked at would be implementing an ombudsman program whereby there is a trained neutral party to act as an intermediary between CWS and parents. This person could explain what is happening to the parent and explain their rights. Legitimate complaints could be passed on to CWS.

CONFLICT OF INTEREST STATEMENT OF ECONOMIC INTERESTS FORM 700

Overview

Public officials at every level of state and local government must disclose any of their personal financial interests that might be affected while they are performing official duties and making government decisions. Disclosure is accomplished by the filing of the California Fair Political Practices Commission (FPPC) Form 700--Statement of Economic Interests. After a query was brought before the Grand Jury regarding the filing and review of Form 700 in Tuolumne County, members of the Grand Jury voted to research the process.

Procedures

Grand Jury members visited the County Elections Office on September 25, 2002 and interviewed County Clerk/Auditor Tim Johnson and Deputy Clerk II Susan Kotarek. Members researched applicable government codes, FPPC forms and publications, and County Clerk correspondence. Members reviewed the filed Form 700's of selected officials.

Findings

The Political Reform Act of 1974 (Government Code sections 81000-91014), State Proposition 9, began as a ballot initiative approved by over 70% of California voters. The Act created the FPPC. One of the Act's stated purposes is: *"Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided."* Disclosure and disqualification are the key elements.

Over 600 public officials and employees in Tuolumne County file Form 700. There are two categories of filers: "87200 filers" and "designated filers". "87200 filers" refer to officials and candidates to elective offices specified in California Government Code Section 87200 and would include County Supervisors, County Administrative Officer, County Counsel, County Treasurer, and Planning Commissioners. "Designated filers" refer to positions that have been included in an agency's conflict-of-interest code as positions "which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest of the employee". The majority of filers are "designated filers" and within the last ten years, this number has doubled as more positions are being included in agency conflict-of-interest codes.

The body of the conflict-of-interest code adopted by the County of Tuolumne is based on FPPC regulation 18730. The code is department specific only by the designated positions and disclosure categories listed for that department (Appendix A, page 8). These are determined by the individual agency and department heads. The current code was last updated February 2002. It is reviewed and approved biennially by the Board of Supervisors, which is the code reviewing body.

Form 700 is a 31-page packet of schedules, instructions, and appendices. Its core is the single cover page where the filing person checks which (if any) of seven schedules of reportable interests have been disclosed and attached. If appropriate, the filer can check the box "no reportable interests" and simply file the cover page. The Form is filed annually and is due April 1.

The County Clerk and Elections Department is the "Filing Officer" for designated filers in the County of Tuolumne and "Filing Official" for 82700 filers. The filing official retains a copy of the 700 form and forwards the original to the filing officer. Within the Clerk and Elections Department, Deputy Clerk II Susan Kotarek is designated to handle these forms. She is additionally responsible for FPPC forms 460 and 470: "Candidate and Officeholder Campaign Statements." Ms. Kotarek estimates spending 25% of her time in this job function. She is also an election clerk. In this capacity, she is responsible for filing Fictitious Business Names Statements and performs marriages.

As "Filing Officer", Ms. Kotarek has specific duties proscribed by government regulations. She shall: (1) Supply forms and manuals; (2) Determine whether the proper statements have been filed and determine whether they are complete, legible, and the required schedules are attached; (3) Maintain a current list of statements filed; (4) Review the information in 20% of the statements filed on time and all of the statements that are filed late; (5) Notify filers if statements are incomplete or incorrect; (6) Report apparent violations of the Political Reform Act to the appropriate agency; and (7) Provide public access to forms.

Statements are available to the public for inspection at the County Elections Department located at 39 N. Washington Street, Sonora, during regular business hours of Monday through Friday, 8:00 a.m. to 5:00 p.m. There are no conditions on inspection and no identification or information is required of persons seeking access to the statements. There is a 10 cents per page photocopy charge. Public access to the statements is critical because beyond the superficial review done by the filing officer, there is nobody designated to review the forms for content--whether a person has listed a reportable interest and whether or not a reported asset would present a conflict-of-interest. While it is ultimately the individual filer's responsibility to disclose and to disqualify, it is the public's responsibility to monitor compliance with the Act. The local newspaper plays a key role. Suspected violations can be reported to the FPPC on their "whistleblower's" hotline at 1-800-561-1861.

Conclusions

The County of Tuolumne is in compliance with the Political Reform Act of 1974 as amended and the County Clerk and Elections Department is performing a commendable job.

Public awareness of the Act and the public access that the Act provides are vital elements of the system.

Recommendations

The Grand Jury has no specific recommendations.

INFORMATION SYSTEM SERVICES (ISS)

Overview

Members of the Grand Jury conducted a routine review of the Information System Services (ISS) Department as prescribed in the guidelines as set forth in the Grand Jury Procedures Manual.

Procedures

The Grand Jury members interviewed staff and reviewed all projects and contracts.

Findings

This Department handles all computer-based technology within the County. They are required to maintain the existing systems and are currently working on major integrations with different billing and tracking systems within different departments as well as networking all County departments together.

The Board of Supervisors has requested that ISS ensure no system is more than three years old. This means that one third of all systems are upgraded every year. There are roughly 1000 work stations in the County which means that around 333 systems are replaced per year. Adteck of Ceres, California bid on and was awarded the contract to provide support and parts to keep this mandate. The systems range in cost from \$1,035 to \$1,500 each. The annual upgrade cost is approximately \$344,600.

The County uses custom software from People Soft to track billing, budgeting and expenses. Some departments currently use software that does

not integrate with the People Soft software. The Sheriff's Department is currently using Data911, which does not work with People Soft. ISS and the County Administrative Office are working toward getting these important systems to work with the People Soft software to make it easier for the Sheriff's Department to communicate with other County departments.

The People Soft software for Tuolumne General Hospital is used for payroll and expense tracking purposes. The billing department manager knows the People Soft software well and is training the payroll and expenses departments on its use. The primary software used for patient billing at Tuolumne General Hospital is Medi-Tech.

ISS staff received 76 projects from various departments throughout the County last year. Of these, 33 were completed and the other 43 were carried over to this year. There are now more than 120 projects pending. The Board of Supervisors lifted the hiring freeze for this Department to help deal with the number of projects. Due to budget constraints it became necessary to determine the importance of each project. ISS requested that the Board of Supervisors organize the projects in order of importance and priority. The Board of Supervisors acknowledged this request and has approved a prioritized list for ISS to follow.

The Assistant County Administrative Officer stated that ISS staff morale has been low but is improving. Low morale in the past was due to overwhelming tasks and inadequate staffing. On the average, ISS has gained 1.5 staffing positions per year over the past 8 years. Currently there are 24 employees in the ISS Department. As staffing has increased, the morale has improved and should continue to do so as more staffing is added. Turnover has been very low with the exception of the loss of two senior analysts this year.

A County web site is under development and will cost roughly \$120,000 to complete. This year the Board of Supervisors gave ISS a budget of \$18,000 for use toward this total. ISS used these funds to purchase a People Soft Web Portal at 40% of cost. This will allow the County web site to update directly from the County departments that use People Soft. The Board of Supervisors has approved the creation of a webmaster position to work full time on the County web site. The expected launch is Fiscal Year 2003-2004.

ISS is moving its server systems into a new data center. The current data center is too small and poorly air-conditioned. The new data center is well planned and contains an adequate air conditioning unit. The computer server spaces or racks have been mapped out, providing room to add new systems. The racks are spaced evenly allowing air to flow freely. The electrical wiring is new and includes an APC battery backup system and a 400kva backup generator. This generator is powerful enough to power both the County Administration Building and, if necessary, the neighboring Courthouse. This new data center is secure, requiring a pass code and key to enter the room.

As of the writing of this report ISS had begun to move into the new data center, and it is anticipated that the move will be completed by June 20, 2003.

Conclusions

ISS is a well-run department that handles all computer-based technology in the County. Although their present facilities are poor, they have addressed the problem and have begun moving to a new data center that will eliminate many of the present concerns. Staffing is adequate and morale is improving.

The department is currently working on several projects including development of a County web site. They are also working to get all County departments networked and supported. In addition to these projects, they oversee an upgrade of a third of the County computer systems each year.

Recommendations

It is recommended that:

- ISS evaluate personnel needs to include both maintenance and growth. This way the systems are maintained with sufficient staffing and new projects can be handled properly. Once this evaluation is completed, it

is recommended that the Board of Supervisors allocate the necessary funds for the staff needed.

- ISS continue to let the Board of Supervisors determine the priority of projects so that proper funding and staffing is given in an organized manner.
- The Board of Supervisors makes it a priority for Tuolumne General Hospital to create a solid training program for both People Soft and Medi-Tech. This is important if the finances of the hospital are to improve and be accurate.
- The Board of Supervisors fund ISS and the Sheriff's Department to resolve their current conflict with the Data911 system and the People Soft software.
- The County Administrative Office continues to explore cost effective ways to keep workstations up to date.
- The ISS Department continues to network all County departments together securely.

OFFICE OF THE PUBLIC DEFENDER

Overview

Members of the Grand Jury conducted a routine Grand Jury review of the Public Defender's Office, as prescribed in the guidelines set forth in the Grand Jury Procedures Manual.

Procedures

Grand Jury members visited the office and interviewed Mr. Gerald Osmer, Tuolumne County Public Defender. Additionally, members sat in on a series of video arraignments at Tuolumne County Jail and spoke to a County employee in the Revenue Recovery Office. Members reviewed the Public Defender's budget and other documents provided pursuant to a written request along with the Level 1 and Level 2 Conflict Attorney contracts.

Findings

The Public Defender, Mr. Osmer, was recently hired by Tuolumne County. His office, strategically located near the Courthouse, is sufficient for current needs. The office is staffed with four attorneys, one investigator and office staff. The office handles approximately 500 cases per year, which is within the normal range for a Public Defender's office, given the size of Tuolumne County. Some of the cases handled are for inmates of Sierra Conservation Center with attendant costs being reimbursed by the State of California. The office computer system is adequate, however there are some additional items that have been requested in their budget that would improve their capabilities, i.e., a color printer, digital camera and scanner. All of the attorneys are provided on going training and the budget appears to be sufficient to cover their training needs.

In excess of \$845,000 is being spent annually by the County to provide Public Defender services. Grand Jury members ascertained that no effort is being made to recoup any costs at the present time, although in the past some efforts were made and some funds were collected.

Cases are appointed to the Public Defender by the court. If there is a conflict with the Public Defender's office being able to represent someone, the defendant is referred out to the Level 1 Conflict Attorneys. In the case of multiple defendants or Level 1 conflicts, they go on to the Level 2 Conflict Attorney and occasionally to a court appointed attorney from a list of defense attorneys maintained by the court. This rarely occurs. There were only 11 claims paid for these services by outside attorneys during the 2001-2002 fiscal year.

It appeared to the Grand Jury members that there is a lack of coordination between the Public Defender's Office, Revenue Recovery Office and the Court regarding the processing of information necessary for an attempt to collect funds from defendants for the costs involved in their defense. There is a form for defendants to disclose their financial status. However, it does not appear that the process is being followed completely and it is falling upon the Judge to question the defendant during the arraignment to determine a defendant's eligibility for a Public Defender. Additionally, the Revenue Recovery Office indicated that they are not receiving reports from the Public Defender detailing hours or costs involved in defending cases. This makes it impossible for them to pursue recovering any funds from defendants.

In reviewing the past practices of the Revenue Recovery Office, Grand Jurors found that there were financial recoveries in the following fiscal years:

- 1998/1999 - \$16,553
- 1999-2000 - \$ 4,633 (new computer system being installed)
- 2000-2001 - \$ 5,261
- 2001-2002 - \$ 7,814
- Jan – Feb 2003 - \$243.00

Grand Jury members contacted the financial departments of two adjoining counties to see what they are doing in respect to recovering Public Defender

costs. The two counties contacted do not have Revenue Recovery offices and are not currently making any attempt to recover funds.

The video arraignment process appears to be very effective and results in a substantial savings of time and effort for Jail Deputies since those inmates do not need to be transported to the court. Before an inmate is arraigned, a video is shown that explains the difference between a Misdemeanor and a Felony and explains some of their rights and possible sentences. Inmates are allowed to talk to an attorney by telephone during this process, which affords them the necessary privacy in discussing their case with the attorney. If the defendant does not speak English, an interpreter is provided for him/her. The Judge leaves the courtroom during these discussions and then returns to accept their plea.

During this Grand Jury's tenure, Mr. Osmer submitted his resignation from the Public Defender's Office. Grand Jury members interviewed him again to see if he had anything to add to his previous statements. He did not, other than to say that his reason for leaving his position was, in part, due to his relationship with the County Administrator and his level of pay.

Mr. Osmer stated that he could not think of any reason why the defendants who are in custody could not fill out their financial disclosure forms in advance of the arraignment and have it faxed to the court before the arraignment begins. He stated that this would most likely speed up the procedure. He does not anticipate that a great amount will be recovered due to the financial status of most of the defendants. In our discussions with the Revenue Recovery Office, it was learned that the newly appointed Public Defender, Robert Price, has contacted them recently relative to updating procedural matters regarding financial recovery.

Conclusions

Grand Jury members found that the Public Defender Office is staffed with dedicated personnel that are providing legal defense services for Tuolumne County residents and Sierra Conservation Center inmates who are unable to afford private legal representation. They are handling a large number of

cases with a relatively small staff. In the event of a conflict in the representation of a defendant, there is a process in place to refer the defendant to Conflict Attorneys.

While the office appears to function well and the facilities are adequate, they are using equipment that should be upgraded to assist them in preparing their cases. Budget approval is being requested for some of these upgrades.

The Video Arraignment process appears to be working well resulting in a time and labor savings for the Sheriff's Department, Public Defender's Office and the Court.

Attempts to make financial recovery for legal defense services have fallen short recently.

Recommendations

It is recommended that the Public Defender's Office take the lead in coordinating the development of a solid set of guidelines for determining a defendant's eligibility for representation. The current Judicial Council form, Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement, could be provided to the Tuolumne County Jail. Those defendants being arraigned by video from the Jail that want to request a public defender could fill out the form in advance and it could be faxed or otherwise transmitted to the court prior to the arraignment. Those defendants that are not in custody could be required to fill out the form at the court prior to their arraignment. This would provide the court with all of the information needed to make an informed decision for appointment of the Public Defender or the need for the defendant to obtain private counsel.

It is further recommended that at the conclusion of a case, the hours expended by the Public Defender or Conflict Attorneys be provided to the Revenue Recovery Office along with the defendant's financial statement form for their use in attempting to collect reimbursement for the County. This should prove to be a relatively simple program to initiate because the Revenue Recovery Office staff is already doing recovery for other departments and many of the defendants are already in the system for

collection of fines and related costs. Grand Jury members were told that there would not be any additional cost to the County for this process.

Although a person in custody may not be gainfully employed, they may have assets that are disclosed on the form or that can be located by the Revenue Recovery Office. Recovery efforts could be made once a defendant is released from custody and becomes employed.

TUOLUMNE COUNTY JAIL

Overview

Members of the Grand Jury conducted a routine review of the Tuolumne County Jail as prescribed in the guidelines as set forth in the Grand Jury Procedures Manual.

Procedures

Grand Jury members visited the County Jail, interviewed Sheriff Dick Rogers, Jail Commander Lt. Bailey and several Jail Sergeants and Jail Deputies. We reviewed the Jail budget and additional documents that were requested. We interviewed a representative of the State Department of Corrections and reviewed a report by Michael Hackett, commissioned by the County. Mr. Hackett represents a criminal justice consulting firm and holds a master's degree in Criminal Justice. Mr. Hackett completed the report entitled "Staffing Needs and Physical Plant Characteristics of the Tuolumne County Jail" in August 2002. Grand Jury members made several other announced and unannounced visits to the jail. We also investigated a letter of complaint.

Findings

The Tuolumne County Jail is located in a building that is long past its prime, having been built over 40 years ago. The entire facility is now working at or very near its maximum capacity. Most of the facility has been remodeled or repaired as needs have demanded over the years. The building is cramped, dark and has a very poor air exchange. The jail staff appears to cope very well with the hardships that are inherent in working in an older facility but major improvements do not appear to be justified since they would require demolishing the existing facilities almost entirely. That, coupled with the very limited growth space on the property, would not seem to be a

financially feasible alternative. Vertical development would most likely be too costly since it is doubtful that the older structure could support it.

During our visits, Sheriff Dick Rogers, his Jail Commander, Sergeants and staff were all very forthcoming with information and were eager to provide us with whatever information we requested.

The Jail staff seems to be very dedicated to their jobs and in relatively good spirits, given the hardships of their surroundings. Most employees that Grand Jurors spoke to seemed to appreciate their jobs; however, there were a few employees that complained of long, mandated overtime hours and some spoke of other employees who have resigned because of "burn out" or other negative aspects of working in the jail. Female jail employees appear to work a lot of overtime due to the mandate that members of both sexes must staff all shifts and the shortage of female Jail Deputies.

There was also some dissatisfaction expressed because of the rising costs of medical insurance relative to the amount the employees receive for their insurance. Some of the women had to take their children off of their medical plans because they could not afford to pay for them out of pocket. Some employees felt it necessary to work overtime in order to afford insurance coverage and meet the day-to-day expenses in their personal lives. It appears that staffing is a primary problem.

A substantial period of time passes between when an employee resigns or otherwise leaves County employment and a replacement employee is hired. This causes a period of understaffing, resulting in mandated overtime for the remaining staff until the replacement is on the job.

All of the staff that Grand Jury members spoke to appeared to be well trained in their respective duties. There are training officers on two shifts that perform ongoing training as well as instructing new Jail Deputies. Training Officers, who are Corporal in rank, also work as the Jail Sergeant if there is no Sergeant available for duty for that shift.

Jail Deputies often work understaffed due to sick calls or vacations. In one instance, a female Jail Deputy is on military assignment and the Sheriff cannot hire a replacement for her position. Understaffing also occurs whenever the need arises for an inmate to be searched. If the inmate is a female, a female Jail Deputy must be pulled from her post to do the search,

thus leaving her area unattended. The opposite is true if a female is on a post and a male inmate must be searched. She is required to call for a male Deputy to do the search.

Understaffing could present safety problems for the inmates as well as Jail Deputies, particularly in the event of a large fire in the jail. With a minimum staff, it would be very difficult to move all of the inmates to safety in a timely fashion and still maintain the necessary control. The Jail does not have self-contained breathing apparatus to assist Jail Deputies if they need to perform search or rescue work in a smoke filled environment.

Booking Clerks work in a very busy area. They are responsible for booking new inmates, answering telephones, scheduling visits, release of inmates, maintaining security over perimeter doors, processing bail bonds, performing most of the clerical work associated with all phases of detention and monitoring two large closed circuit TV monitors for cameras spread throughout the facility. Each monitor views 16 different areas in the facility. Processing an inmate can take up to 10 minutes. That, coupled with the many other functions that the Booking Clerks must perform, can make it extremely difficult to closely watch the monitors.

A very concerted effort is being made to keep inmate population in check and within the guidelines recommended by the State Board of Corrections. The BOC recommends that no more than 148 inmates be physically housed in the jail; however, staffing is not sufficient for more than about 135. At the time of our visits, the inmate level ranged from 132 to 134. Sheriff Dick Rogers advised that he has the ability to send inmates to other facilities if necessary to keep the population down. In the event of an emergency, the limit of 148 could be exceeded for no more than 72 hours.

Approximately 75% of the inmates are housed in general population confinement. The remaining 25% are inmates that cannot be placed in confinement with other inmates without the risk of physical injury to others. The ratio of sentenced to non-sentenced inmates is about even. Inmates can be sentenced to the County Jail for up to one year per offense. If an inmate has separate offenses, he or she could be in the County Jail for a substantial period of time. Bible Study, GED classes, Alcoholics Anonymous or Narcotics Anonymous meetings are available to inmates on a limited basis.

The County Jail is currently staffed with a Nurse from 7 a.m. to 11 p.m. If, after being seen by a nurse, an inmate needs further medical attention, the inmate is transported to Tuolumne General Hospital. A medical transport means that a Jail Deputy must accompany the inmate. This, again, causes a staffing problem in the jail during that time. The jail is without any medical staff for at least 8 hours per day.

In studying bookings over the six-month period of July 2002 through December 2002, it was found that 570 bookings occurred when there was no Jail Nurse on duty. Jail Deputies are trained only in First Aid and CPR. If a medical necessity arises between 11 p.m. and 7 a.m., an ambulance must be called and the County is billed for this service. During discussions with Sheriff Rogers, he indicated that he is in the process of obtaining quotes for the cost of expanding medical coverage in the jail another 4 hours.

A summary of the report commissioned by the County and submitted by Michael Hackett contained the following findings:

- The jail is essentially at maximum capacity.
- New jail construction will be necessary to house any significant increase in inmate population.
- Consideration should be given to including jail construction in the current planning for a new Criminal Justice Center.
- A 250-bed facility appears to be appropriate based upon the current number of inmates and the number of individuals cited out of custody or released early.
- Jail staffing is seriously problematic.
- There is no shift relief factor for staffing to compensate for scheduled and experience based absences.
- Additional posts are needed to properly supervise inmates and to ensure the safety of the staff, inmates and community.

- Retention and recruitment present a challenge to the Sheriff's Office and Human Relations who are working together to find a "fast track" solution to vacancies.
- It takes a very long time to recruit, test, hire and train a custody staff member.
- Consideration should be given to overstaffing by a number of unfunded positions equal to the attrition rate.
- The limited number of female officers creates staffing and safety problems.
- The recommendation to install Self Contained Breathing Apparatus (SCBA) for rescue operation.
- The recommendation to use electronic home detention as a means of reducing the daily inmate count.

Conclusions

While the County Jail is able to cope with the present number of inmates, staffing, the rising costs of medical insurance and mandated overtime appear to play heavily in the dissatisfaction of a number of employees. Although most employees contacted appeared to approach their work enthusiastically, some of them voiced concerns about these issues.

The County Jail does not appear to have been designed to handle more than the current number of inmates in custody. It is through the efforts of the Sheriff and his staff that the jail is able to maintain the current level of inmates. With the expected growth of the County's population, it is anticipated that the current policies and the jail facility itself will not be able to keep up with the growth. The inclusion of electronic home detention would help in reducing the inmate count. This program was used by the County several years ago, but was discontinued due to cost.

Staffing has been and continues to be a major problem. More women are needed in Jail Deputy positions and more positions are necessary to provide

safety and security for both inmates and Jail Deputies. The lack of a Jail Nurse between the hours of 11:00 p.m. and 7:00 a.m. is a contributing factor to understaffing in the jail.

Recommendations

The Grand Jury recommends that the Sheriff and the Human Resources Department work closely together to formulate an aggressive plan of action to attract and maintain qualified candidates for Jail Deputy positions. In formulating a plan of action, careful consideration should be given to the suggestion in the report compiled by Mr. Michael Hackett regarding the overstaffing of positions in order to minimize the time it takes to test, interview and hire new Jail Deputies. Expanding the number of posts in the Jail, as recommended in this report, should also be part of the criteria for the development of this plan.

Overstaffing would accomplish the expansion of posts and fill vacancies while recruitment and testing is being conducted, thereby minimizing the impact of the vacancies. Both Stanislaus County and San Joaquin County are well within commute distance of Tuolumne County. Raising the wages of all jail employees and improvement of insurance benefits could make Tuolumne County more competitive in attracting and keeping qualified jail personnel rather than losing them to those markets.

There is little or no opportunity to improve the physical structure of the present County Jail. The Grand Jury recommends that the County continue with present plans to locate and acquire new property for the construction of a new facility, which should also contain a Juvenile Detention Facility. Design factors of a new facility should take into consideration the projected growth of the County. Mr. Hackett's report recommends a 250-bed facility. In addition, planning should incorporate the ability to easily add on to the new facility without diminishing the security and safety designed into the original unit.

The Grand Jury also recommends that the Nurse coverage be extended to 24 hours a day, 7 days per week. Although emergency medical attention is not a frequent problem, having a Nurse on duty that is qualified to make a medical diagnosis could minimize the need for Jail Deputies having to

transport inmates to Tuolumne General Hospital. This would further serve to reduce the understaffing problems in the jail. It would also ensure that inmates take their prescribed medications on time or as needed.

The Grand Jury further recommends providing Jail Deputies with self-contained breathing apparatus (SCBA) along with training on how to properly use the equipment. Although SCBA is not required equipment, it would be almost impossible for Jail Deputies to perform initial rescue efforts of inmates in an extremely smoke filled environment without this equipment.

The Grand Jury also recommends that electronic home detention be looked at again as an alternative means of reducing the daily inmate count. Although reportedly an expensive program, the associated costs of this method of detention should be the responsibility of the inmate and would serve to further reduce the operational costs of the County Jail. The electronic home detention program could be administered through a licensed third-party vendor.

TUOLUMNE NARCOTICS TEAM (TNT)

Overview

Members of the Grand Jury conducted a routine review of the Tuolumne County Narcotics Team as required under the guidelines set forth in the Grand Jury Procedures Manual,

Procedures

Members of the Grand Jury visited the Tuolumne Narcotics Team (TNT) office on October 17, 2002 and interviewed Sgt. Joe Romeo, TNT Unit Supervisor. All documentation received pursuant to our written request was reviewed.

Members of the Grand Jury made a second visit on April 11, 2003 and met the new TNT Unit Supervisor, Sgt. Jim Mele. At this time we were provided with a copy of the Office of Criminal Justice Planning Report, (hereinafter referred to as OCJP Grant).

Findings

A Tuolumne County Sheriff's Department Sergeant is assigned as Unit Supervisor and is responsible for supervision of the unit. The Unit Supervisor reports to the Investigations Lieutenant of the Tuolumne County Sheriff's Office. Due to the nature of the undercover work of the team, it is necessary that personnel be changed frequently. Grand Jury members found both Unit Supervisors interviewed quite candid in answering all questions posed and in discussing the overall operations of TNT.

Several changes took place at TNT between the time of the first visit in October 2002 to the time of the follow up visit in April 2003. The Team has been awarded an OCJP Grant in the amount of \$250,000 per year. The grant was awarded in the middle of the Fiscal Year (December 24, 2002) therefore the Fiscal Year 2002-2003 portion was \$135,540. The grant runs for 3 years; however, the funding must be requested and approved each year.

Future OCJP grant funds could be in jeopardy if the proposed Federal Justice Assistance Grant (JAG) program is approved because the JAG program is intended for home defense or terrorism protection only. The JAG program is part of the current presidential budget and would take effect in Fiscal Year 2004-2005. The JAG program calls for two grants totaling \$900 million to be combined and distributed for fighting or preventing terrorism only. Currently these grant funds are available for illegal drug and violent crime prevention. This would reduce TNT's total budget by 35% as TNT does not qualify for terrorism protection funding under the JAG program. This would result in TNT having to reduce their total personnel or the County would have to pick up a larger portion of TNT's expenses to keep the current staffing level.

The Team is staffed by a Sergeant, three investigators and one office manager. With the new OCJP grant funds, two new investigators and one half time sheriff's clerk have been hired to work exclusively on marijuana suppression. These new investigators will spend most of their time in the field looking for marijuana and the remainder of their time processing paperwork and testifying in court.

The hiring of new people will require a larger office as the two-bedroom house being used now is too small to accommodate the increased personnel. New equipment will also be needed. TNT has leased two new vehicles, purchased cell phones, pagers and other items needed by the new members. Additional miscellaneous expenses will also be incurred. All of these expenses are being paid for with the OCJP Grant funds.

The other Team members are involved in investigations related to marijuana suppression, "meth labs" and other narcotics or illegal drug related activities. At least two of the investigators are trained in the handling of hazardous materials or chemicals and the dismantling of illegal drug labs. They also investigate Daily Call Reports, which are citizen reports of suspected drug activities. TNT also acts as an Information Center keeping a data base of

everything they investigate or come across and sharing this information with other County Departments or Law Enforcement Agencies that may request information or assistance from them.

Additionally, members of the team are involved in conducting training and educational programs for Law Enforcement, local schools, the County Road Department, Child Welfare Services, Probation Department and other departments or interested citizen groups where employees or citizens may come in contact with drugs or drug paraphernalia in the course and scope of their normal duties.

Marijuana is a problem next in priority to methamphetamine in Tuolumne County. It is cultivated, processed, distributed and used within the County, often in conjunction with other illegal drugs. In Fiscal Year 1999-2000, Tuolumne County was rated 4th in the state in total number of marijuana plants eradicated. In Fiscal Year 2000-2001, there were 11,806 marijuana plants eradicated and an estimated 14,000 more were destroyed by wild land fires for a total of approximately 25,806 plants destroyed.

	Plants Eradicated*	Total Investigations	Total Arrests	Total Convictions
FY 1999-00	85.73 lbs wet	150	140	115
FY 2000-01	28,580 plants	255	139	76
FY 2001-02	31,803 plants	248	155	95
FY 2002-03	45,000 projected			

*Prior to FY 2000-01, results were measured by weight rather than number of plants.

Conclusions

With methamphetamine use and manufacturing becoming as big a problem in Tuolumne County as marijuana, TNT has a busy schedule. It is the Grand Jury's opinion that the Team members are dedicated to their task and are

doing an outstanding job of reducing or keeping marijuana and other illegal drugs off the street.

The TNT displayed an in-depth knowledge of local and statewide issues involving illegal drug problems. They have been very successful in writing and obtaining grants from resources outside the County for fighting the ongoing illegal drug problems in the County. The unit is showing a good measure of success as can be seen by the number of drug case defendants it is bringing to court, the number of actual convictions, the eradication of marijuana plants and the dismantling of drug labs. TNT also seems to have a very good working relationship with other agencies and with the other departments they deal with in the county.

Recommendations

It is recommended that the citizens of Tuolumne County continue to support TNT by reporting any suspicious ongoing activities they see in their neighborhood or travels around the County.

SIERRA CONSERVATION CENTER (SCC)

Overview

Members of the Grand Jury conducted a routine review of the Sierra Conservation Center as prescribed in the guidelines as set forth in the Grand Jury Procedures Manual.

Procedures

On December 4, 2002 members of the Grand Jury separated into three groups to review the facility more thoroughly. Group I reviewed Level I and II housing units, including the dining hall. Group II reviewed the Plaza, medical unit, educational department and the chapels. Group III went to the Tuolumne Unit which houses Level III high-risk inmates. All groups ended the review at the Baseline Camp.

Findings: General

Sierra Conservation Center consists of the main facility and twenty conservation camps throughout California. On the date of our visit approximately 4,000 inmates were housed in Level I, II and III units at the main facility and approximately 2,300 inmates were in the conservation camps. The conservation camps consist of three female and seventeen male camps. The design capacity for the main prison facility is 3,926 inmates. Both gymnasiums have been converted to house an additional 450 inmates, along with increasing the dormitory housing from 16 inmates to 36 inmates.

The primary mission of this institution is the training and placement of inmates in the Conservation Camp program. These programs provide labor to communities for fire suppression, firebreak construction, flood abatement

and general conservation projects. A strict regulated comprehensive screening process takes place prior to an inmate participating in the program. Those who have been involved in violent crimes or arson are precluded from participation. Prisoners seek participation in this program since credit to reduce their sentence time is offered. Credit given is a Day for a Day ratio.

While inmates arrive from all over the state, they are paroled back to the county of offense. They are either transported by bus or have family or friends transport them back to these counties where their parole begins. This action insures that Tuolumne County does not become overrun with parolees.

Another relatively new feature to the prison is its own wastewater treatment plant that functions on site.

Findings: Group I

Upon entering the Level I yard we observed inmates exercising, running and walking the track. Their exercises consist of calisthenics since weights are no longer allowed. One of the inmates approached our guide regarding a problem. Even though the inmate was excited, our guide remained calm and dealt with the issue.

Entering one of the housing units there is a small common area with two bunks, a desk and a TV. Next is the main part of the unit that is filled with bunk beds lining each side of the aisle. The end of the building housed the bathroom facilities. While the facility appears cramped, it was observed to be orderly and clean.

The commissary provides an outlet for inmates to purchase items. There is a spending limit per prisoner per month.

All out of bounds areas appeared to be clearly marked. This had been an issue in a previous Grand Jury report.

The kitchen area in the prison has a bakery that was shut down at the time of the visit. The kitchen area was well maintained and extremely clean. It was stated that special dietary needs are addressed for those inmates with health

issues. Beans appear as a regular item on the menu since they are a source of protein for those inmates who don't eat meat.

We visited the dining hall where there were some impressive murals painted on the walls by inmates. The food service area was kept blocked off. Food trays are prepared out of view of the inmates. This reduces confrontations over larger portions or specific foods. It was expressed that more fights break out in the dining area than anywhere else in the prison.

To enter the carpentry vocational area the inmate at the door required us to sign in. This is to keep close track of who has access to the tools. All tools on the walls had color outlines so it was obvious if anything was missing. Tools are checked in and out by the inmates. Next we observed the inmates in an area performing auto body and auto painting work. One woman that we saw going back and forth turned out to be a plumber. She had inmates working with her performing plumbing duties.

A small building located below one of the guard towers houses some psychiatric and counseling staff. This was a separate office away from the regular medical building. Entering the gymnasium, we found wall-to-wall bunks. Staff informed us that many of those inmates with psychological issues requiring medication were housed here.

Findings: Group II

The Plaza is the hub for operations in the institution. The security offices, medical, educational and chapels are all accessible. While we stood outside the visitation area we observed frosted glass on the windows. This area is used for strip searches after visits to intercept contraband. Staff acknowledged that contraband is a significant issue.

An appeals office is located in the religious wing of the Plaza. If an inmate has a concern about any adverse action or situation, he can bring it to this office for review. Staff informed us that this has proven very effective in reducing complaints.

As we visited the chapels we found several different types of sanctuaries. Some of the beliefs include Catholic, Protestant, Judaism, Muslim, Jehovah Witness, Pagan, Native American and Zen Buddhist. The ministries at the prison accommodate over two thousand inmates' requests.

Between the education and religious areas there are over one hundred and sixty volunteers. Training is provided for these volunteers quarterly and annually.

Reviewing the education building we found offerings for Adult Basic Education grades 1-12, English as a Second Language and G.E.D. Preparation. A Literacy Program is offered during the day and evening. Volunteers are used for tutoring and literacy programs. Some colleges, such as Brigham Young University and Ohio State, offer degree programs. A Re-Entry program is offered to prisoners 120 days prior to release. This program is to assist inmates in transitioning into society.

A library provides material for inmates that they can check out, or they may use reference books on site. It appeared well stocked.

The Vocational Programs include auto body and repair, auto mechanics, mill and cabinet making, carpentry, silkscreen graphic art, meat cutting, office services, computer repair, office machine repair, welding, physical fitness training and forestry training. In addition to these training programs, other institutional jobs are offered providing additional training as plumbers, painters, cooks, clerks, laundry, dry cleaning and maintenance.

These vocational programs provide many materials for schools, and county and state agencies. Examples of these programs would be mosaic murals for five local schools and the refurbishing of over 6,000 computers since 1996 for rural schools. The Community Crews that perform work for local community agencies average a savings of over \$240,000 per year. CDF fire bags are made on site along with uniforms for other agencies. All of these bring funds back to the prison to offset costs.

The Medical Unit consists of dental, medical, pharmacy, laboratory and infirmary facilities. Seventy employees staff this unit and it functions twenty-four hours a day, seven days a week. Additional staff hiring will be required due to a recent lawsuit. There are approximately 1400 visits per year, excluding dental and mental health cases.

Hepatitis panels and DNA testings have increased in the lab by over 50%. New x-ray equipment has been installed. The pharmacy dispenses over three hundred prescriptions daily.

The staff stated that the estimated time for an inmate to be provided medical attention was 3 days unless it was determined to be more serious in nature, then immediate attention would be provided. Inmates in the waiting area estimated that it took over a week to be seen.

One of the inmates that we questioned in the waiting area was diagnosed with bacterial meningitis. He was transported from the facility to Tuolumne General Hospital within the hour and Medi-Flighted to Doctors Medical Center later that same day. There was one additional inmate diagnosed with meningitis shortly thereafter. While Tuolumne County Health Officials were notified, not all persons exposed were properly identified. Grand Jury members who were present read about the outbreak in the newspaper. Upon contacting the prison the following Monday morning, Grand Jury members were advised to seek medical attention that day or return to the prison medical center that day for treatment. Grand Jury members have been advised that both inmates recovered and were returned to the facility.

Findings: Group III-Tuolumne Unit

The level III cells are thoroughly charted. Each night four cells are randomly searched. There is segregation between the high risk and moderate risk inmates for safety reasons. The yards, buildings, and hallways appeared well kept. The vocational department seems to be important to the inmates. Vocational opportunities are provided such as the sewing and making of Cal Trans vests and utility bags.

Findings: Baseline Camp

Baseline Camp houses up to 160 inmates at a time. Their housing units are similar to any camp with different structures circling around the center

courtyard. The capacity for the Chow Hall is 95. Grand Jury members had lunch served by an inmate. The portions provided are large and well balanced.

This camp has 12 correctional staff members and a CDF Fire Captain. Inmates work, train and attend treatment programs throughout the day. They start the day with a Substance Abuse program from 7:00-8:30 a.m. From 9:00-5:00 they participate in fire fighting training and on work crews. The day ends with another Substance Abuse program at 7:00 p.m.

One person performs all the laundry for the camp. The laundry room was well organized and maintained by this individual.

There is a phone in the yard from which only collect calls may be placed. There are also TV rooms and a craft room. While this is still part of a correctional institution, it is very different from the main facility. Grand Jury members also visited the Prison Industries Authority Shop. The products produced include coveralls, jumpsuits, gear bags and more.

Conclusions

While the prison seems to cope with the present number of inmates, it is apparent that the overcrowding situation will have to be addressed by the State soon. This is evidenced by the gymnasiums being used as housing units instead of their original purpose.

The Grand Jury found the staff to be well trained and knowledgeable. The overcrowding issue is a challenge to them on a daily basis, however their professionalism in dealing with this and other issues is reassuring.

The wide variety of Vocational Programs provides the inmates with opportunities. These programs offer education and trade skills to aid in the rehabilitation of the inmates.

Recommendations

The Grand Jury recommends that efforts be made to reduce the time delay for treatment of ill inmates. The Grand Jury further recommends that monitoring procedures be reviewed to insure better identification of people who are at risk of exposure to contagious diseases.

TUOLUMNE COUNTY RECREATION DEPARTMENT

Overview

Members of the Grand Jury conducted a routine review of the Tuolumne County Recreation Department (TCRD) as prescribed in the guidelines as set forth in the Grand Jury Procedures Manual.

Procedures

Grand Jury members visited the Recreation Department office, Standard Park, three youth centers, the mobile youth center, and the Tiny Tots program site. Interviews were conducted with the department director, supervisors and staff. Members reviewed the Tuolumne County Recreation Master Plan and TCRD materials.

Findings

TCRD is a County department that is the largest government provider of recreation programs in Tuolumne County. Their motto is "Providing educational, cultural and recreational opportunities for all". TCRD operates Standard Park, but otherwise is not responsible for facility and park maintenance. Other organizations and agencies provide recreation programs within the County such as Little Leagues, Youth Soccer, Swim Team, Youth Football, Special Olympics, Junior Baseball, Girls Softball, High Country Sports Arena, Tuolumne Park and Recreation District, Forest Service, Boy Scouts, Girl Scouts, Yes Partnership, and all the schools. TCRD collaborates with these and other agencies to provide programs. Youth programs, aquatics, and adult softball are the largest program groups. A 12-page brochure of summer programs was published in the spring in the Union Democrat entitled "The place to be in 2003!"

TCRD operates on a \$650,000 budget for Fiscal Year 2002-2003. This funding is \$500,000 from the County General Fund and the balance from generated revenues, which are primarily user fees. The Board of Supervisors has directed that adult programs be 100% fee-funded and youth programs be 30% fee-funded. Standard Park operates on a budget of \$155,000 and brings in revenue of \$95,000 leaving a net County cost of \$60,000. The Youth Centers operate on a \$240,000 budget consisting of

\$102,000 from the County General fund, \$70,000 from a Department of Justice grant and the balance from generated revenues.

Most TCRD positions are relief (part-time, no benefits) due to the seasonal nature of the programs and budget restraints. The aquatics program alone hires 45 to 55 Lifeguards, Water Safety Instructors and Assistants during the summer. The majority of these summer employees are age 15-19. In that regard the Recreation Department serves as a de facto job training center in that these teenagers learn about completing a job application, going through an interview, and the importance of appearance and punctuality.

The Grand Jury found the regular staff that we interviewed to be very competent and dedicated. When questioned about aging equipment and a declining budget, Director Mike Russell responded that while these are problems the bottom line was that "the show must go on". The Grand Jury found instances of department employees going "above and beyond", such as working "off the clock" to maintain high standards of operation.

TCRD operates three Youth Centers in Groveland, Jamestown, and Tuolumne; runs a Tiny Tot program at the old Sonora Youth Center on Baretta Street; and has a mobile unit, "Fun on Wheels", that visits five sites a week Monday through Friday.

Youth Centers are open Tuesday through Saturday, afternoon and evening during school and during the day when school is out. They provide "drop in" recreation for youths age 8-18 with a majority of the users being pre-teens. Rules are posted: no drugs, alcohol, chewing tobacco, smoking, fighting, cussing, equipment abuse or overt affection. Thought-provoking teen pregnancy prevention posters are on the walls. A full-time Youth Center Coordinator and usually a part-time assistant staff each site. Each

site prints a monthly schedule of events. Activities offered include athletics, billiards, foos-ball, video games, Ping-Pong and others. Field trips during school vacation are available for a fee.

The Tuolumne Youth Center is ideally situated on Bay Street across from Memorial Park. While the Center provides a safe homey environment, the building is old with much deferred maintenance. The Center has recently obtained private donations of a "new" (used) pool table, air hockey table, and over-stuffed sofa/recliners. A new Youth Center Branch Library will be built on a site directly west of the pool facing Bay Street. The Tuolumne Park and Recreation District (TP&RD) sold a portion of this site for \$1 to the County of Tuolumne for this purpose. Plans have been drawn, reviewed, and revised and hearings have been held. The estimated cost for the building and equipment is \$750,000. The County has \$640,000 available for the project. The Tuolumne Township Citizens Group, P. O. Box 1201, Tuolumne CA 95379, is a community group that is working with the Sonora Area Foundation to solicit donations to meet this \$110,000 funding shortfall.

The present Jamestown Youth Center on 9th Street is on leased property that is older and worn. A new three-wide modular unit has been purchased and should be in place at Jamestown School by spring of 2003.

The Groveland Youth Center located at 18993 Ferretti Road is a double modular unit on land owned by Hetch Hetchy. A water, termite and ant problem has been identified. The location of the center is less than ideal because it is not within easy walking or bicycling distance of any concentrated population. The Jamestown and Tuolumne Youth Centers close for a half hour staff meal break sometime between 5:00 & 6:00 p.m. (also serving as a message that "it's time to go home"), this is not workable at the Groveland site.

Although the "Fun on Wheels" van is several years old, it is well maintained. The other vans assigned to TCRD are older and need replacement. This is on the Director's "wish list", but nothing is budgeted.

The Tiny Tots program operates four half days per week. There is a limited enrollment of 30 three to five-year-olds. Fees for a six-week session are \$148.50 for four days per week, or half that amount for two days per week. The program is held at the County-owned log cabin Sonora Youth Center. A director and two assistants run the program. Grand Jury members found

them to be well qualified and dedicated. The building is spacious and well maintained with a large, well-equipped adjacent outside play area. The kitchen and bathrooms are clean. A fire extinguisher and safety latches are in place. Children are divided into groups and are involved in play tasks--art, puzzles, clay, blocks. There is a reading period, but there is no TV. There appeared to be good interaction between the children.

TCRD operates a comprehensive aquatic program from mid-June to mid-August at four County pools in Sonora, Columbia, Tuolumne, and Twain Harte. Standard Red Cross swimming lessons are offered mornings and early evenings, Monday through Thursday, and recreational swimming is available in the afternoons 6 or 7 days a week. Limited lessons are also held at the Hacienda Pool in the Lake Don Pedro Area. A myriad of programs is offered beyond swim lessons and recreational swimming. These include Adapted Aquatics, Adult Lessons, Private Lessons, Lifeguarding, Family Night, Teen Nights, Lap Swims, Aqua Fitness Classes, and Water Carnivals.

The four pools have differing ownership and maintenance. The Twain Harte Pool is owned by the County of Tuolumne and maintained by County of Tuolumne Facilities Maintenance. Tuolumne Pool is owned by the County and maintained by the TP&RD. Sonora Pool is owned and maintained by Sonora High School. Columbia Pool is leased by the County from Columbia Elementary School District and maintained by the County. Grant funding is being sought to purchase and install a heater at Columbia. It has been suggested that County pool maintenance responsibilities be transferred from Facilities Maintenance to the Recreation Department.

Standard Park is an eleven-acre park with four softball fields that are seasonally converted to soccer fields, a children's play area, concession stand, restroom, and paved parking for 190 vehicles. Recreation Department Adult Softball, Little Leagues, Youth Soccer, and area schools use the fields. There are approximately 80,000-100,000 people annually that visit Standard Park, described as "the crown jewel of County recreation". On Saturdays, August through October during Youth Soccer season, the park operates from 7 a.m. to 11 p.m. It is common to see cars parked on both sides of Standard Road and along Tuolumne Road.

The concession stand is operated by the Senior-Youth Partnership, a non-profit organization that sponsors the after-school PM clubs. They are in the last year of a five-year contract with the County. Twenty percent of their

gross sales go to the County. Last year this amounted to approximately \$24,000.

Grand Jury members visited Standard Park and were impressed with the cleanliness of the park and the enthusiasm and dedication of the staff, particularly Manager Mike Chappell. Members noted the advertising signs hanging on the outfield fences. These 4' by 8' signs bring in \$160 per year per sign. This program is still in its infancy. Space is available for up to 150 more signs. Similarly, corporate sponsorship could be sought to replace the now 20-year old scoreboards. There is a desire to construct a large equipment storage building at the park. There is also a need at the park for a good application of Turfas to the infields. Turfas is a red-clay looking granular soil additive that provides the ideal playing surface. The cost for this would be \$4,000. More splinter-free wood chips are needed for the playground. The park got three portable Little League mounds from the Little Leagues this off-season, but they would like two or three more at a cost of \$800 each.

A national fast-pitch tournament was held at the park in 2002 and another is planned for 2003. Five fields are needed so Eproson Field in Twain Harte was used last season. Six fields would be ideal for these tournaments. These tournaments bring money into Tuolumne County for food, lodging and other items for the players, coaches, their families and fans.

As part of the proposed New Standard housing development, the 3-acre parcel at the northeast corner of Tuolumne and Standard Road directly across from Standard Park, would be donated to the County by Sierra Pacific Industries for park development. If the donation of land occurs Standard Park could be expanded with additional fields, playground, and parking. This opportunity is cited in the Tuolumne County Recreation Master Plan; however, it would be wrong to assume that this land donation is a "done deal".

The Board of Supervisors approved the aforementioned Tuolumne County Recreation Master Plan on February 26, 2002. TCRD Director Russell gave the Grand Jury a copy of the plan. The participants in the formulation of this plan are to be commended for producing such an outstanding document. Section 5.25 of the Plan discusses creation of a Tuolumne County Park and Recreation District and also that "The County is considering reorganizing the Tuolumne County Recreation Department into the Tuolumne County

Park and Recreation Department". The latter proposal would transfer park and recreation capital improvements from County Facilities Management to the new Department.

Conclusions

The TCRD is a valuable and efficiently run department serving the youth to the seniors of the County. Employee morale is high.

Current budget constraints have hampered asset replacement.

The acquisition of the Sierra Pacific Industries property across from Standard Park would be a needed and valuable addition to the facilities. This would provide additional parking and fields as funds allow.

Standard Park is a popular resource that is professionally operated. Parking is inadequate.

Recommendations

The Grand Jury recommends that an aggressive effort should be made to increase the outfield advertising at Standard Park. The Department should seek a sponsor for the scoreboards and could consider enlisting outside sources to help recruit local businesses in this effort.

The Grand Jury recommends that the County upgrade the Tiny Tots Director from relief to a 3/4-time position with benefits. This is an essential position and every effort should be made to retain the employee.

SIERRA RAILROAD RIGHT-OF-WAY (Standard to Tuolumne City)

Overview

The Grand Jury received a letter of complaint outlining State Codes that may be applicable to the sale of property owned by a District, County or State for the purpose of a Park, Open Space or Public Trail. It was alleged that Tuolumne Park & Recreation District attempted to sell the Sierra Railroad Right-of-Way property from Standard to Tuolumne City and that they may not have followed the State of California Statutes that define how government agencies - Local, District and State - may and must proceed to dispose of real property.

Procedures

Members of the Grand Jury researched titles of the Sierra Railroad between Standard and Tuolumne City, researched the Tuolumne County Recreation Master Plan and reviewed applicable sections of the Public Resource Code and Government Code.

Findings

Public Resources Code Section 5563 provides in part: "If, in the opinion of the board, any land or property owned by the district, or any interest therein, becomes unnecessary for the purposes of the district, the board may, subject to the provisions of Section 5540, sell such lands or property, or interest therein."

Public Resources Code Section 5540 provides in part: "A district may not validly convey any interest in any real property actually dedicated and used for park or open-space, or both, purposes without the consent of a majority

of the voters of the district, voting at a special election called by the board and held for that purpose."

Government Code Section 65402 provides in part: "If a general plan or part thereof has been adopted, . . . no real property shall be disposed of, . . . until the location, purpose and extent of such acquisition or disposition . . . have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof."

A deed for the property that later became Sierra Railroad, dated June 5, 1899 between J. O. Barron, the party of the first part, and T. S. Bullock, the party of the second part, was recorded and states in part that:

"In consideration of the sum of one (1) dollar, lawful money of the United States of America to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents hereby grant, bargain, sell, convey and confirm unto the said party of the second part, and his heirs and assigns forever, the perpetual right-of-way for railroad purposes . . .

To have and to hold the same, together with the appurtenances, rights, privileges and franchises thereto incident appendant to or appurtenant unto the said party of the second part, his heirs and assigns forever."

A Grant Deed dated and recorded August 5, 1986 transferred land from the Sierra Railroad Trustees to Tuolumne Park & Recreation District, a public agency. The tax fees indicate that a sum of \$85,000 was paid.

In 1989 the Tuolumne County Superior Court ruled that Tuolumne Park & Recreation District held that portion of the Railroad property from Westside Lumber to Tuolumne City in Fee Simple.

In 2002 the Board of Supervisors approved the Tuolumne County Recreation Master Plan which provides for a Sierra Railroad Trail from the Stanislaus County line to Tuolumne City and this Trail is identified in the proposed Statewide Trails Plan as a Trails Corridor.

Conclusions

That portion of the Sierra Railroad from Standard to Tuolumne City was sold by Charles Crocker and Charles de Limur, as Trustees of the Sierra Railroad Company Liquidations Trust to Tuolumne Park and Recreation District on August 5, 1986. The sale of the railroad from a private person or public company to Tuolumne Park and Recreation District appears to be legal as the Sierra Railroad and its Trusts are not bound by District, Public Resources or State Codes as listed above.

The railroad was purchased by the Tuolumne Park and Recreation District and it is unclear if it was actually dedicated and used for park or open space, or both.

Since the Sierra Railroad from the Tuolumne County line to Tuolumne City is listed as a future trail in the Tuolumne County Recreation Master Plan and the California Statewide Trails Plan as a Trails Corridor, it would appear that Public Resource Code Section 5563, 5540 and Government Code Section 56402 would all apply.

It is the opinion of the Grand Jury that due to its current status, the property cannot be sold or disposed of without complying with the requirements of these code sections.

Recommendations

Based upon the above conclusions, it is recommended that Tuolumne Park and Recreation District and the County determine whether or not the property was ever dedicated for use as a park or open space, and if not, they need to dedicate the land for public use.

It is further recommended that Tuolumne Park & Recreation District and the Tuolumne County Recreation Department work together to try and determine if there is a way for the Sierra Railroad Right-of-Way between Standard and Tuolumne City to be converted into a public trail.

An alternative recommendation would be that a Public Trail and Railroad Line be established from Tuolumne City west to the Tuolumne County line that is similar to the Tuolumne County Recreation Master Plan and California State Proposal as a Trails Corridor. If this can be accomplished, the Tuolumne Park & Recreation District could approach the Mi Wuk tribe, Black Oak Casino, and Sierra Railroad to see if they would be willing to share the cost of bringing the railroad tracks to a usable condition. Train service from Oakdale through Sonora to Tuolumne City could benefit all parties by bringing more tourist dollars into Tuolumne County.

BIG OAK FLAT – GROVELAND SCHOOL DISTRICT (BOF-GSD)

Overview

Grand Jury members investigated a complaint regarding the alleged presence of harmful substances at Tenaya School in Groveland. From information received from Big Oak Flat-Groveland School District as requested by the Grand Jury, the investigation became focused on the possible presence of toxic mold species in one or more of the classrooms during the spring of the 2001 school year. The attention of the Grand Jury centered on the response to concerns expressed by Tenaya school staff and parents of Tenaya students.

PROCEDURES

Background

Initially, Grand Jury Members developed a foundation of knowledge regarding the biological and physical dynamics that influence *Indoor Air Quality*. This was accomplished using written, electronic, and media research sources including the following:

1) Printed

1. *Manual of Environmental Microbiology*, American Society for Microbiology, Hurst, C., Editor in Chief. ASM Press. Washington, D.C. 1997
2. *The Merck Manual of Diagnosis and Therapy*, Merck Sharp and Dohme Research Laboratories Press. Rathway, New Jersey.

3. *Building Air Quality*, National Institute For Occupational Safety and Health, December 1991
 4. *Is Indoor Mold Contamination a Threat to Health*, Harriet M. Amman, Ph.D., D.A.B.T., Senior Toxicologist, Washington State Dept. of Health. Olympia, Washington
 5. *Basic Microbiology*
 6. *Basic Biology*
 7. Sacramento Bee, numerous articles
- 2) Electronic
1. EPA Resources
 - a. Biological Contaminants-www.epa.gov/iaq/pubs/bio_1.html
 - b. IAQ in Schools-www.epa.gov/iaq/schools/index.html
 - c. Mold Remediation in Schools and Public Buildings-
www.epa.gov/iaq/pubs/molds.html
 - d. Mold Resources-www.epa.gov/iaq/pubs/moldresources.html
 - e. Sources of Indoor Air Pollution-Biological Pollutants-
www.epa.gov/iaq/biologic.html
 - f. Indoor Air Quality (IAQ) Tools for Schools Kit-
www.epa.gov/iaq/schools/tools4s2.html
 2. California Department Of Health Services
 3. American Academy of Pediatrics
 - a. Toxic Effects of Indoor Molds-www.aap.org/policy/re9736.html
 4. Fungal Research Group, Inc. (FRG)

- a. Pulmonary Hemorrhage and Hemosiderosis in Infants-
www.fungalresearchgroup.com/new%20mold%20children.html

3) Interview and follow up questions with medical professional

1. Clinical Pathologist- Public Health Professional

- a. Resource for questions of public health and medical nature that appeared throughout investigation

Letters

Letters requesting information were mailed to the Big Oak Flat-Groveland School District (BOF-GSD) on five occasions throughout the course of the investigation. Information requested included relevant documents, school board minutes, interdepartmental correspondence, air quality test results, letters of complaint, staff and student attendance records, procurement and fiscal information related to heating, ventilation and air conditioning (HVAC) and facility maintenance for elementary (Grades K-3) classrooms at Tenaya School. Additionally, descriptions of planned upgrades or alterations to buildings or systems within Tenaya School were requested. Some of the requests were repeated, as the responses received from the BOF-GSD administration were incomplete.

Letters were mailed to all twelve county school district administrations requesting that they describe existing or planned Indoor Air Quality (IAQ) programs they were utilizing within their respective school districts.

Interviews

Grand Jury members interviewed a School Board member, the District Superintendent and the District Facility Coordinator from the Big Oak Flat-Groveland School District. At Tenaya School the Principal, two teachers, and one staff member were interviewed. The former BOF-GSD business manager was also interviewed. An authority on indoor air quality was

interviewed and provided the Grand Jury with technical expertise. A clinical pathologist with a background in public health provided information and answers to questions that surfaced with respect to the medical influence of IAQ. Information generated by these interviews was discussed and evaluated by the Grand Jury.

Field Work

Grand Jury members visited Tenaya School in Groveland on numerous occasions. Three visits were for staff and administrative interviews, two were to conduct preliminary and follow-up facility inspections of the elementary classrooms, one was to inspect the rooftop HVAC units, and one was to attend a scheduled BOF-GSD Board meeting. Interviews of former employees of BOF-GSD were conducted. An HVAC supply distributor was consulted regarding air filtering products.

The Indoor Air Quality (IAQ) program and informational kits titled **Tools For Schools** were supplied to the Grand Jury upon request to the Environmental Protection Agency (EPA) for distribution to all county schools and school district offices. These kits are designed to assist schools in developing IAQ programs utilizing informational and practical materials in a variety of media formats.

FINDINGS

Overview

Findings are presented in the order of discovery.

From preparatory research the following information was considered throughout the investigation.

- ◆ California law says that parents have the right and are entitled to the assurance of a safe and supportive learning environment for their children.
- ◆ Mold and airborne spores produced by the reproductive processes are present to some extent in nearly all naturally occurring unfiltered air.
- ◆ Different mold species are specific with regards to environmental conditions required in order for growth and reproductive (spore producing) processes to occur. Temperature, humidity, presence of light and amount of air movement are among some of the influences. Therefore testing for the presence of certain mold species can be difficult unless environmental conditions remain unchanged at the point where testing is undertaken.
- ◆ There are up to 300,000 mold species. Many of these species are unstudied and their effect is often poorly understood. This along with unpredictable and varied symptomology among humans results in frequent failure by public and private health personnel to identify health problems that result from exposure to mold, mold spores or other irritants resulting from mold growth.
- ◆ The symptoms indicating exposure to toxic mold occur in a minority of individuals. Diagnosis is difficult due to the variety of symptoms that range from respiratory or digestive distress to lethargy, fatigue, insomnia, irritability, rash, headache etc. Asthmatics may suffer increased incidence of asthma attacks; hypersensitivity is difficult to predict.
- ◆ Many schools that were constructed during the 60's and 70's are now susceptible to problems such as leaking roofs and plumbing that allow moisture to accumulate, creating an environment suitable for mold growth. In addition, outdoor air vents are often closed in an attempt to keep high heating and cooling costs in check by not expelling conditioned air outside or allowing unconditioned air into the buildings. A lack of fresh air significantly decreases the quality of indoor air and increases the likelihood that mold will grow.

- ◆ Remediation of mold infected buildings requires that certain procedures are undertaken to prevent reestablishment of mold. The extent to which materials that comprise the walls, ceilings and floors need to be replaced is determined by the amount of damage. Criteria include the length of time materials have been wet, type and susceptibility to mold infection, and location and risk that people will be exposed to the infected substances. Conditions present in the elementary classrooms at Tenaya School that met EPA criteria as needing replacement were areas where water had stained parts of one wall that separated two classrooms, the wall beneath a sink and some ceiling tiles that had sustained water damage. Also the EPA recommends that carpet that has been water saturated and not quickly dried be replaced.

Specific Findings

A letter dated September 11, 2002 to the Superintendent of the BOF-GSD requested documents, school board minutes, letters and other known information with regards to hazardous material presence at Tenaya School. The following information was in the response received by the Grand Jury on September 25, 2002:

- ◆ From a letter written in March of 2001 by a concerned parent to then Superintendent David Manship, the Grand Jury learned that during the spring of 2001 Tenaya School students, parents and teachers became concerned about potential health risks to students and staff resulting from a leaking roof and plumbing in elementary classrooms. Mold growth was thought by some to be causing an increase in absences due to illness. They believed that the moisture from the leaky roof was allowing mold to grow resulting in unhealthy indoor environmental conditions in the elementary classrooms at Tenaya School.
- ◆ Staff and parents were concerned that the severity of the risk was increasing and that the response by the Superintendent's Office was inadequate. Black dust believed to be coming from HVAC vents was observed by staff and reported to the superintendent. The response by BOF-GSD administrators included roof and plumbing repair, carpet cleaning and ventilation duct cleaning.

- ◆ Minutes of BOF-GSD School Board meetings mentioned planned upgrading of the elementary classroom HVAC systems with deferred maintenance funds that could be diverted from a planned parking lot resurfacing.
- ◆ Testing for mold presence was done at the request of David Manship, Superintendent of BOF-GSD. The elementary classrooms at Tenaya School were tested for mold spore presence, concentration and species identification on April 13, 2001 by outside consultant Terri Prichard. The areas in the classroom that had visible water damage were described in the report. Water stains were said to be present on parts of one wall as well as multiple ceiling tiles. The result of analysis in the opinion of Terri Prichard was that the classrooms posed no health risks to classroom occupants. A report written by Terri Prichard listed mold species and concentration as well as a list of items she felt needed to be done to remediate the classrooms. She further suggested adoption of the EPA *Tools for Schools* IAQ program.

Indoor Air Quality program kits called *Tools for Schools* were supplied to the Grand Jury by the Environmental Protection Agency of the United States Federal Government for distribution to the schools and School District Administrators in Tuolumne County. They were provided free of charge or obligation and contain all that is needed to form an Indoor Air Quality assurance team from existing staff at any size public school. Educational literature, a VHS tape and a CD-ROM is included in each kit. Also included are sample forms to report problems observed by team members to assure prompt attention when threats to Indoor Air Quality develop.

This program is proven and is in use nationwide by school districts large and small regardless of fiscal situation. There is virtually no cost to start and maintain this program. The EPA provides technical support for Tools users free of charge. *Tools For Schools Kits* were provided to all District Superintendents, to several attorneys who made contact with the Grand Jury on behalf of School District Superintendents, and to all individual schools that were not already using this program. These materials were supplied without obligation

or commitment for their use. They were made available in the hopes that consideration of some Indoor Air Quality program by School Administrators would result.

- ◆ In response to concerned parents about possible asbestos presence, Superintendent Manship ordered those specific areas in question be tested for asbestos along with scheduled testing. Blue Marble conducted these tests and the ventilation ducts were determined to be free of asbestos.
- ◆ Groveland resident Randy Madalena donated his expertise in the mold problem assessment. Mr. Madalena holds undergraduate and graduate degrees from the University of California in fields related to IAQ and is employed by Berkeley Labs at the Lawrence Livermore Laboratory as an Indoor Air Quality Authority. He suggested opening closed outside air vents along with the utilization of more effective (higher MERV rated) filters on the existing elementary classroom HVAC systems at Tenaya School. He felt that the influx of filtered fresh air into the classrooms would significantly improve indoor air quality in those rooms. He also suggested the adoption of the *Tools for Schools* program.

An interview with a current school board member was conducted at Tenaya School in Groveland. Responses to questions about the documents and information above follow.

- ◆ The school board member interviewed indicated that those who had been concerned were satisfied that the response by the school district administrators resolved the mold problem. Also, to the extent that the board member was aware, correction commenced quickly and there were no longer concerns among staff and parents.

A second visit to Tenaya School made by Grand Jury members for staff interviews and classroom inspection yielded the following:

- ◆ Necessary HVAC upgrades for the elementary classrooms that had been described in multiple documents by school administrators and school board members in public session had not been performed. The

leaky roof and below sink plumbing had been attended to, however water stained ceiling tiles and wallboard were still present.

- ◆ Staff was not aware of any posted log sheets or other form of HVAC filter maintenance program currently in use, nor was there any indication that such a program was currently in operation in the elementary classrooms at Tenaya School.
- ◆ No HVAC filter change or maintenance postings were found in the classrooms.
- ◆ Concern about possible recurrence of mold and that remediation of the classroom was incomplete remained among Tenaya staff. Complaints of unreliable availability of heat to these classrooms and that some HVAC system components were inoperable came to the attention of Grand Jurors.
- ◆ The parking area at Tenaya School had been recently resurfaced and modified.

Randy Madalena, an Indoor Air Quality expert, discussed IAQ issues and addressed questions the Grand Jury had prepared. The importance of properly functioning building environmental systems and how indoor air quality is influenced when they malfunction or are neglected was discussed. He stated:

- ◆ A supply of fresh adequately filtered air is necessary for good indoor air quality.
- ◆ Buildings need to be maintained and monitored to prevent development of problems that could contribute to poor air quality.
- ◆ Building occupant complaints need to be addressed and monitored.
- ◆ Building managers must maintain avenues of communication with persons using or who have responsibility for building systems.

Alan Armstrong, Building and Grounds Facilitator for the BOF-GSD was interviewed the first time on November 11, 2002.

- ◆ He thought that the risk posed by mold had been overstated. He felt the problem had been adequately attended to and any risk, if any had existed, was no longer present. The effect of water upon interior building materials as a result of the leaks in the roof of the Tenaya elementary classrooms was negligible. He felt no need for further remediation, as there was no threat to indoor air quality.
- ◆ He felt problems with heat availability in the same classrooms were often the result of improper operation of the thermostats by building occupants.
- ◆ He stated that filters on HVAC units were changed regularly and that the teachers were aware when this occurred.

A third visit to Tenaya School November 13, 2002 was scheduled for an elementary classroom HVAC system and roof tour as well as further interviews that included Tenaya Principal Don Moore. Facts and information gathered follow:

- ◆ HVAC units appeared to be the original units for the building. All but one was apparently functional and we were assured that was the case most of time.
- ◆ Element type air filters on the roof HVAC units of the Tenaya elementary classrooms appeared to need replacement. Some were water logged and all were extremely dirty and well beyond their effective lifespan.
- ◆ Grand Jury members were informed by staff of ongoing problems with heat in elementary classrooms. Staff reported that the system was unreliable and portable heaters were being utilized in some rooms when the outside temperature dropped.

Don Moore, Tenaya School Principal, made it clear during our interview that responsibility for maintenance of classroom environmental conditions rests with School District administration. He was not aware of ongoing concerns about mold or that there were problems with HVAC function.

Tonya Roberts, the BOF-GSD business manager prior to 2002, was interviewed and stated that as far as she knew the mold problem was addressed to everyone's satisfaction. She had no knowledge of lingering concerns that the health risks had not been adequately addressed.

John Triolo, Superintendent of BOF-GSD was interviewed on November 13, 2002 at the BOF-GSD offices. He stated:

- ◆ He was not aware of specifics of maintenance or logged records that would apply to HVAC units on the roof of elementary classrooms at Tenaya School and referred us to Alan Armstrong.
- ◆ He had no knowledge of any remediation recommendations or facility modifications with regard to elementary classrooms and past or present mold concerns, or the availability of adequate heat in elementary classrooms at Tenaya School.
- ◆ Showed genuine concern that Grand Jurors were involved in activities that were unworthy of our attention. It was put to us this way, "Doesn't the Grand Jury have better things to do?"

A letter was composed November 1, 2002 and mailed to the BOF-GSD requesting that the following be provided by November 15:

- ◆ Attendance records for staff and students who currently occupy or had occupied the elementary classrooms from 1999 until present.
- ◆ School board minutes with regard to the HVAC system at Tenaya School, including any discussion or information involving changes to the deferred maintenance plan.
- ◆ HVAC maintenance log information, records and classroom monitoring history.
- ◆ Information and status of heating capability of HVAC equipment.
- ◆ All information known and all records of discussion and project approval or rejection related to stated upgrades to the Tenaya School HVAC system.

- ♦ Engineering and project information concerning parking lot resurfacing and/or expansion, including fiscal and project approval.

A reply dated November 25, 2002 was received on November 29, 2002; however, the letter did not contain all of the requested material. Attendance records, HVAC logging and classroom monitoring data were not included. This information was said to be forthcoming and that the Grand Jury would get it as soon as it was available. Classroom logging information was not enclosed. Superintendent Triolo stated that he was unaware of heating problems in any classrooms and requested specifics to enable him to respond. The letter stated that "general engineering information" concerning the Tenaya School parking lot alterations was included. What was actually received was a copy of an asphalt contractor's business card. Information on that card was limited to the contractor's name, address, and contractor's license number. No other engineering data was received.

On January 13, 2003, Grand Jury members sent a follow-up letter requesting that the "general engineering information" that was said to be part of the November 25, 2002 letter be provided. Information with regards to the malfunctioning heating system was also requested.

Superintendent Triolo's reply was received on January 23, 2003. In regard to the general engineering information request, he stated: "The district does not know what is meant by general engineering information. We had provided per previous request the name, address, phone and contractors license number of the contractor who did the parking lot resurfacing. He would be better able to answer that question." He did enclose the HVAC maintenance, parts and repair records. The history of repair and service of the HVAC units was unexceptional. The requested attendance records were being prepared and would be sent once legal counsel advised them as to the propriety of releasing them to the Grand Jury. The attendance records for school years 1999 to present were received by the Grand Jury at a later date. No obvious spike in the number of absences of either staff or students was recorded for any of the elementary classrooms.

On December 1, 2002 a letter was sent to each of the twelve county school districts in Tuolumne County requesting a description of any past, present or future Indoor Air Quality Program they may be using, contemplating or have discontinued. We asked that the school districts reply within twelve days.

- ◆ Curtis Creek School District had their legal counsel respond via telephone. No response to the stated inquiries was conveyed.
- ◆ The Twain Harte-Long Barn School District Director of Maintenance, Operations and Transportation, Jim DeVoll, responded via telephone in order to assure an appropriate response. He briefly described and declared that the Twain Harte-Long Barn School District was using Tools For Schools in their schools.
- ◆ Soulsbyville School District also responded appropriately with a brief letter describing what IAQ activity they had been contemplating.
- ◆ No response was received from Chinese Camp School, Columbia Elementary School, Summerville Elementary, Summerville High School, Sonora Elementary, Sonora High School, Belleview Elementary, Curtis Creek or Jamestown School districts.

Grand Jury members made a final visit to Tenaya School to interview maintenance personnel. Alan Armstrong described an active IAQ program that was now being used in the BOF-GSD. The elementary classrooms were revisited and we found complete remediation of the classrooms that had been the source of concern. All ceiling tiles that had water stains had been replaced. Wallboard that had been water damaged due to a leaky roof and leaky plumbing had all been replaced. Plumbing had been re-routed outside the classroom so that any future leaking would not damage sheetrock or anything else. If a leak did occur water would now remain outside the classrooms.

Heating and past HVAC system concerns were being addressed with HVAC system and thermostat replacement. There are HVAC filter maintenance logs posted in the classrooms. Building health logs and HVAC records are kept in district computers.

Alan Armstrong informed the Grand Jury members that they were using the *Tools for Schools* program. The work was done by order of Superintendent Triolo under the direction of Alan Armstrong.

CONCLUSIONS

Preface

This investigation was conducted with a firm belief that more would be accomplished by seeking the positive. We felt this to be more constructive than trying to assign blame or by becoming preoccupied with the negative. With this in mind what follows are conclusions drawn from factual information discovered through the investigation and presented above. Conclusions represent what we feel are points with solid foundation. Some seemingly obvious conclusions have not necessarily been overlooked or neglected, rather it was felt they would be subject to question. Therefore it is up to the reader to interpret the significance and applicability of facts and of the efforts required obtaining them.

Conclusions

Schools must be healthy places where students are safe. Because of the proliferation of naturally occurring airborne mold spores and their ability to grow and reproduce when conditions allow them to become established, the possibility of exposure by students to those spores is inevitable. However, there are proactive measures that can identify problems that occur when buildings age or systems within those structures fail. When students and the personnel who teach are exposed, a small percentage will suffer from hypersensitive reactions that are effectively addressed by removing the source of the spores. In other words, vigilance with regards to physical properties that contribute to building integrity will keep small problems small, properly fix what needs fixing, and keep avenues of communication open between occupants and those responsible for maintaining classrooms. When there are complaints from those who occupy classrooms, then there is a problem.

Our interviews indicated that school board members were unaware that concern remained about the manner in which this situation was addressed or that the repairs were thought to be inadequate.

Inspections of the Tenaya School classrooms in September of 2002 did confirm that the leak in the roof and plumbing that had caused water damage to the elementary classrooms had been repaired in the spring of 2001. Interviews conducted during these and other visits would indicate that facilities personnel felt the repairs to be complete. However, other interviews with non-district personnel revealed dissatisfaction with the processes or procedures that had been done in dealing with remediation of the classrooms. Staff was unaware of implemented proactive policies or plans that would prevent recurrence of building mold.

The above two conclusions were further substantiated when administrators, both current and former were interviewed. The Grand Jury does not imply that any party cited in this investigation trivialized the health risks to persons subjected to mold or mold spore exposure or that they think this is not an important issue. It is the opinion of the Grand Jury that this threat is still in its infancy in terms of understanding and awareness by microbiologists, building managers and lay persons. Progress by researchers in this area has been significant. During the relatively short period that has passed since this event, awareness of the danger by all has increased, as has the understanding of the remediation processes necessary when buildings are infected.

There are many factors that combine to create an atmosphere that is conducive to the learning process. A quality teaching staff, the materials used to assist that staff and a facility where interaction between students and teachers can occur without distraction or interruption are needed. One such contributing influence is Indoor Air Quality. Indoor Air Quality is a combination of environmental factors that combine to create an indoor environment that permits and enables students to learn. The presence of entities that detract from this indoor environmental quality must be a concern of educators who strive to provide the greatest opportunity for their students to learn. The responsibility of all school district administrators is to provide to the best of their ability an indoor environment that includes good Indoor Air Quality.

When parents organized and began efforts to deal with the mold at Tenaya School, it was obvious they were unhappy with the measures undertaken by

school officials in dealing with the problem. At this point classroom remediation, testing and plans for modernization of HVAC systems should have been clearly broadcast to all parents of students as well as staff. Clearly the lack of communication between those effecting the correction and the parents and the staff who occupy the classrooms involved contributed to misunderstandings. Superintendent Manship and district personnel appeared to some as being unsympathetic to a situation that many felt as possibly dangerous. To be fair, staff must share some responsibility for not communicating to the superintendent's office the degree to which their concern was developing. Keep in mind that in 2001, mold and its possible health effects were just beginning to receive attention by broadcast media and public health advocates.

John Triolo became superintendent in the fall of 2002. We found no evidence that he had any connection or involvement with the classroom mold problem prior to then. He inherited the situation and we found no information or record of any efforts by others to inform or involve him in any way with regard to the mold problem.

The reports that some classrooms were at times without heat are particularly troubling to the Grand Jury. Tenaya School is located in Groveland at a high elevation and outdoor temperatures can drop quite low. Classrooms must maintain a temperature that is comfortable to occupants or the learning process will be severely challenged. The use of portable heating units is not acceptable and the students and staff certainly deserve better. If district administrators were indeed unaware and if this problem was as bad as reported, then this is verification of a communication shortfall.

Recommendations

Avenues of communication between the superintendent's office and teaching staff need to be opened or expanded so that any problems can be remedied in a timely and effective manner. It is not the dedication to the students by these professionals that we question, rather it is the weakening of the lines of communication and consideration of concerns that all educators must maintain for the school district to function as a team.

The information discovered during the course of this investigation demonstrates that the apparent problem of mold in Tenaya School classrooms is actually the symptom of another problem, that of communication. The mold growth at Tenaya School was caused when a leak in its roof allowed water to enter the building and damage the interior. The growth of mold was perceived to pose a threat to the health of the classroom occupants. The response by school district officials who dealt with this situation did not alleviate the concerns of staff and parents. As the Tenaya School elementary classrooms have been properly remediated and an Indoor Air Quality program is being used in the Big Oak Flat-Groveland School District, the Grand Jury has no further recommendations on this subject. The Grand Jury does however recommend that parents of children, staff, and all who are concerned about IAQ in classrooms make that inquiry when they next attend a school board meeting or encounter their school superintendent.

COUNTY SCHOOLS AND SPECIAL EDUCATION

Overview

Members of the Grand Jury conducted a routine review of the County Schools Office with an emphasis on Special Education, as prescribed in the guidelines as set forth in the Grand Jury Procedures Manual.

Procedures

Grand Jury members visited the County Schools office and interviewed Dan White, then County School Superintendent, Dr. B. J. Ely, Special Education Local Plan Area (SELPA) Director and Dr. Jeanette Daniel, Tuolumne County Special Education Unit (TCSEU) Director.

Findings

At the time of his interview, County Schools Superintendent, Dan White was serving his last few months with Tuolumne County. He was very helpful and extremely knowledgeable. Mr. White gave a very good overview of what his office handles in regards to Special Education.

SELPA oversees the special education needs for non-public schools and deals with legal issues and mediations. Our SELPA office handles Tuolumne, Calaveras and Amador counties and is the only SELPA in the state that covers more than one county. Dr. Ely provided a tremendous amount of information and is a very eloquent speaker and advocate for children. The County provides services for public schools under the umbrella of TCSEU.

Special Education is the responsibility of each individual school district. Tuolumne County has 12 school districts. Basic policies for accessing

Special Education services are fairly standard, but actual services available vary among the different school districts. TCSEU runs preschool programs, 3 Special Education classrooms, employs 7 speech therapists, 5 school psychologists and 1.2 program specialists. While some of these employees are assigned to a specific site, the majority of them travel from school to school. At the time of the interview, the department was fully staffed but retention has been a problem because of large caseloads and a low pay scale compared to neighboring counties.

Some facts the Grand Jury found interesting were:

- In 1976 a congressional bill authorized that for every federal dollar General Education received, Special Education would receive \$0.40. Though Special Education lobbyists continue to work on this issue, the Federal Government currently funds only \$0.17 to \$0.20 per dollar spent on General Education.
- Last year Tuolumne County received an increase in Federal funds for Special Education but the State of California lowered funding by an equal amount so that no increase was received locally. The Governor has stated that this will not happen again, but he vetoed recent legislation that would have prevented this.
- Special Education is generally not accessed until a child fails third grade. New research has demonstrated that children have potential problems that can be identified as early as kindergarten and there are techniques to assist them so that they do not fall so far behind. These techniques utilize screening devices to identify early language difficulties. Implementing these new screening tools will require significant training of already stressed general education teachers and principals.
- A new Federal law was passed in January 2002 that is nicknamed "No Child Left Behind." It requires that 95% of all children succeed and that they be taught in the least restrictive structure possible. The least restrictive setting for most children would be the regular classroom. This law also puts a school district's funding at risk. It requires testing of all students and if the district does not show adequate yearly progress, a parent could request that

the funds the school district receives for their child are transferred elsewhere.

- In response to the new law there may have been some inappropriate referrals of children into the county Special Education programs because they lower the individual school districts' test scores.
- In the past children with behavior problems have been incorrectly referred to Special Education when they do not have a learning disability. Now that Special Education is fully staffed, the County personnel believe they are doing a better job of identifying appropriate referrals.

Conclusions

It appears that this department is functioning well and the staff is very dedicated. They are working hard to implement much needed change within the fiscal constraints that now affect the State of California.

Recommendations

The Grand Jury recommends that the County Schools office work with the individual school districts to comply with the new federal law requiring that 95% of all children succeed or improve. Training general education teachers to work with special children in the regular classroom, the least restrictive structure as set out in the law, will be a challenge.

The County Schools office needs to assist school districts in adopting the new screening tools and training personnel in the new techniques. In the long term this will be most beneficial to the children of Tuolumne County.

TUOLUMNE COUNTY SCHOOLS

SUPERINTENDENT AND STAFF SALARIES

Overview

Members of the Grand Jury conducted a routine review of the budgeted costs for the various School Superintendents and School Boards in Tuolumne County as prescribed in the guidelines as set forth in the Grand Jury Procedures Manual.

Procedures

The Grand Jury examined the administrative costs of 12 school districts and the County Schools office in Tuolumne County. The following information is a matter of public record.

Findings

The following charts break down the budgets by the total support staff salaries and benefits for each school district, superintendents' salaries and benefits, and board members' costs for each school district. The number of schools in each district varies.

The following chart represents budgeted salaries and benefits for all support staff for Fiscal Year (FY) 2002/03 for the districts shown.

Budgeted Support Staff Salaries and Benefits FY 2002/03

Bellevue	\$ 8,187
Big Oak Flat/Groveland	\$ 191,077
Chinese Camp	\$ 11,612
Columbia	\$ 130,814
Curtis Creek	\$ 167,216
Jamestown	\$ 108,626
Sonora Elementary	\$ 105,044
Sonora High	\$ 304,385
Soulsbyville	\$ 86,283
Summerville Elementary	\$ 50,772
Summerville High	\$ 133,437
Twain Harte/Long Barn	\$ 122,297
TOTAL	\$1,419,750

The following chart shows the budgeted salaries and benefits for all School District Superintendents for FY 2002/03.

Budgeted Salaries and Benefits of Superintendents FY 2002/03

Superintendent Salaries & Benefits	Annual Salary	Total Benefits	Total Salary & Benefits
Bellevue	\$ 80,000	\$ 15,231	\$ 95,231
Big Oak Flat/Groveland	\$ 93,500	\$ 18,512	\$ 112,012
Chinese Camp	\$ 23,000	\$ 7,705	\$ 30,705
Columbia	\$ 94,753	\$ 20,313	\$ 115,066
Curtis Creek	\$ 79,461	\$ 17,199	\$ 96,660
Jamestown	\$ 84,150	\$ 17,031	\$ 101,181
Sonora Elementary	\$ 96,000	\$ 18,504	\$ 114,504
Sonora High	\$ 116,865	\$ 20,238	\$ 137,103
Soulsbyville	\$ 94,262	\$ 16,450	\$ 110,712
Summerville Elementary	\$ 80,000	\$ 15,905	\$ 95,905
Summerville High	\$ 98,007	\$ 19,118	\$ 117,125
Twain Harte/Long Barn	\$ 84,500	\$ 17,392	\$ 101,892
TOTALS	\$1,024,498	\$203,598	\$1,228,096

The following chart lists the budgeted costs for the various School Boards.

Budgeted Costs for School Board Members*

	Board Members	Stipend	Benefits	Annual Costs
Bellevue	2	Decline	Decline	
	1	None	\$512 mo	
Total Bellevue	3			\$ 6,144
Big Oak Flat/Groveland	5	\$115 mo	None	\$ 6,900
Chinese Camp	3	\$60 mo	None	\$ 2,164
Columbia	5	None	\$583 mo	\$ 35,000
Curtis Creek	5	\$120 mo	None	\$ 7,200
Jamestown	5	\$126 mo	None	\$ 7,560
Sonora Elementary	5	\$120 mo	None	\$ 7,200
Sonora High	5	None	\$477 mo	\$ 28,620
Soulsbyville	3	\$120 mo	None	
	1	\$120 mo	\$491 mo	
	1	None	\$113 mo	
Total Soulsbyville	5			\$ 13,008
Summerville Elementary	4	Decline	None	
	1	\$120 mo	None	
Total Summerville Elementary	5			\$ 1,440
Summerville High	4	None	\$608 mo	
	1	None	\$356 mo	
Total Summerville High	5			\$ 33,470
Twain Harte/Long Barn	5	\$120 mo	None	\$ 7,200
Grand Total	56			\$155,906

* Figures shown are rounded to the nearest dollar.

Conclusions

There is a significant amount of funds being spent on multiple Superintendents. The average salary/benefit cost of a District School Superintendent is \$102,341. The average cost per School Board Member is \$2,784. A breakdown of the salaries and benefits of the support staff that work just for each school superintendent's office was not available at the time this report was written, but a similar duplication of expenses will exist.

Recommendations

It is the recommendation of the Grand Jury that in the current atmosphere of budget cuts and layoffs it is time to look again at the subject of school district unification. As our schools struggle to retain quality staff and meet the educational needs of our children and youth, we must ask ourselves who benefits by this duplication of expenses, certainly not our children or teachers. Eliminating the multiple superintendent positions could provide a county wide savings in excess of one million dollars. Reducing the number of school board members could save as much as \$155,000. While we chose to look at salaries and benefits, there is no doubt that many other costs are duplicated throughout the current system.

TUOLUMNE COUNTY TRANSIT

Overview

Members of the Grand Jury conducted a routine review of the Tuolumne County Transit as prescribed in the guidelines as set forth in the Grand Jury Procedures Manual.

Procedures

Grand Jury members rode along on several routes and interviewed passengers and bus drivers. Members visited the Transit Office, spoke with Jackie Sharpe-Smith, Project Manager for Laidlaw Transit Services Inc., and reviewed the driver records. Grand Jury members also visited the Maintenance Facility, spoke with the Shop Foreman D. Griffen and shop mechanic M. Icenogle, and viewed the buses and facility. Members reviewed the Triennial Performance Audit of the Tuolumne County Public Transportation System for Fiscal Years 1997-98, 1998-99, and 1999-00 as well as the Tuolumne County Transit Development Plan.

Findings

The buses were very well maintained, comfortable and clean. The bus drivers were courteous, helpful and knowledgeable of routes and intended delivery points. The passengers that were interviewed spoke very highly of the drivers. Passengers were asked their opinion of the fares, how often they accessed Public Transit and for any other comments about the overall system. Most passengers expressed the opinion that the drivers are very conscientious and the bus service is very good. Most passengers felt the routes should be increased to at least three trips on Saturdays and should operate later hours. The passengers surveyed ranged in age from 18 to 85 and their frequency of usage was from once per month to daily. All agreed

that if it was not for the bus system, they would be stranded. Passengers stated that with added hours and more buses, public transportation would be more accessible. Grand Jury members found the bus schedule pamphlet hard to understand.

The drivers stated that they did not want the Laidlaw contract to be renewed. They would prefer that the County resume direct operation of the system. This would provide the employees with higher pay and County benefits.

The Maintenance Facility is staffed by Laidlaw employees who exclusively maintain and service the buses in the transit system. Work performed by mechanics is primarily scheduled maintenance and repair of safety related devices on the buses. Major repairs are contracted out to a dealership in Jamestown. The shop is well run and organized. The Shop Manager has many years experience as a mechanic and Shop Foreman. The mechanic on duty has five years experience and holds a valid ASE certification. Grand Jury members reviewed the driver records and found all drivers to be in compliance with no accidents or tickets.

The Department of Transportation (DOT) mandates that all maintenance records performed on public transportation vehicles be kept on site and available for inspection by DOT and California Highway Patrol inspectors. These records provide information on work performed and driver inspection reports. Drivers are required to perform inspections of equipment on a daily basis on each vehicle they operate. The reports include defects that have been found and repairs that have been performed. These reports keep drivers informed as to the condition of the buses. California Highway Patrol fleet inspection reports were made available for Grand Jury inspection and indicated that the fleet was well maintained.

The review of the Independent Triennial Performance Audit which covered Fiscal Year 1998 through Fiscal Year 2000, found the operating costs had increased while the fare revenue had decreased. Audit findings stated that Operator Compliance Requirements were met except that the Transportation Division had not submitted annual fiscal and audit reports in a timely manner as required in the Public Utilities Code 99245. This Code states that a report on the audit shall be submitted to the transportation planning agency, transit development board, County transportation commission and to the State Controller at the end of the fiscal year. This confirms that Transportation Development Act funds were expended in conformance with

applicable laws, rules and regulations. The State levied a \$5,000 fine for late filing in Fiscal Year 1999-2000. Also, some costs had not been properly allocated.

The Grand Jury reviewed the Tuolumne County Transit Development Plan. The plan is a 7-year development plan that outlines goals and objectives for transit services. Tuolumne County has proposed a plan to expand and add services in this area to include access to the Greyhound Line. The plan states that Tuolumne County has the highest car per person ratio in the state at .97. The State average is .74. This statistic is reflective of the obvious traffic congestion in the downtown area.

The following is a summary of operation issues identified in the Transit Development Plan Fiscal Year 2002-03 to 2008-09:

- The operation facility and the maintenance facility are located 1.9 miles apart, which can cause operation problems.
- Vehicles are stored in the operation facility and must be shuttled to the maintenance facility for repair or a technician must be dispatched to the operation facility to repair the vehicle.
- The operations facility is located relatively far from the beginning points of the fixed-route services, causing high deadhead miles and hours.
- The majority of the vehicles are parked in a low security parking area and are subject to vandalism.
- The vehicles are not within sight of the operation office, which could further compromise the security of the vehicles.
- Also neither of these facilities are secured with long-term leases, which could cause operational disruption if the lease was lost.

Conclusions

The Tuolumne County Transit System is a viable and necessary asset to the County. Overall the ride along by Grand Jury members was an enjoyable and informative experience. The Grand Jury members concluded that the system is managed efficiently.

Recommendations

It is recommended that Tuolumne County Transit System develop a more user friendly bus schedule pamphlet.

It is recommended that Tuolumne County Transit System consider the downtown daytime traffic congestion, before implementing its new expanded transit development plan.

It is recommended that Tuolumne County consider the recommendations outlined in the November 2001 Triennial Performance Audit to construct a County-owned transit facility.

VETERANS SERVICE OFFICE

Overview

Members of the Grand Jury conducted a routine review of the Veterans Service Office as prescribed in the guidelines as set forth in the Grand Jury Procedures Manual.

Procedures

Members of the Grand Jury visited the Veterans Service Office and interviewed Beth Barnes, the Senior Veterans Service Representative. One of the Work Study Office Assistants was also interviewed. Prior to the visit, documents received pursuant to our written request were reviewed.

Findings

The Veterans Service Office is currently staffed by 1.5 employees who are dedicated to assisting Veterans with their needs and pointing out benefits that the Veteran is unaware that he or she may be eligible to receive. Although the office is a County funded office, they do receive some financial assistance from the State through a "Points System". This system provides funds based upon the number of Veterans assisted. The more Veterans assisted through this office, the more money they receive. The amount anticipated in the current budget is \$30,000.00. There is also a Veterans License Plate Program. The license plates sell for \$30.00 of which \$29.00 is returned to the local Veterans Service Office. These funds have been used to purchase office equipment, including chairs and file cabinets.

The office facilities are adequate for their purpose. The office space is leased from the Visiting Nurse's Association. The office had previously been located in facilities that were very cramped and did not allow privacy for consultations. Ms. Barnes has been with the office for a considerable

period of time and possesses vast knowledge of the various processes followed in conjunction with assisting veterans. Since Ms. Barnes is not a veteran, Lee Sanford, the Tuolumne County Undersheriff, is the Veterans Service Officer.

At the time of our initial visit, there were two vacant work study positions and the part-time employee was leaving soon. At the time of this writing, the part-time position has been filled through normal county hiring procedures and one work study position has been filled. The work study positions are filled when personnel become available from sources such as the Unemployment Office and the Welfare Department. These are not Veterans Service Office budgeted positions. Once a work study student is placed, Ms. Barnes estimates that it would take about two to three months before that person is fully able to perform all functions of the job. These positions are normally only authorized to work 24 – 32 hours per week and are of a limited time period.

Ms. Barnes was involved in promoting the services of the Veterans Service Office by doing a weekly radio show but has not been able to do so recently due to the caseload of the office and the shortage of staffing. There is also a newspaper column in the Union Democrat every other week. In addition, the office participates in Health Fairs held at the County Fairgrounds and Wal-Mart and Ms. Barnes wishes to set up a VA Blood Drive. The office also works closely with a local Vietnam Veterans Association.

The procedures followed in delivering services to qualified Veterans are spelled out in numerous documents and policy and procedures manuals provided by the various government agencies that the office is involved with. There is, however, no specific Policies and Procedures Manual written for this office.

Current records indicate a client count of 1593. The number of clients applying for services will continue to grow. As the number of WWII Veterans diminishes, increasing numbers of younger Veterans are seeking assistance. With the addition of the VA Clinic in the county, it is anticipated that there will be even more Veterans transferring in from Modesto or Stockton. Although the VA Clinic is not a part of the Veterans Service Office, as more Veterans begin using the local clinic, it will impact the caseload.

After the initial interviews, Grand Jury members had difficulty making telephone contact with the Veterans Service Office. The telephone number listed in the telephone book and with Directory Assistance is not a valid telephone number for the Veterans Service Office. The number listed in the Veterans Corner section of the Union Democrat is a disconnected number. Members had to physically go to the office to get a question answered.

Conclusions

It appears to the Grand Jury members that this office is functioning very well at this time. Ms. Barnes is doing a superb job and is highly commended by staff and clients surveyed. The current staffing level is barely sufficient to handle the needs of the current client base and in some cases they cannot participate in some of the outreach programs without closing the office to do so.

Recommendations

The Grand Jury recommends that the part-time position be made a full-time position. We also recommend that the County consider hiring additional part-time employees as the caseload increases so the staff can adequately assist veterans and the office does not need to be closed during outreach program participation.

To facilitate veterans being able to contact the office by telephone, the Grand Jury recommends that steps be taken by Veterans Service Office to have their current phone number listed in the Veterans Corner newspaper article. The number listed in the telephone book should give a forwarding referral to the new number for the office rather than just ringing busy.

TUOLUMNE GENERAL HOSPITAL (TGH)

Overview

Members of the Grand Jury conducted a routine review of the Tuolumne General Hospital (TGH) as prescribed in the guidelines as set forth in the Grand Jury Procedures Manual. This review was also a follow up to the report of the 2001-2002 Grand Jury.

Procedures

Grand Jury members toured the hospital and interviewed staff. No management members were available for questions during this time although the tour was scheduled in advance. The Grand Jury also interviewed Supervisor Laurie Sylwester, Assistant Auditor-Controllor Debbie Russell, Tuolumne General Hospital Administrator Barry Woerman, the activities director of Long Term Care, staff members in the Adult Day Health Care Center in Sonora, and current and past patients.

Findings

Our first look at Tuolumne General Hospital consisted of a simple tour conducted by a staff member who could not answer any of our questions. We were denied entry into the Psychiatric Ward and surgical areas. The hospital provides beds in Acute, Psychiatric and Long Term Care, in addition to housing the Primary Care Clinic and the Adult Day Health Care Unit. A new dental clinic is also being established on site.

It was apparent that the Long Term Care Unit provides a much-needed service for Tuolumne County residents. We noted that the rooms were comfortably adorned with personal belongings and photos. Individual

patients that we spoke with seemed to be in good spirits and pleased with their treatment. The activity room had a variety of offerings. This room was bright with sunlight and provided a beautiful garden area for the patients. The employees seemed genuinely concerned not just about their patient's physical health but their mental health as well.

The Long Term Care Unit is increasing by 8 beds with a reduction in the Acute Care Unit of 8 beds. Since there is a waiting list for Long Term Care, this action should increase revenue while accommodating a need in the county. This action is part of the long term plan Mr. Woerman has developed to improve the financial profile of TGH.

The Adult Day Health Care provided another view of TGH's caring nurses and staff. The activity room was a pleasing place with offerings such as quilting, drawing, painting or just playing games. The Sonora Adult Day Health Care makes about \$40,000 annually while the Groveland site is losing about \$30,000 annually. The Groveland site was identified as not being utilized to its capacity, but plans are being developed to increase volume or fundraising to enable the program to be cost neutral.

The new dental clinic will provide services for indigent and Medi-Cal patients who currently must go to the Central Valley for these services. The dental clinic will provide a new source of revenue. A grant has been received by TGH for this clinic.

Of concern is the cost of the proposed seismic retrofitting requirement of S.B.195 on TGH. Destructive testing to determine the compliance of the existing buildings should begin by July 2003. Retrofitting or bracing may be necessary, but there is no way to estimate the cost until testing is completed. Compliance is now due by 2008. The funding sources have not yet been determined, however Mr. Woerman advised the Grand Jury that he will be looking into the possibility of grants or waivers to assist with the cost of any needed work.

We examined the financial aspect of TGH and found that Tuolumne County made a decision to sell their Tobacco Securitization Funds for a total of \$7 million dollars. These funds are a result of tobacco lawsuits. The sale of these funds benefited the county with a one-time infusion of a large sum that allowed for the purchase of \$2 million in new hospital equipment, fire trucks

and graders. Each County department that received these funds is to pay back the loan at 4% interest over a 5-year period.

At the time of this report the controller's office noted that TGH had been loaned over \$5 million to date. Mr. Woerman's plan is that the cash flow generated from hospital operations will be the source of repayment funds. It should be noted that since Mr. Woerman was hired in December of 2001, he has brought in new department managers and developed a plan with long term and short term goals to make hospital operations more profitable. The new dental clinic and change in the Long Term Care beds as noted above are examples of his plan. Mr. Woerman addressed the accounting issues by noting that there were management deficiencies in the past. Some old accounts have now been turned over to Revenue Recovery for action.

During separate interviews with Mr. Woerman and Supervisor Sylwester, both recommended that an Ad Hoc committee be formed to report to the Board of Supervisors regarding Tuolumne General Hospital issues.

Conclusions

While concerns in the controller's office over the increased borrowing by the hospital over the past several years appear valid, it is obvious that no quick fix is on the horizon. However, Mr. Woerman's recovery plan and his actions such as managerial changes along with Long Term Care conversions, a new dental clinic and staff realignment offer new revenue sources for debt repayment in the future. The Grand Jury believes that Mr. Woerman's proactive approach offers renewed hope for the continued operation of Tuolumne General Hospital.

Recommendations

The Grand Jury recommends close monitoring by the Board of Supervisors of the hospital recovery plan as presented by Mr. Woerman. Debt borrowing limits need to be established and enforced by Board of Supervisors.

The Grand Jury further recommends that the Board of Supervisors appoint an Ad Hoc committee to review Tuolumne General Hospital in depth. This committee would need to address difficult issues such as possible termination, downsizing and/or creating new services for the hospital.