

TUOLUMNE COUNTY

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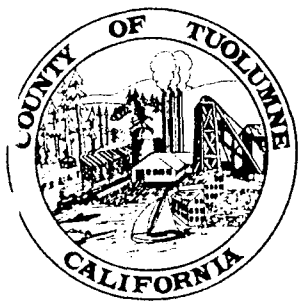
TUOLUMNE COUNTY SUPER
BY Jennifer Dana



Grand Jury Final Report

1998 – 1999





Grand Jury — County of Tuolumne

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

June 30, 1999

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

Dear Judge DuTemple:

The 1998-99 Tuolumne County Grand Jury is pleased to submit its final report to you, the County Board of Supervisors and the citizens of Tuolumne County.

Our report reflects the dedication and hard work of the members of this Grand Jury and the hours spent in regular meetings, many hours in committee meetings and investigation time.

The Grand Jury wishes to commend the County administration and staff for their assistance in our investigations. There was cooperation from most all departments reviewed and all efforts were made to furnish us with the time and materials required in completing our task. We also wish to thank you and District Attorney Nina Deane for your counsel during the year. We are grateful to the secretary of the court for her assistance during our term.

As this years Grand Jury, we have been honored with the opportunity to serve our community. It is our hope that the findings and recommendations presented in this report will be beneficial to our County government in its efforts to maintain and improve the quality of living for the residents of Tuolumne County.

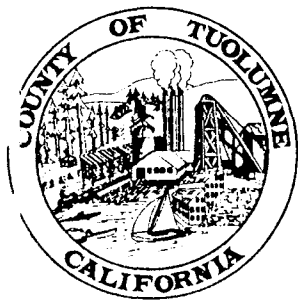
Respectfully submitted,

A handwritten signature in cursive script, reading "Jeffery J. Michel".

Jeffery J. Michel
Foreman, 1998-99 Tuolumne County Grand Jury

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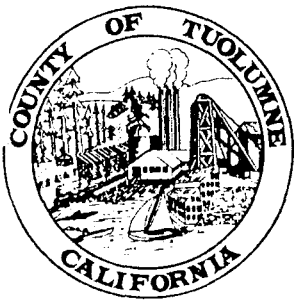
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OATH OF GRAND JURORS

When the panel has been completed, the following oath, quoted from California Penal Code Section 911, is administered to each of the Grand Jury:

"I do solemnly swear (affirm) that I will support the Constitution of the United States and of the State of California, and all laws made pursuant to and in conformity therewith, will diligently inquire into, and a true presentment make, of all public offenses against the people of this state, committed or triable within this county of which the Grand Jury shall have or can obtain legal evidence. Further, I will not disclose any evidence brought before the Grand Jury, nor anything which I or any other Grand Juror may say, nor the manner in which I or any other Grand Juror may have voted on any matter before the Grand Jury. I will keep the charge that will be given to me by the court."



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TUOLUMNE COUNTY GRAND JURY

1998-1999

Active Members

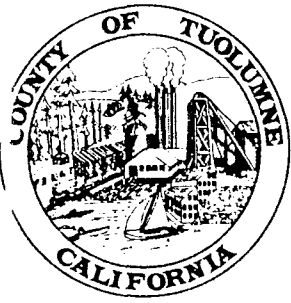
Jeffery Michel, Grand Jury Foreperson
Brian Ferrell, Grand Jury Foreperson Pro-Tem
Rosalyn Robertson, Grand Jury Secretary
Cheri Bunney
Janis Cargill
Mark Ferrell
Richard Godinez
Connie Lee
Stephanie McCaffrey
Donald Moore
Gary Morgan
Douglas Smith
Sandra Smith
Jillae Swycinsky
Natalie Teshin
Lloyd Thomas
Christina Tuchsén
Marcia Watts

Sonora
Sonora
Sonora
Tuolumne
Columbia
Sonora
Sonora
Columbia
Twain Harte
Twain Harte
Twain Harte
Pinecrest
Groveland
Jamestown
Sonora
Groveland
Twain Harte
Jamestown

Resigned Members

Rudy Aguilar
Sharren Mein
Kandace Williams
Dennis Wiebe, II

Jamestown
Twain Harte
Sonora
Jamestown



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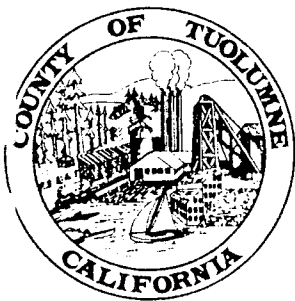
THE SELECTION OF A TUOLUMNE COUNTY GRAND JUROR

The first step in being ultimately named as a grand juror is mostly up to a computer, which makes the random selection from tax rolls, voter registration and DMV lists. General criteria, pre-programmed into the computer, seeks a demographic cross-section of the county's population.

The panelist receives a notice from the county court administrator's office, informing the panelist of his or her selection as a possible grand juror. Enclosed is a questionnaire to fill out and return to the court. The questions are of a general nature, such as length of residence in Tuolumne County, occupation, and amount of formal education.

Panelists still considered as possible jurors then receive a notice to be interviewed by the Superior Court judge in charge of the grand jury. The panelist is asked to attend the interview on a specific date. The interview is a group interview, and the judge actually conducts three of these, each group numbering about 100. The judge's questions are informal, of a "getting-to-know-you-better" type. Also asked are if you are related to or a close friend of anyone employed by the county, and of your willingness to commit to a year's term of such service.

Of those interviewed, 19 are chosen as jurors and five are named alternates. In the final step, about three to four weeks after the first notice went out, the juror receives notification in the mail of his or her selection and to be present at the county courthouse on a specific date for the jury's swearing-in ceremony. The jury serves for one fiscal year, from July 1 to June 30.



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HISTORY OF THE GRAND JURY SYSTEM

One of the earliest concepts of the Grand Jury dates back to ancient Greece where the Athenians used an accusatory body. Others claim the Saxons initiated the Grand Jury system. For example, in the years 978 to 1016, one of the Dooms (laws) stated that of each 100 men, 12 shall be named to act as an accusing body. "They shall not accuse an innocent man nor spare a guilty one."

The origin of the Grand Jury can also be traced back to the time of the Norman conquest of England in 1066. There is evidence that the courts of that time summoned a body of sworn neighbors to present crimes, which had come to their knowledge. The members of that accusing jury were selected from small jurisdictions; thus it was natural and indeed expected that the members would present accusations based on their personal knowledge.

Generally, historians agree that the **Assize of Clarendon** in 1166 was the genesis of our present Grand Jury system. During the reign of Henry II (1154-1189), in an effort to regain for the crown powers usurped by Thomas Becket, Chancellor of England, twelve "good and lawful" men in each village were assembled to reveal the names of those suspected of crimes. It was during this same period that juries were divided into two types: civil and criminal, with the development of each influencing the other.

Originally, an "assize" meant a court session or assembly. As used today, it refers to accomplishments or enactment's of such groups, thus, the **Assize of Clarendon**, in which the jury was used for the purpose of discovering and presenting to the royal officials persons suspected of crimes, and report on other matters relating to the maintenance of order and good government in their district. The oath taken by these jurors was that they shall "do this faithfully that they will aggrieve no one through enmity nor deference to anyone through love, and that they will conceal those things by which they have heard."

By the year 1290, we find that the accusing jury was given the authority to inquire into the maintenance of bridges and highways, the defects of jails and whether the sheriff had kept in jail anyone whom should have been brought before justices.

A **le grand inquest** evolved during the reign of Edward II (1368) when the accusatory jury was increased in number from 12 to 23, with the majority vote necessary to indict one accused of crime.

The Massachusetts Bay Colony empanelled its first Grand Jury in 1635 to consider cases of murder, robbery, and wife beating. As early as 1700, the value of the Grand Jury was recognized in opposing the Royalists. These colonial grand juries expressed their

independence by refusing to indict leaders of the Stamp Act (1765), and a Boston Grand Jury refused to bring libel charges against the editors of the *Boston Gazette* (1765). A union with the other colonies to oppose British taxes was supported by the Philadelphia Grand Jury in 1770.

By the end of the colonial period, the Grand Jury had become an indispensable adjunct of government: “they proposed new laws, protested against abuses in government, and wielded tremendous authority in their power to determine who should and who should not face trial.”

Although originally the Constitution of the United States made no provision for a Grand Jury, the Fifth Amendment, ratified in 1791, guaranteed that:

“...no person shall be held to answer to a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger...”

Public support, sustained through the Revolutionary period, began to wane in the early 1800s. Adoption of the Fourteenth Amendment in 1868 made it illegal to “deprive any person of life, liberty or property without due process of law.” As interpreted by some states, this amendment no longer required prosecution of crimes by Grand Jury indictment or prohibited direct accusation by the prosecutor (information). California was one of the states to initiate prosecution by either indictment or preliminary hearing.

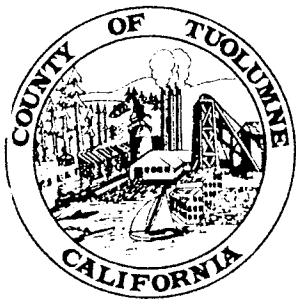
The first California Penal Codes contained statutes providing for a Grand Jury, to be empanelled quarterly, at the same time as the trial jurors were drawn. Early grand juries investigated local prisons, conducted audits of county books and pursued matters of community interest.

As cited, the role of the Grand Jury in California is unique in that by statutes passed in 1880 the duties included investigation of county government by a Grand Jury beyond alleged misconduct of public officials. Only California and Nevada mandate that grand juries be empanelled annually to function specifically as a “watchdog” over county government. It is interesting to note that while the Grand Jury was abolished in England in 1933, it has established itself as a component part of our judicial system.

As constituted today, the Grand Jury is a part of the judicial branch of government – an “arm of the court.” It does not have the functions of either the legislative or administrative branches and is not a police agency. It is inquisitorial and investigative body and is part of the machinery of government having for its object the detection and correction of flaws in government and the detection of crime among its citizens.

The Grand Jury of Tuolumne County is comprised of 19 members of the community. The term “Grand Jury” is in respect to its size, not its function.

Grand Juries have powers with respect to governmental offices and officers. All Grand Jury proceedings are confidential, as are all complaints received by it.



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GRAND JURY FINAL REPORT ANIMAL CONTROL

Overview

The Tuolumne County Animal Control and Humane Society of Tuolumne County are both occupying the building located off Victoria Way in Jamestown, CA. Animal Control occupies approximately 5000 sq. ft. and has an agreement with the Humane Society to share common areas within the building.

Reason for Investigation

This years Grand Jury wanted to follow up on the recommendations of the 1997-98 Grand Jury's report. We also wanted to evaluate the effectiveness of Animal Control and determine the level of calls and complaints the office is receiving.

Methodology

The Grand Jury Committee inspected the facilities and interviewed the Animal Control Director. The committee also received information regarding the number of calls received and handled throughout the year.

Findings

Overall the Animal Control facilities are in very good condition. The facilities are designed for growth, with additional space for animal cages due to an increase in animal population. The facilities are clean and disinfected. Every effort by the staff is made to keep disease and potential infection at a minimum. Cleaning and disinfection of the cages is performed daily. All animals receive exercise on a regular basis and are well cared for.

Dogs and cats have separate living facilities. If any animal is sick or needing treatment they are kept in separate quarters away from the other animals. There are different rooms to perform various functions throughout the building. These include treatment, euthanasia, refrigeration and cold storage of dead animals, animal housing, and a storage room.

Currently, animals that have been put down are held in cold storage and disposed of through Cal-Sierra. This process saves time and expense to Animal Control and the County.

The statistics of animals that have been put down are at times staggering. This information is published in the Union Democrat on a regular basis.

The number of calls Animal Control receives throughout the year varies. In 1993 they received approximately 2900 calls for the year. In 1997 they received the largest amount of calls ever at about 4000. This past year, 1998, they received just over 3900 calls. Please refer to the following chart.

It was also noted that the front door opens inward which is awkward for those entering and exiting the building. This also could pose a problem if there was ever an emergency.

Conclusion

Maintenance of the facility and the care of the animals are excellent. The Director and her staff have a genuine care for the animals and want to provide each animal with a home.

The Grand Jury wants to recognize the volunteers for their time and effort they put in supporting Animal Control and offering their care to these animals.

The Animal Control facilities are currently in need of additional staff members and volunteers. For the amount of calls the department is receiving and with these calls increasing by over 1000 in the past few years additional staff is needed.

Recommendations

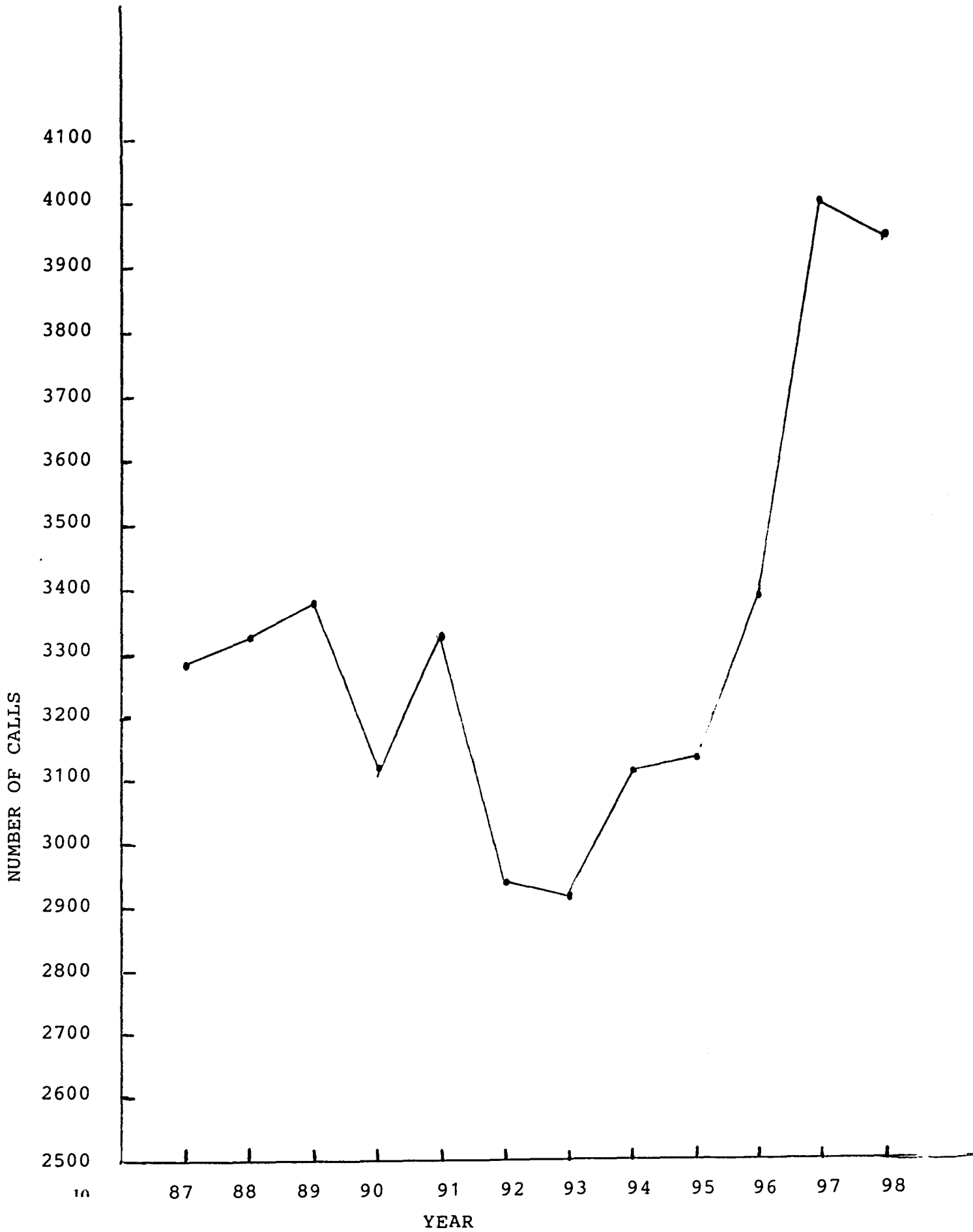
Recommend the addition of at least one staff member to the department.

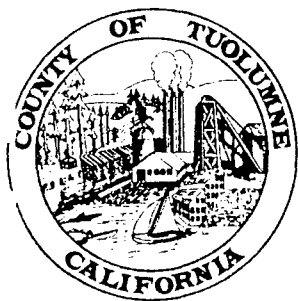
Recommend the use of the Community Service Unit (CSU) to help in the needs of the department. Calls can be made to Animal Control with the help of CSU to aid in controlling animal population.

Recommend a Push/Pull sticker be placed on the front doors to assist in entering and exiting the building.

NUMBER OF CALLS HANDLED PER YEAR

10





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GRAND JURY FINAL REPORT OFFICE OF AUDITOR/CONTROLLER

Reason for Investigation

The 1998-1999 Grand Jury decided to follow up on the recommendations of the 1997-98 Grand Jury and review these issues with the Auditor/Controller. In addition, we wanted to get some background information on this office and its function in County government.

Methodology

The Auditor/Controller committee, comprised of four Grand Jury members, met with Auditor/Controller, Tim Johnson and Assistant Auditor/Controller, Debi Russell. The meeting took place at the Auditors office located in the Administration Building on the 2nd floor. Discussed were questions relating to background information of the Auditor/Controller and how the County Budget is put together? Other questions included the process in which County audits are performed and a discussion of County purchasing procedures. Also discussed was the status of the accounting software and computer link between the Auditor/Controllers office and Tuolumne General Hospital (TGH).

Findings

According to the Tuolumne County Information Guide, the Auditor/Controller's goal is to provide accurate and timely reporting of financial information, and courteous service to the employees, departments and citizens of Tuolumne County.

The Auditor/Controller's Office (ACO) is the financial center for the County. The ACO prepares and processes the County's payroll, coordinates short and long term disability, prepares various reports, either quarterly or annually to the Board of Supervisors and prepares W-2's. The ACO handles the Accounts Payable for the County, prepares annual financial statements and prepares the Final County Budget. All travel advances and claims for County employees are handled through this office. The ACO is involved in

issuing warrants for the Family Support Division. These warrants are issued within a 48-hour period and handled on a daily basis. All monthly financial reports are developed and prepared for all County jurisdictions and the allocation of property taxes collected to all local jurisdictions are also handled by the ACO.

Tuolumne County was one of the first 5 counties in the state to develop a County Purchasing Card. The program was started in October of 1997 and is issued by Bank of America. These cards, like "credit cards", are issued to all County offices for purchases of office supplies, miscellaneous expenses, travel and training. The Purchasing Card usually comes with a \$500 to \$1000 limit and the County pays all fees to the bank. All County departments get a card statement on a weekly basis, which enables the ACO and the departments to review and track all purchases, making it a better system than handling Purchase Orders and waiting for approval.

The County's budgeting process is handled through the ACO and completed each year in August. All departments throughout the County are required to submit their budget by April 28. The ACO and the County's Board of Supervisors review the budget on a department by department basis. The proposed budget must be passed by June 30 of each year, with the exception of payroll and fixed assets. Once a budget is finalized and approved, all departments must follow their budget on a line item basis. The County does not allow the transferring of money from one budget line to another. The Board of Supervisors must approve any revenue adjustments or pay adjustments over any line item by 4 votes of approval. It is illegal for any county in the State of California to go into a deficit; therefore the budget process is an important one.

The ACO does not perform performance audits on a regular basis. As much as they would like to, it is impossible to do so based on the budget and personnel. Each department in Tuolumne County is audited during the budget process annually. Quality audits on Petty Cash, Food Stamps and verification of fixed assets are performed on an annual basis.

In January 1999 Tuolumne General Hospital went on line with the ACO by two forms of software. PeopleSoft Financials enabled TGH and the ACO to integrate cash, accounts payable, Profit and Loss statements, and expenses. Meditech was installed for the hospital to replace the admitting, billing and medical records of the old system and for these two systems to work in conjunction with the other. For the first time ever, the County and TGH are using the same system.

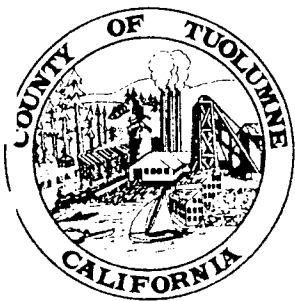
Conclusions

There are still departments within the County that are not online with the ACO. The purchasing program has improved with the Purchasing Card, but audits will need to be performed on a regular basis. The ACO is performing very well and has good leadership in Debi Russell and Tim Johnson. The budgeting process is difficult one. Long range

planning would aid the ACO in accomplishing their mission and give the County a better understanding of future needs.

Recommendations

1. Recommend that all County departments go online with the ACO by the end of the year 2000.
2. Recommend a long-range planning process be developed to include a master plan for Capital Improvements. Recommend the plan include welfare, criminal justice and the hospital.



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GRAND JURY FINAL REPORT DEPARTMENT OF PUBLIC WORKS

Overview

The Department of Public Works oversees the Administration, Engineering, Road Operations and Surveying of the County's public roadways, and Solid Waste Management.

Reason for Investigation

This department had not been the subject of Grand Jury interest for five years; additionally the Grand Jury had received correspondence regarding walking and bicycle path funding.

Methodology

Meeting with Peter Rei – Public Works Director, Darin Grossi – Assistant Director of Transportation Services and Cy Hoblit – Deputy County Surveyor.

Findings

The department manages the maintenance of approximately 600 miles of roads. Federal, State and Local regulations govern how the department performs road projects.

Funding appears to be the area of most concern. The current budget of \$3,000,000 is half of the current need; this type of shortfall has caused \$20,000,000 in deferred maintenance.

Recent funding of \$12,000,000 has been allocated to three projects:

1. Hess Road Interchange, part of the Highway 108 bypass project, \$7,000,000
 2. Pavement Management Plan, currently comprising of 19 projects, \$2,000,000
 3. Engineering and Feasibility studies for current and projected road problems
- One bike path project has been completed along Soulsbyville Road and two projects are in the funding stage. Funding for these projects is not received until the project is approved. This can be a burdensome process. Other priorities may not allow the Engineering staff to fully take advantage of these funds.

Conclusions

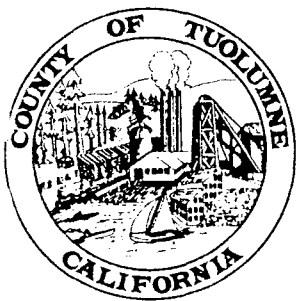
Trying to determine when to invest in preventative maintenance, completing priority projects and reacting to emergency situations is a daunting task.

These goals are achieved by adhering to the departments mission statement:

“To provide the county’s residents with the safest, best quality roadway’s, with available funds.”

Recommendations

The department needs to develop an Operational Manual, that would outline what processes are involved in road maintenance. This would allow the public to better understand how the Public Works Department operates.



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GRAND JURY FINAL REPORT FOLLOW-UP TO THE 1997-1998 GRAND JURY RECOMMENDATIONS

Overview

In the 1997-1998 Grand Jury Report several agencies were investigated and recommendations were made by the Grand Jury.

Reason for Investigation

The 1998-1999 Grand Jury decided to spot check the previous reports and to see if any or all the recommendations made by the last Grand Jury were carried out.

Methodology

Phone calls were made to heads of the various departments and these people were asked questions regarding the various recommendations.

Findings

Library Services

The 1997-1998 Grand Jury recommendations are as follows:

- *Recommend Internet access at the branches be accomplished as soon as possible.*
- *Recommend the County consider providing additional parking and permanent restroom facilities for the park and skate park.*

In following up on the Internet access at all branches, we contacted Shirley Oller, Director of Library Services. So far, four branches have Internet access, the newest being Tuolumne City. They have received a grant for "Internet Boot Camp." The State is providing \$1,000 toward equipment by June or July of this year. They have been receiving help from the Gates Foundation and the State's Info People Project. It is hoped that before long Internet access will be available at all branches. Also the Public Library fund from the State has been augmented and the materials budget has gone up.

Regarding the recommendation that additional parking and restroom facilities be added because patrons of the park and Skate Park were using library facilities, this problem has greatly improved since porta potties were put in the park. The parking situation will be helped when the Archives building is completed. There are also extra spaces at the Senior Center. Parking is not a major problem.

Tuolumne General Hospital

The 1997-1998 Grand Jury's recommendations are as follows:

- *Get the new computer system up and running by December 31, 1998.*
- *Fill the CFO and Controller/Analysts positions with hospital-experienced, qualified candidates without further delay.*

Answering the computer system recommendation was Joseph Mitchell, Hospital Administrator. The Hospital went live January 1, 1999. It was immediately evident where Y2K problems were and were going to be. These problems were worked out with the County and he now feels confident that Y2K will not be a problem.

Regarding the recommendation to fill the CFO and Controller/Analysts positions with qualified candidates, Claudia Davis is the new CFO. She has eight years experience with the hospital as accountant and Financial Planner. The new Controller is Robert Galbreath who comes with 20 plus years experience between Emanuel Hospital and St. Joseph's.

Tuolumne Utilities District

The 1997-1998 Grand Jury's recommendation concerning the sewer system is as follows:

- *Recommend a routine maintenance and inspection schedule be developed to include all areas of the sewer system. The schedule should include forms to be filled in as documentation that inspections are done on a certain object or pipe, at a certain place, on a certain date, condition found, and resulting work done to correct any problems found. This will ensure better system performance.*

The 1998-1999 Grand Jury contacted Tim McCullough, General Manager of the Tuolumne Utilities District (TUD). Mr. McCullough said an Operational Plan has been completed and is on file in their office. There is also a Waste Discharge Permit application on file with the Regional Water Quality Control Board in Sacramento. This

permit will include a reclamation system. K3 in Sacramento will address wastewater issues.

Mr. McCullough was also asked if the new wastewater treatment plant at Sierra Conservation Center would have an impact on TUD. He said it could have an impact. It is part of an ongoing discussion, but no decisions have been made at the present time.

According to Mr. McCullough, there is an ongoing inspection of sewer lines. Problems are identified with special cameras and then replaced. There are lines replaced every year.

Twain Harte Community Services District

The 1997-1998 Grand Jury's recommendations are as follows:

- *Recommend if the County wishes Twain Harte Community Services District (THCSD) take over the care and maintenance of the swimming pool, that the County provide the necessary funding.*
- *Recommend THCSD and the County work together to provide the needed funding for refurbishing the tennis courts.*
- *Recommend a future Grand Jury follow up on the above suggestions and to also ascertain if a policy and procedure manual and organizational chart have been completed.*

The 1998-1999 Grand Jury contacted Don Castle, the new THCSD Manager. Concerning the recommendation that the County provides necessary funding in order for THCSD to take over the care and maintenance of the swimming pool, it has been discussed several times but nothing has been done. The tennis courts however, have been refurbished. A policy and procedures manual was recommended but it is not complete. A contractor has been hired to rewrite the policy and procedures manual for the firehouse. An organizational chart is in process.

On the November 2, 1999 general election ballot, THCSD will be asking the Twain Harte District voters to approve a park and recreation improvement tax. District Customers will be asked to pay \$25.00 per year for Park and Recreation to maintain existing facilities. The THCSD Board of Directors has identified the following suggested Park and Recreation goals to be accomplished over a five to ten year period:

- Hire full or part-time Park and Recreation employee for on-going maintenance and operations.
- Install new irrigation system for the baseball field.
- Drainage system for the park and baseball parking lot.
- Renovate park bathroom for handicap use.
- Purchase new equipment for the park.
- Renovate Children's Park for handicap use.
- Paving of parking lot in the area of Children's Park and baseball field.

- Ongoing maintenance and repairs of existing tennis court.
- Culvert for creek area near Children's Park to expand park grounds.
- New basketball, volleyball and horseshoe facilities.
- Walking trails along existing creek.

Health & Welfare, Social Services

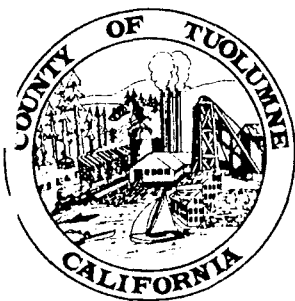
The 1997-1998 Grand Jury's recommendation:

- *Recommend all the accused involved in a Child Abuse case be notified at the time a Child Welfare Services report is filed with the State Department of Justice.*

In following up on last year's report we contacted Mr. Skellenger, Director of Human Services. Mr. Skellenger said this is now required by State law, and that at the time of last year's Grand Jury report, it was already being implemented. This was included in the response from their department to last year's Grand Jury report.

Conclusion

Even though it is not done with any amount of fanfare, most agencies do review Grand Jury Reports and take action on their recommendations.



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GRAND JURY FINAL REPORT JAMESTOWN MINE PROPERTY

Overview

The site of the Jamestown mine, approximately 505 acres, was acquired by Tuolumne County in December 1996 in exchange for releasing the Sonora Mining Company from their reclamation bond and assuming the mine's responsibility for reclaiming the tailings pond and three mortgages held by Sonora Mining Company. The property surrounds two privately owned sites known as the Crystalline Pit and the Harvard Pit (see map). With a strong recommendation from Mark Mitton, the County Administrator at that time, Supervisors Rotelli, Marks, Holman and DeBernardi approved the acquisition. Supervisor Roundtree dissented.

Reason for Investigation

Public opinion has been mixed on whether or not the acquisition of the mine property was a wise decision. Is the county well equipped to be land developers? What exactly is the future potential financial impact of the County owning the property? Is the current and potential value of this property offset by the liabilities assumed by the County as part of the exchange? We decided to try and find some answers.

Methodology

The committee went through documentation at the County Administration Office and Planning Department. We also looked at all the Board of Supervisors minutes pertaining to this subject. We reviewed old newspaper reports found at the library. The committee went on a tour of the site, which was given by Senior Planner Larry Biel. We wrote letters and made phone calls of inquiry to gather information. We met with and interviewed former Supervisor Ken Marks, current Supervisor Larry Rotelli and current County Administrator C. Brent Wallace.

Findings

The Jamestown mine site was purchased in July 1987 by Sonora Mining Company, and was in operation until July 1994. After it closed, Sonora Mining Company and Mr. Mitton negotiated a deal that resulted in the County's acquisition of the property. The following are factors that led the Supervisors to agree to the Sonora Mining Company's proposal for the County to take over the mine property.

When the proposal was made for Tuolumne County to assume ownership of 505 acres of the Jamestown mine property, several benefits seemed possible. Chief among these was using the property to enhance the County's economic development. Several possible uses for the mine property were proposed. Water rights from TUD for 1500-acre feet of water a year were valued at approximately \$1,000,000. Value of the mine property, including the two residences and remaining infrastructure, was set at approximately \$2,500,000. With original liabilities estimated at \$900,000 to \$1,800,000 for reclamation costs and existing mortgages of \$426,000, it was assumed that the value of the property and water rights would exceed the liabilities.

It was believed that the existing development and infrastructure could be used as an industrial park, since concrete pads, roads, paved areas and buildings already existed on the property. Water, sewer and electricity are on site but need some additional construction to be fully useable. By deepening the tailings pond for water storage purposes, upon completion of reclamation, the opportunity would exist for more water storage for County use with the possibility of selling any excess for agricultural purposes. Two habitable dwellings are part of the mine property. They could be used for other County purposes or sold to fund other projects at the mine site. Also, the County still has two parcels of land for sale off of Rawhide Road. At the time the acquisition was being considered, The Mother Lode Fairgrounds also expressed an interest in moving to the site.

The original reclamation plan for Sonora Mining Company was as follows: Sonora Mining Company was required to post and maintain a \$4,000,000 bond. Some of the reclamation work has been completed and the bond amount has been reduced. The current bond amount is \$2,752,000. Sonora Mining Company estimates that an additional \$500,000 worth of reclamation work has been completed and a further reduction of the bond to \$2,252,000 will be requested. The majority of the remaining work is for closure of the tailings management pond.

The state permit required removal of all water from the pond before covering it with one foot of soil to return it to grassland. The original State Water Quality Control Board permit allowed disposal of winter rain accumulation by mixing pond water with raw water to reduce salts and allow discharge into Woods Creek. When the County acquired

the property, they assumed responsibility for the tailings facility reclamation, and all costs associated with dewatering and covering the pond.

The current status of the reclamation to date is, in midyear 1998 the State Water Quality Control Board rescinded permission to discharge mixed water into Woods Creek. This act, along with excessive 1997-98 rain year, greatly impeded efforts to dewater the tailings facility, and increased costs associated with it. The State Water Quality Control Board also changed the required cap materials to clay, which would have to be imported from off site, also increasing costs. The County has been working with the State Water Quality Control Board to find the most expedient method to conclude reclamation of the site at reasonable costs.

In March 1999, the Board of Supervisors approved consideration of a pledge of revenue of \$2,200,000 to the State to show good intent and determination to effect completion of the reclamation process. The County is now in the process of developing a plan for closure, with the hope of moving soil for capping of the tailings pond this summer.

Currently the only development plans for the site that are a reality is the Tuolumne, Calaveras and Amador counties Juvenile facility, and a rock crushing operation. Construction of the Juvenile facility is scheduled to begin in January 2000 at a cost of approximately 5.5 million dollars. Even though the three counties will pay their fair share of the construction costs, Tuolumne County will absorb the majority of the costs due to the facility being located in Tuolumne County. The mine property where the juvenile facility will be located must meet certain upgrades which Tuolumne County has the responsibility of ensuring. Road upgrades and installing water, gas and electrical lines along High School Road from Highway 108 to the Juvenile facility site are part of the needed improvements.

The Juvenile facility will be constructed in accordance with California State Corrections regulations. Each of the 60 cells will be large enough for possible expansion of capacity in the future. The facility will employ a staff of 30 to 35 people and will have rehabilitation programs in place for juvenile offenders. These programs will consist of, but not be limited to, individual and group counseling, anger management control, education on drug and alcohol abuse and other vocational training programs. The scheduled date for occupancy for the facility is set for July 2001 (see Project Tasks Chart).

When Sonora Mining Company was granted the rights to develop the mineral rights in the area of the Jamestown mine in 1986, Sonora High School Agricultural campus was located on High School Road in the area to be used for the mining operation. The company agreed to reimburse the school for the property at that time. Complete reimbursement has not taken place and the matter is currently in litigation.

Conclusion

The future of the Jamestown mine property has many possibilities. Use of the land to best suit the County both financially and creatively is in the hands of the Board of Supervisors and their advisors. The challenges the property offers will require vision and timely decision making on their part.

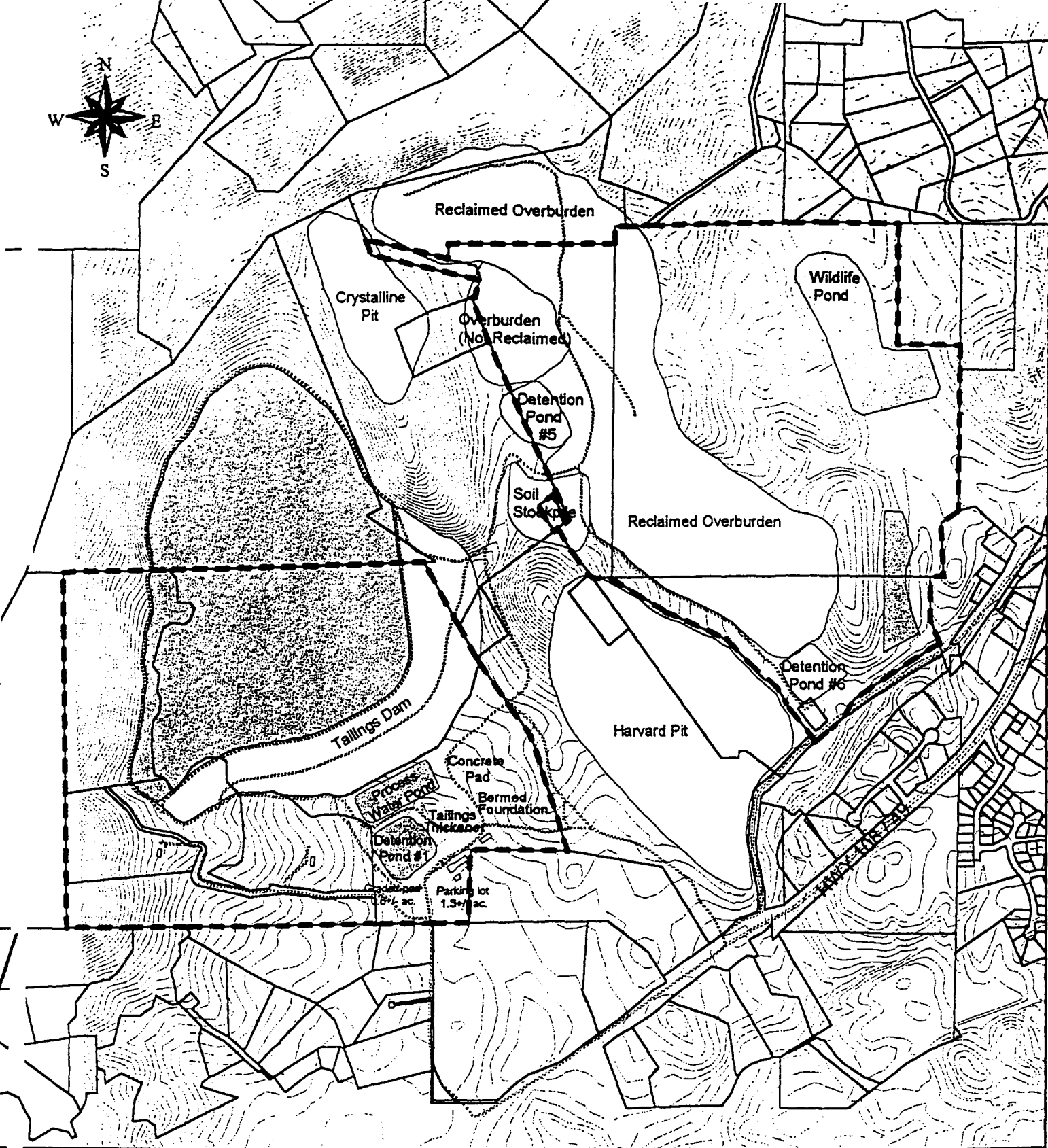
First the problem of the tailings pond clean up must be completed. It seems clear that the Juvenile Facility will be built. At this time we would hope for the infrastructure to come together for future expansion. Monies were originally allocated for the development of infrastructure to be completed but that has not occurred. This would be very important to entice other government offices or small businesses in the area to perhaps someday build on the site. Recreational use of some of the property has also been discussed but nothing has yet been formalized. A definitive and comprehensive master plan is long overdue and needs to be set in motion now in order for the County to best recover from this very expensive endeavor.

Recommendations

1. The County should aggressively pursue the availability of grant monies to help with the cost of reclaiming and developing the mine site.
2. The County should contract out for experts in the field of commercial site development. Companies who do this type of work could assist with the development of a Master Plan to best utilize this property. Revitalizing an area like the mine property is certainly possible, but help will be needed.
3. In the future the County should encourage economic development by others and not undertake such projects itself. Government bureaucracies are not well structured or suited for single-minded direction or creative thinking, nor do they have the financial resources necessary for successful land development.
4. The County needs to clarify the rights and options to the 1500-acre feet of water that Mr. Mitton counted as an asset in the acquisition of the mine property and start making plans to sell that water.

MOTHER LODE REGIONAL JUVENILE DETENTION FACILITY TASKS FOR 1999

PROJECT TASKS	Jan '99	Feb '99	Mar '99	Apr '99	May '99	Jun '99	Jul '99	Aug '99	Sep '99	Oct '99	Nov '99	Dec '99
Project Team reviews and makes recommendation on Programmer/Construction Manager		X										
Project Team works with Programmer/ Construction Manager			X	X	X	X	X	X	X	X	X	X
Facility JPA Governing Board Meeting			X	X		X			X			X
Project Team reviews, interviews, and makes recommendation on Architectural/Engineering Services			X									
Community meetings with Programmer/ Construction Manager (T.C., A.C., C.C.)					X							
Program consultant finalizes work								X				
Preliminary Design Scenarios completed								X				
Tuolumne County Board of Supervisors preliminary approval of site infrastructure improvements								X				
Project Team reviews design and preliminary cost estimates									X			
Board of Corrections and State Fire Marshal's Office approval of facility plans									X			
Complete design and finalize cost estimates										X		
Presentations made to respective Board of Supervisors and Communities regarding project										X		
Design information to the Community Development Dept. for their review										X		
CEQA review and approval											X	
Tuolumne County Building and Local Fire Marshal review											X	
Bidding Phase commences												X



SMC Facilities

Figure 1

 Boundary of Golden Pond Properties
 Roads



Grand Jury — County of Tuolumne

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

GRAND JURY FINAL REPORT MENTAL HEALTH/ALCOHOL/DRUG SERVICES

Overview

Tuolumne County Mental Health/Alcohol and Drug Services are provided by contract with Kings View, a private health care agency.

Reason for Investigation

In reviewing different agencies, the Grand Jury noticed that since 1987 only one investigation was made into Mental Health and that was in 1990 when several employee complaints were registered against the former health care agency that was replaced by Kings View. Since taking over in 1997 the Kings View/Tuolumne Mental Health/Alcohol/Drug Service has had no complaints filed against them and has had an excellent working relationship with the Mental Health Board.

The Grand Jury then decided to investigate the Alcohol and Drug problem in Tuolumne County and what part it plays in Mental Health and in particular, what affect it has on juveniles in this County and what services are being given to those affected who are under 21.

Methodology

Interviews were set up with Beatrice Readel, Executive Director of Kings View; Jim Childers, Jail Commander; Officer Keith Lunney with the Tuolumne Narcotics Team; Debi Russell, Assistant Auditor-Controller for Tuolumne County and Leanna Salazar-Senior Probation Officer for Juveniles. Also contacted were Rev. Everett Beason, Jail Chaplain; Sylvia Davita, Sheriff's Budget, and Mike Costa, Assistant Sheriff. On November 16, 1998 Officer Lunney made a presentation to the Grand Jury on the work of the Tuolumne Narcotics Team (TNT), how to identify areas where drug abuse may be prevalent and the prevention program being given at schools.

Findings

Central California is considered the Meth (Methamphetamine) capital in the United States. The number one drug problem in our County are the meth labs. Heroin use is reoccurring and armed confrontations in marijuana raids of 50 or more plants are increasing. The County Jail holds 120 inmates of which 90% are there because of drug and alcohol related crimes. In the juvenile system, 95% of the cases are related to drugs and/or alcohol.

The three agencies we contacted regarding the handling of juveniles either endangering themselves with drug and alcohol abuse or who are in danger of adult abuse of drug and alcohol were Kings View, the Probation Department and TNT, a division of the Sheriff's Department.

Kings View/Tuolumne County Mental Health Plan (TC MHP)

"Tuolumne County is a geographically small, rural county. If there is a specialized need, which the TC MHP cannot meet, a credentialed provider will be contacted to deliver the service. This includes the delivery of services for all special populations, including beneficiaries under the age of 21 years. Agencies that provide a system of care to TC MHP beneficiaries are:

- Department of Social Services
- Children's System of Care
- Interagency Placement Committee
- Student Attendance Review Board
- SELPA
- Long Term Care (for adults)
- Tuolumne County Child Abuse Prevention Coordinating Council
- Tuolumne County Probation Department
- YES Council
- School/Law Enforcement

TC MHP will continue to provide mental health services at school sites and other key sites for children and families, as well as at the main office, to assure that children and youth have excellent access to mental health services. Tuolumne County is implementing a Children's System of Care. Specialized services for Severely Emotionally Disturbed (SED) children and children accessing services through the Primary Care Clinic will continue. Mental health staff works cooperatively with school staff and has regular meetings. All beneficiaries under 21 will receive access to mental health services as outlined by Early and Periodic Screening Diagnostic Testing (EPSDT) and other state regulations.

Children's Services:

Assessment for Mental Health Services and Immediate intervention are available during office hours, after hours by appointment most evenings, at the Children's Services Clinic site and at the community sites used by Children's Services. Staff members going to the beneficiary's physical location for assessment and intervention provide immediate Interventions Services. These services are provided to beneficiaries requesting appropriate services within program eligibility criteria. These services are provided after hours and on weekends by Tuolumne County Children's System of Care staff who rotate through this assignment.

The TC MHP may credential and contract with out-of-county providers when a specific need arises.

"For children placed out-of-county, they will be placed in a foster or group home, which provides mental health services as a component of their program. In these cases, mental health services are not billed separately from the bed day rate." *Excerpts from the Tuolumne County Mental Health Plan (TC MHP) Mission Statement*

In interviewing Leanna Salazar-Senior Probation Officer for Juveniles, it was ascertained that children arrested do not go to County Jail. They first are taken back home or to other family relatives. If this proves inadequate they can then be sent to a 6-bed crisis foster home within the County. If law enforcement is able to 5150 (legal psyche hold) a child, they can be taken to Stanislaus Behavioral Center for placement of up to 6 months. Social Services and Child Welfare Services get involved at this point. As a last resort, they are placed at Juvenile Hall in French Camp. Reasons for Juvenile Hall placement includes violation of a court order, urgent and immediate need for protection of person or property, likely to flee jurisdiction and/or is physically dangerous.

There is a great need for a drug treatment program locally, including a detox center. Currently, available services include: two clinicians at Children's Systems of Care through Kings View, the 12-step program for youth under 25, D&A group for youth at Kings View, including life skills. Also included through Family Services Specialist at the Probation Department are family and individual counseling and placement with the Stanislaus Behavioral Center for up to 6 months. There is a fund for the Probation Department called the Alcohol/Drug Assessment Trust. The fund program administrator for use in drug abuse cases allocates these funds for programs in the schools and in the community. These funds are subject to the approval of the Board of Supervisors. These funds have been collecting monies from each person who is convicted of a violation and pays a drug program fee in an amount not to exceed \$100 (Penal code 11372.7). The funds have been accumulating for several years and have not been spent. The balance as of June 1998 was more than \$10,000.

Tuolumne Narcotics Team (TNT)

The TNT deals with the identification and investigation of drug labs; street dealers and drug clean up in the County. They also deal with drug education in schools and identifying minors who may be in danger from parents involved in drug and alcohol abuse and in drug raids. TNT does not deal with juvenile crimes. If juveniles are present during a drug raid, Child Welfare Services are called. Two probation officers in adult programs work with TNT. The Tuolumne Narcotics Team consists of one Sergeant, one investigator, two deputies and one sheriff's clerk.

In 1997 to 1998, on a budget of \$424,053 (10% of the total Sheriff's budget, see graph), there has been 188 drug related arrests and 22 meth labs closed. There were 36 weapons confiscated. Each officer must come into the program with 5 years experience (4 on the street and 1 in the office). They must attend 2 weeks of basic narcotics school, 2 weeks of lab investigation school and 1 week of lab safety school. They must receive updates every year. If training is not there when an officer goes for a court response the case may be thrown out of court. Each officer must receive a medical exam every year. The deputies must be rotated out of the program every 3 years, before going out on the street again. The officer must spend 1 year in an office. This is for mental as well as physical health.

Recommendations

The Grand Jury recommends that the staff of Kings View and the County continue working to insure greater coordination for fiscal fluidity, inpatient and outpatient services and continued collaboration with Social Services and Probation.

It is also recommended that a permanent home for the County Mental Health Services be found. It is felt that a great deal of County money could be saved if a permanent site was built, rather than renting space for Mental Health Services.

The Grand Jury recommends that a study be made and a program implemented for a Juvenile Treatment Center with a detox unit, and that a crisis center be found for the tri-county out of control kids and/or kids removed from homes (Welfare and Institutions Code 601/300) through Child Welfare Services. One option is including these facilities with the Tri-county Juvenile Hall that is to be built at the mine site.

It is also recommended that a local drug treatment program be put into affect as soon as possible, using the funds that have become available from the drug program fees and forfeiture program. Moneys are also available through grants on the State and Federal levels and we recommend that all grants be investigated.

The final recommendations are for the TNT program. It is strongly felt by the Grand Jury that not enough funds are allocated from the Sheriff's budget to give adequate support to the TNT program. The Grand Jury questioned the fact that money received from asset forfeiture is going into general funding and why this money is not going directly into drug programs or for TNT equipment? At the present time there is a need for a training budget upgrade, night vision glasses, upgraded lab Tyvex suits and respirators. The office needs a fax machine and a computer scanner.

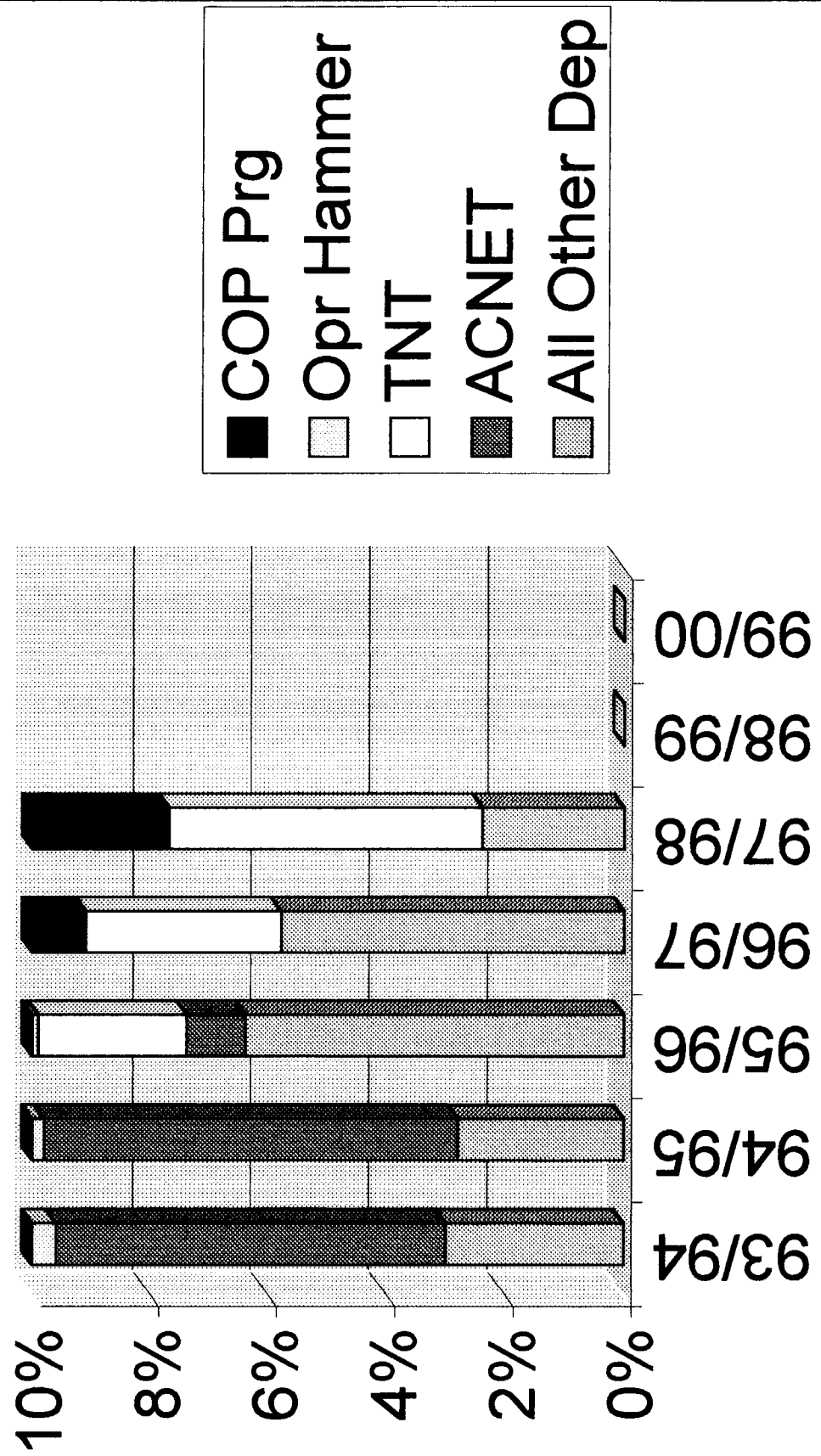
The officers are also using their own vehicles, which every drug dealer in the County can identify. Since surprise is an important element in a raid, it is recommended that a couple of used vehicles be purchased so a rotation system could be set in place.

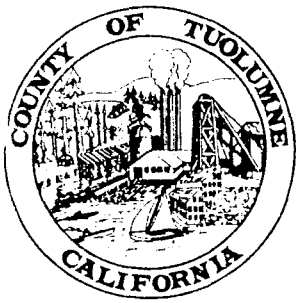
The committee also recommends a full time deputy District Attorney be assigned to the TNT program.

Conclusion

More concern for juveniles affected by drug and alcohol abuse in our County is needed. There are good programs that have just begun or are only a couple of years old that need to be encouraged or increased. The investigation committee felt that there is a lot of information that needs to be more carefully tracked by a central system. There is good cooperation between the three agencies that were interviewed, but no one really had an over all picture of how many juveniles are affected, what steps need to be taken and what each agency is really doing. Preventative measures in the schools, i.e. drug programs, officer visits and literature, are not enough. Protection and care of our juvenile population is needed immediately.

Sheriff Department Budget





Grand Jury — County of Tuolumne

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

GRAND JURY FINAL REPORT SCHOOLS CONSOLIDATION

Overview

During the 1940's, Tuolumne County had over 40 school districts. It presently has 9 elementary districts, two high school districts and one unified district, Big Oak Flat-Groveland, which has Tenaya Elementary, Tioga High School and Don Pedro High School. Schools consolidation has often been on the Grand Jury agenda over the decades due to questions surrounding issues such as administrative costs, overlapping transportation routes and other potential duplication of services.

Reason for Investigation

The 1998 Tuolumne County Grand Jury studied the issue of schools consolidation. They recommended that the 1999 Grand Jury follow up on this issue to monitor any progress that has been made toward consolidation after the 1998 Grand Jury Report was published.

Methodology

The Schools Consolidation Committee reviewed as many reports as they were able to obtain from past Grand Juries. Also reviewed were other studies done over the years. Information was obtained from the State Department of Education, and their publication, *The School District Organization Handbook*, was reviewed along with numerous newspaper articles and data collected from different sources. The committee interviewed Dan White, Tuolumne County Schools Superintendent; Dr. John Pendley, Superintendent of Columbia School District and Dwain McDonald, Deputy Superintendent of the County Schools.

Findings

In the past the question of consolidation schools into unified districts has been brought to a vote. The following elections were held:

1958 – To unite Sonora and Summerville High Schools – **failed**

Sonora: Yes – 965, No – 801; Summerville: Yes – 358, No – 639

1966 – County wide unification – **failed**

Yes – 594, No – 2,195

1972 – To unite Sonora and Summerville High Schools – **failed**

Sonora: Yes – 1,978, No – 3,047; Summerville: Yes – 469, No – 948

1989 – For Big Oak Flat-Groveland to become a separate unified district – **passed**

Yes – 3,798, No – 2,802

The issue continued to be of interest. Studies were done from time to time, such as:

- 1988 – Tuolumne County School District Organization and boundary Study by the Center for Education Planning, Santa Clara County Office of Education.
- 1993 – Ronald E. Mead, Ed. D.; Review and Analysis of the Fiscal and Labor Relations Implications of Unification in the Sonora Union High School District Attendance area.
- 1995 – A study and survey by the local chapter of the American Association of University Women.
- 1996 – Sonora High School District Unification Feasibility Study, prepared by educational Research Consultant, Inc.
- Several Tuolumne County Grand Juries continued to study the issue with little or no action being taken.

Sonora High School, Sonora Elementary, Jamestown Elementary and Columbia Elementary have, in the past few years, met and continue to meet and discuss their options and how joining together might impact their district.

Other districts may have explored unification over the years, but to our knowledge in most school districts it has not been clearly defined to the parents what the ramifications of unification would be.

Issues to be considered:

1. Administration – In reorganization, whether it be regional or County wide, there would be a need for administrators at the new unified level to take on the tasks that were previously accomplished on areas such as curriculum, financing, transportation, etc.
2. Teachers – The most important part of a child's education is the teacher. Each school needs to be in a position to hire the person whom will best carry out the philosophy and goals desired by that school. In unified districts teachers are typically recruited and interviewed at the district level.
3. Finances – Would consolidation of our school districts save money and reduce the number of administrators? There may or may not be a saving since funds are redistributed. In a unified district, elementary teacher's salaries would be leveled up to high school teachers' salaries. Some economies of scale in ordering supplies and providing transportation could occur. Administrative duties reduced at the school site would be shifted to additional positions needed at a centralized district level. Information received from State Department of Education personnel indicates that the overall cost of providing educational services would be about the same.
4. Quality of Education – Would consolidation improve the quality of education for the students of Tuolumne County? According to a State Department of Education official and a variety of educators who have been through a consolidation, there appears to be no hard evidence to support this idea. The organizational structure of school districts does not appear to have a direct bearing on the quality of education provided.

There may be differing points of view regarding some of the results of consolidation. With consolidation you would have:

On one hand	On the other hand
One bus plan	Multigrade kids sharing the same bus
Only one Superintendent and one Board	One Superintendent and one Board with less local access to Superintendent and Board
Less administrators at site	More administrators at centralized site
Many teachers salaries raised, higher salaries attract more teachers	Teachers hired centrally; possibly less local control. Perhaps attract a different type of teacher
Loss of small school district atmosphere and appeal	More resources available to all schools
More mobility for teachers to change schools	Less bonding to a particular school district
No reduction in administrators but centralized staff more specialized	Specialist shared by all schools increases response time.

Conclusions

Whether to consolidate our schools is an issue of importance in Tuolumne County only if there are enough people dissatisfied with our schools as they presently operate. The *School District Organization Handbook*, which is officially approved by the State Board of Education, is the guide to any school reorganization. It outlines methods for school consolidation to occur and lays out the procedure of various choices of reorganization, identifying the roles and responsibilities of all parties, including the State Board of Education. The State Board has set criteria for approval of any school reorganization and is involved in all steps of the process.

It is our conclusion that it is not for the Grand Jury to take the lead in the schools consolidation issue, pro or con. The Grand Jury can do fact finding, as we have tried to do, share our findings and leave it for the people of Tuolumne County to decide. If a cadre of individuals wants to organize a petition to put the issue on the ballot or if a school district board wants to respond to its constituents and press the issue, or if the County Board, by establishing a committee on School District Organization, wants to take the lead on behalf of all their constituents, let any or all of them do so. The bottom line is that the success or failure of a school district financially and academically does not rest upon the districts organizational structure. It rests with the decisions of the governing School Board and the administrators hired by that Board to carry out its policies.

Recommendations

Even though the question of consolidation are long overdue in being answered, it is so very important to take the time to educate each voter on how these changes would affect the administration of our schools and the education of our children. This process of gathering information for the public could be accomplished through:

- The parents of the schools looking for change working with and through their school board.
- A committee working through the County Schools office to facilitate the districts defining the intentions of their schools.
- A broad based committee of citizens working with the support of a community organization such as the Sonora Area Foundation. This group should work independent of any school or the County School Office in order to present unbiased information.

The goal of these groups would be to assess the situation, gather pertinent facts and prepare a summary to give to the public so that all can make an informed decision as to the ramifications of consolidation. Also each school district could take a climate survey, if they sense a need to address this issue, in order to see how the voters of their district feel regarding consolidation.

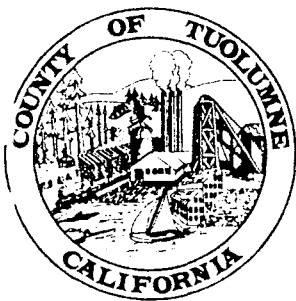
In the meantime we recommend that Superintendents work toward more cooperative actions such as a Joint Powers Agreement, a Memorandum of Understanding or any other method that could bring mutual enhancement to their districts educational goals. Some examples:

- Establish a curriculum committee to assure unified preparation of students for high school.
- Implement a common calendar.
- Hire a person trained in grant research and writing.
- Have a regional substitute teacher calling person.
- Research what administrative services are offered in unified district offices that make the best use of personnel and funds and work toward a common goal of implementing and financing those services through the County Schools Office.
- Superintendents in each region meet to study their transportation plan to see if more efficient use of bus service and repair might be established.
- Discuss what services such as nurses, music, speech, library, transportation and physical education might be shared enabling a full time person to work for two or more schools.

We the Grand Jury or other bodies can make recommendations regarding consolidation repeatedly but nothing will happen until a grass roots effort makes it happen. The general voting public must be informed and decide that a change is needed and then act upon that

informed decision. After all, the ability to offer our children the best educational opportunities should be the ultimate goal.

Copies of all noted reports are available as part of the Grand Jury archives.



Grand Jury — County of Tuolumne

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

GRAND JURY FINAL REPORT SIERRA CONVERSATION CENTER

Reason for Investigation

The Tuolumne County Grand Jury is required to inspect all Prisons with the county every year.

Methodology

The Grand Jury was invited to Sierra Conservation Center, Jamestown on Wednesday, April 7, 1999. Nine members were present and given a presentation by Matthew C. Kramer, Warden; Kathy Prosper, Chief Deputy Warden; Frank Chavez, Associate Warden, Tuolumne Division; John W. Martin, Associate Warden, Business Services; J. Russell, Associate Warden, Central Division; W.F. Heise, Associate Warden, Camp Division; Dr. Witwer, on the staff of Dr. George Gay, (Health Care Manager who was not able to attend) and Dr. Chang Su Park, Chief Dentist. After an overview in the Warden's Conference Room, the jury was taken to Baseline Camp for lunch and informal discussion. A tour was then taken of the Wastewater Treatment Plant currently under construction, the culinary division, and (the kitchen, bakery and food service center) and of a dorm in Level I.

Findings

The Sierra Conservation Center was opened in 1965 by the State on 420 acres near Jamestown. The Design Capacity is for 3926. At the present time inmates number 6320 and are operating at 161% of Design Capacity. Housing units in Level I and II are dormitory style designed to house 16 inmates. There are now 36 inmates in each dorm. Due to overcrowding, both gymnasiums were converted to house an additional 450 inmates, by the end of the year 2000 there will be no beds available, the prison will be "maxed out." The State is considering opening 5 new prisons and may add new camps.

Out of an annual operating budget of over 90 million dollars, (SCC employs over 1100 full time staff) approximately 6 million dollars is filtered back into the community of Tuolumne County. The primary mission of SCC is the Camp Program. Inmates selected for the camp program must undergo a comprehensive screening of their background to ensure they are suitable for placement in a minimum-security facility. During the Fiscal Year 1996/97, SCC Camps totaled 4,700,800 hours of emergency and community service work for a total of almost 35.6 million dollars in cost avoidance to the taxpayers in the State of California. During the winter floods and summer fires, crews from the camps worked over 1.5 million man-hours in emergency assistance.

The institution is also involved in a number of programs and activities that benefit the inmates and the community, which include Computer Refurbishing Program (nearly 4,000 computers have been refurbished since March 1996 - SCC has donated 900 computers to rural schools.) Adopt-A-School Program (projects that include building picnic tables, playground equipment, maintenance sheds, classroom shelves, etc.) Community Service Crews (in Fiscal year 96/97, 49,534 hours of service in stream clearing, roadside clean-up, school ground maintenance and various conservation projects for state parks and utility districts resulted in over \$371,000 cost avoidance to the taxpayers.)

The care of inmates is strictly regulated by State and Federal laws. This includes the Coleman Act, which dictates the type of medical care inmates receive. The State mandates how many calories and what type of food the inmates are served daily. There is a 9 to 10 member health team alone for the mental health of patients. Since the closing of mental hospitals all over the State, more and more patients with mental health problems become incarcerated in State prisons. There they have their medications regulated and live in a controlled environment.

The grounds and facilities are very cleanly kept; the kitchen was extremely clean and well maintained. This is due mainly to the round-the-clock work crews staffed by inmate labor. They are employed in institutional jobs such as plumbers, painters, cooks, clerks, laundry, dry cleaning and maintenance. SCC employs 895 full time staff at the main institution and 200 in the 20 Conservation Camps. Of these 895 employees, 533 are custody personnel, 362 are support staff. There are also 57 permanent intermittent employees (custody personnel) who work 160 hours per month on an as need basis.

SCC offers many program options for inmates who are not eligible to work in the Camp Program. There is Adult Basic Education, English as a Second Language, G.E.D. Preparation, Vocational Education (Welding, Mill and Cabinet, Masonry, Auto Mechanics, Auto Body and Fender Repair, Meat Cutting, Office Machine Repair, Building Trades, Graphic Arts, Computer Repair and Office Services.)

Programs offered inmates to help with readjustment into society include, a Pre-Release Program which emphasizes preparation for parole and obtaining and keeping a job when released. Self-Help programs where inmates may participate in Narcotics and/or Alcoholics Anonymous on a weekly basis. SCC also has a successful Parenting program

for inmates wishing to re-establish and maintain positive relationships with their children. There is a Victims Awareness Program where, for six months, a specially trained staff tries to make inmates sensitive to the trauma their victims have suffered by their actions.

Because 90 to 95% of the arrests are due to drug and alcohol abuse, one of the most impressive programs that has just been started in 1998 is the Key Sierra Substance Abuse Program. SCC was selected as one of five prisons in the state for expansion of the Department's Substance Abuse Treatment Program. Two hundred inmates participate in the program for their last year of confinement and continue treatment in a community-based program when paroled for one to two years. Studies have shown that inmate's participation in this program averages a 15% rate of return to prison compared to the statewide average of 65%.

Conclusion

There is a great need for programs such as the SATP (Substance Abuse Treatment Program) and many more like it to keep first time offenders from returning into the prison system. Even though inmates who qualify for the extensive training they are given in the camp programs for fire and flood duty, they are not able to use this knowledge after they leave SCC unless it is only on a volunteer basis. This is because fire fighters and forest rangers are considered peace officers and convicted felons may not become peace officers.

Even though SCC is recognized as a valuable member of the community its focus must not just be on saving the community money because of inmate labor, but in keeping inmates who have served their time from returning again and again. A positive step is in the SATP program and the self-help programs being offered. According to Warden Kramer, volunteers working with the self-help/SATP programs, religious programs and trade advisory committees enhance these programs.

Although the new Wastewater Treatment plant should eliminate hauling wastewater away from SCC for a while, the overcrowding situation at SCC will make the treatment plant inadequate shortly after it opens. There is also inadequate storage for wastewater that will be treated by the new plant so water will still have to be trucked out unless a better solution is devised.

Recommendations

A serious study must be made in ways to eliminate the overcrowding situation at SCC. A separate facility should be considered for those inmates being treated for mental health

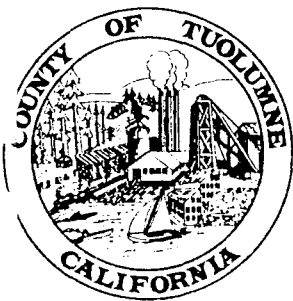
problems. Especially those whose conditions are controlled by proper medication and supervision.

At the present time there is a study to pipe the treated wastewater to one of the reservoirs to eliminate trucking the water out. At the end of this study, the State with the cooperation of the County, is urged to take the fastest, most economical and efficient way to take care of this problem.

It is also recommended that next year's Grand Jury find out what State and Federal agencies will be inspecting the Conservation Center during the year and what areas of the prison they will concentrate on. Then the Grand Jury could assess other areas of the prison. This way areas of investigation and auditing would not be duplicated.

Observations

At the end of our tour it was obvious that State and Federal regulations keep the prison running efficiently and that prisoners, on the surface, are taken care of at the best of the prisons ability. However, it was observed that although the mental health staff has been increased, no mention of an increase in medical staff to meet the increasing needs of the growing population of inmates was made. All information gathered was from the Warden's staff. The Grand Jury members were discouraged from talking to anybody at SCC besides the staff.



Grand Jury — County of Tuolumne

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

GRAND JURY FINAL REPORT THE BROWN ACT

Overview

The Grand Jury handbook states, “the grand jury serves as an ombudsman for citizens of the county” and “is an inquisitorial and an investigative body and is a part of the machinery of government... assuring honest, efficient government in the best interests of the people” (p. 18). The intent of the Brown Act, which is also, called the “open meeting law” is “an attempt to balance the public’s right of access to the activities of a public body versus the need for confidentiality, candor, debate, and information gathering (Greenwell).

Reason for Investigation

The 1998-1999 Tuolumne County Grand Jury felt that this “check-up” on the health and well being of the Brown Act within county government was a logical and necessary endeavor. While no formal complaints were received by this Grand Jury regarding Brown Act violations, grand jury members were aware that the public had asked questions regarding possible Brown Act violations in the recent past. Upon investigation of local newspaper stories appearing in the Union Democrat, it was found that over the past 8 years, 23 stories had appeared in the newspaper that concerned Brown Act issues. This indicated that the public might have questions regarding the proper usage of the act, and in turn, local governing boards, which are made up of local citizens, may also have questions regarding the rules and regulations spelled out in the Brown Act.

Methodology

The Brown Act Committee obtained and read the full text of “The Brown Act: Open Meetings for Local Legislative Bodies” (1994 California Attorney General’s Office). In addition, the committee obtained and read copies of the County of Tuolumne, County Counsel’s Office “Open Meeting Laws Handbook”.

Members of the committee attended various meetings of local Boards and Commissions at random. In addition, the committee developed and sent out a four-page questionnaire to current members of local boards and commissions. The Grand Jury sent out 234 prepaid return postage questionnaires to the home addresses of members of local boards and commissions. Of the 234 sent out, 84 or 36% were completed and sent back to the Grand Jury. Individuals from nine boards, including two school districts, failed to respond at all. We are very grateful to those who helped us to gauge the level of Brown Act knowledge that exists in our county. Following is a summary of the questionnaire results. A full-text copy of the questionnaire is included in this report.

Findings and Observations

Grand Jury Visitation to local Board Meetings:

The Grand Jury members were pleased to observe that most meetings were conducted in a manner that complied with the overall requirements of the Brown Act. Generally, the Board or District with high profile and greater public interest, i.e. the County Board of Supervisors or Tuolumne Utilities District, were more likely to comply fully with the requirements of the Brown Act. Boards or districts with lower public profile, for example fire or cemetery districts, appeared to be less informed about the Brown Act and tended to conduct more casual meetings.

Brown Act Committee members made the following observations:

Regarding Section 54953.3, which states: "Public may not be asked to register or identify themselves or to pay fees in order to attend public meetings".

The general perception of the Brown Act Committee members upon visitation to the smaller boards was that there was a natural curiosity by the board members as to the reason or motivation regarding the visit. However understandable, this might be construed by the public as a violation of the Brown Act when the visitor is asked or feels obliged to identify ones self when asked to do so by the board members.

Summary of Questionnaire results

- A number of Board members rely exclusively upon legal council or a staff advisor familiar with Brown Act statute to determine Brown Act compliance.
- Board members displayed both correct and incorrect interpretations of the closed meeting requirements of the Brown Act. Some boards properly addressed closed session matters and reported the voting results in the next session.

- 57% of respondents say that formal Brown Act training is not required of them. Many receive a summary of the Brown Act, and many expressed an interest in formal training outside of their organization.
- 27% of the respondents were trained by their organization's staff.
- 25% found information or training on the Brown Act outside of their organization.
- 61% of respondents feel competent in their knowledge of the Brown Act, and 12% say they don't feel competent, and 27% often seek advice on compliance.
- 48% would feel more comfortable with a Brown Act training manual.
- 23% would feel more comfortable with training outside of their own staff.
- 69% are aware that the public has the right to comment on all issues pending before the board or commission.
- 83% are aware of the public's right to tape or broadcast a public meeting.
- 65% knew that the public could not be asked to register or identify themselves as a requirement to attend a meeting.
- 23% of the respondents said the public could be asked to identify themselves as a requirement to attend a meeting. (Note only those speakers before a board must state their name).
- Generally, respondents knew that pending litigation, personnel matters, and bid selections were items for closed session meetings.
- 61% were aware that all materials given to the Board must be made available for public scrutiny.
- 76% knew that 72 hours was the agenda-posting requirement for regular meetings.
- 54% of the respondents correctly answered that 24 hours was required for agenda posting prior to a special session meeting.
- 70% correctly responded that closed session actions were to be announced at the end of the closed session.
- 47% incorrectly said new business could be acted upon at the meeting at which it is introduced. 32 respondents correctly answered "no", and of the 21% that answered "sometimes", most correctly indicated critical issues could be raised as emergency session items.

Summary of Questionnaire “Comments” Section

“Whenever someone disagrees with you, you are violating the Brown Act”. This comment was among the many we received as a result of our survey. More than one respondent did not care for the wording of our questions. Some opinions were expressed on a more frequent basis, and they are included below:

- There was a desire to be trained “properly” in Brown Act requirements.
- There is a need for a manual on the Brown Act.
- Many board members would like a simplified, easy to understand manual.
- Many respondents requested that refresher training be provided on a regular basis.

Conclusions

The board members and public volunteers of Tuolumne County deserve applause for volunteering their leadership and time. Managing our local government can be complicated and the open meeting requirements of the Brown Act may appear to be an additional burden. Board and Commission members that seem to follow the Brown Act, however burdensome, dignify their hard work and thereby ensure the public's trust.

County Counsel Patrick Greenwell must be commended to offering Brown Act training sessions every other year. Members of our committee attended the Fall 1998 session and found it to be quite thorough.

The majority of the responses to our questionnaire were well within the parameters of the Brown Act; however, some board members did appear confused about which business items are appropriate for closed and / or emergency sessions. In addition, most respondents were unsure of the definition of a serial meeting.

It appears that many individuals who serve on smaller boards have not received formal training in the Brown Act. Such boards should conduct a periodic critique of the process to ensure they are meeting the spirit and legal requirements of the Brown Act. By doing so, they might enjoy greater comfort that their decisions will withstand challenge and will inspire confidence in those they represent.

It is clear that the public has grown to expect open meetings, and finds security in a careful process. Boards that endeavor to follow the Brown Act give their constituents comfort in their careful deliberations and openness to other viewpoints. Board members may also find comfort knowing that, with proper training and guidance, their decisions cannot be challenged on procedural grounds.

We would like to thank all those who took the time to respond to our survey.

Recommendations

1. Provide all appointees and elected officials with personal copies of the Brown Act.
2. Provide annual training on the Brown Act. Include all newly elected and appointed persons on the list of invitees.
3. Keep copies of the handout materials available for those who may have missed the training.
4. Provide a "layman's guide" to the Brown Act, in addition to the formal copy provided by the California Attorney General's Office.
5. Encourage internal auditing by boards and commissions on Brown Act compliance.
6. 1999-2000 Grand Jury follow up on Brown Act compliance and understanding by local boards and commissions.

"It should be standard practice for the Grand Jury to question public officials about their knowledge of and compliance with laws requiring open government"

*Buzz Eggleston
1999 Union Democrat Editorial*

**1998-1999 Tuolumne County Grand Jury
Brown Act Survey**

BOARD NAME: _____

Your comments/questions are welcome. Please use the back page.

1. *Our agency requires formal Brown Act Training;*

- a) before sitting on the board
- b) during your tenure
- c) early in your tenure
- d) no formal training required
- e) other _____

2. *Brown Act training was paid for or given to me by:*

- a) individual study
- b) staff members
- c) local advisor
- d) outside consultant or training
- e) other _____

3. *How do you rate your Brown Act knowledge:*

- a) I feel competent
- b) I don't feel competent
- c) I often seek advice on protocol

4. *On whom do you rely for clarification of Brown Act Issues?*

- a) staff
- b) legal counsel
- c) outside consultant
- d) other _____

**5. *Do you know what level of training or expertise they possess?*
(Place your answer next to the entity)**

- a) staff _____
- b) legal counsel _____
- c) outside consultant _____
- d) other _____

Choices:

- a) they have had formal training in the Brown Act.
- b) they have a solid working knowledge of the Brown Act.
- c) I'm not sure of their exact level of training.
- d) other _____

6. Would you feel more comfortable with:

- a) A training manual
- b) Training outside of you board staff
- c) other suggestions: _____

7. A quorum for your board is _____ member(s).

8. Can the public comment on all issues before the board Please explain .

- a) yes _____
- b) no _____
- c) sometimes _____
- d) other _____

9. Can your meetings be tape recorded or broadcast by anyone? Please explain, if necessary.

- a) no _____
- b) yes _____
- c) sometimes: _____
- e) other: _____

10. Can the public be asked to register, or otherwise identify themselves as a requirement to attend any meeting? Please explain, if necessary.

- a) yes _____
- b) no _____
- c) sometimes _____
- d) other: _____

11. Circle those items that can be discussed in closed session:

- a Quorum
- b Closed session
- c Agenda items
- d Litigation
- e Personnel actions
- f Emergency agenda items
- g Posting requirements
- h Regular meetings
- I Special meetings
- j Serial meetings
- k Actions taken
- l Labor relations
- m Labor negotiations
- n Grievances
- o Public comment
- p Bid selections
- q Right of the public to record meetings
- r Public registration
- s non-agenda items
- t public comment

12. Have citizens complained about non-compliance with Brown Act issues during your tenure on the board?

Yes

No

If so, please describe the nature of the complaint _____

13. All materials sent or otherwise given to the board must be made available to the public. Please explain, if necessary.

- a) yes
- b) no
- c) sometimes: _____
- d) other: _____

14. The agenda must be posted how long before a scheduled meeting?

- a) 12 hours
- b) 24 hours
- c) 48 hours
- d) 72 hours
- e) other: _____

15. Special meetings or agenda items are required to be posted during which time frame given below?

- a 12 hours
- b 24 hours
- c 48 hours
- d 72 hours
- e other: _____

16. All closed session actions must be reported during:

17. New business can be acted upon during the meeting at which it is introduced. Please explain, if necessary:

- a) yes
- b) no
- c) sometimes: _____
- d) other: _____

18. What is a serial meeting and how can they enhance or detract from the functioning of your particular board? Please explain.

Comments/Questions:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Signature (optional)_____

CHAPTER I

PURPOSE AND SCOPE

The Ralph M. Brown Act (Gov. Code, § 54950^{1/} et seq.; hereinafter "the Brown Act," or "the Act") governs meetings conducted by local legislative bodies, such as boards of supervisor, city councils and school boards. The Act represents the Legislature's determination of how the balance should be struck between public access to meetings of multi-member public bodies on the one hand and the need for confidential candor, debate, and information gathering on the other. As the rest of this pamphlet will indicate, the Legislature has established a presumption in favor of public access. However, the Act also contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. These exceptions have been construed narrowly; thus if a specific statutory exception authorizing a closed session cannot be found, the matter must be conducted in public regardless of its sensitivity. (§ 54962; *Rowen v. Santa Clara Unified School District* (1981) 121 Cal.App.3d 231; 68 Ops.Cal.Atty.Gen. 34, 41-42 (1985).)

Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny. (*Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs.* (1968) 263 Cal.App.2d 41; 42 Ops.Cal.Atty.Gen. 61, 63 (1963); 32 Ops.Cal.Atty.Gen. 240 (1958).) The Act only applies to multi-member bodies such as councils, boards, commissions, etc., since, unlike individual decision makers, such bodies are created for the purpose of reaching collaborative decisions through public discussion and debate.

A host of provisions combine to provide public access to the meetings of legislative bodies. For example, the times and dates of all meetings must be noticed and an agenda must be prepared providing a brief general description of all matters to be discussed or considered at the meeting. (§§ 54953; 54954.2.) As a precondition to attending the meeting, members of the public may not be asked to provide their names. (§ 54953.3.) While in attendance, members of the public may make video or audio recordings of the meeting. (§ 54953.5.) As a general rule, information given to a majority of the members of the legislative body in connection with an open meeting must be equally available to members of the public. (§ 54957.5.)

1. All statutory references are to the Government Code except as otherwise indicated.

SUMMARY OF BROWN ACT

COVERAGE

GOVERNING BODIES:

Includes city councils, boards of supervisors, and district boards. Also covered are other legislative bodies of local government agencies created by state or federal law.	54952(a)	Ch. I & II
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SUBSIDIARY BODIES:

Includes boards or commissions of a local government agency as well as standing committees of a legislative body. A standing committee has continuing subject matter jurisdiction or a meeting schedule set by its parent body. Less-than-a-quorum advisory committees, other than standing committees, are exempt.	54952(b)	Ch. II
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PRIVATE CORPORATIONS OR ENTITIES:

Covered only if:		Ch. II
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(1) A legislative body delegates some of its functions to a private corporation or entity; or	54952(c)(1)	
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(2) If a legislative body provides some funding to a private corporation or entity and appoints one of its members to serve in official capacity on entity's board of directors.	54952(c)(2)	
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MEETING DEFINED

INCLUDES:

Any gathering of a quorum of a legislative body to discuss or transact business under the body's jurisdiction; serial meetings are prohibited.	54952.2	Ch. III
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EXEMPTS:

- | | | |
|---|-------------------------------|---------|
| (1) Individual contacts between board members and others which do not constitute serial meetings; | 54952.2(c)(1) | Ch. III |
| (2) Attendance at conferences and meetings which are open to public so long as members of legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction; | 54952.2(c)(2),
(3) and (4) | |
| (3) Attendance at social or ceremonial events where no business of the body is discussed. | 54952.2(c)(5) | |

LOCATIONS OF MEETINGS:

- | | | |
|--|-------|--------|
| A body must conduct its meetings within the boundaries of its jurisdiction unless it qualifies for a specific exemption. | 54954 | Ch. IV |
|--|-------|--------|

PUBLIC RIGHTS

PUBLIC TESTIMONY:

- | | | |
|---|---------|------------|
| Public may comment on agenda items before or during consideration by legislative body. Time must be set aside for public to comment on any other matters under the body's jurisdiction. | 54954.3 | Ch. IV & V |
|---|---------|------------|

TAPING OR BROADCASTING:

- | | | |
|---|---------------------|-------|
| Meetings may be broadcast, audio-recorded or video-recorded so long as the activity does not constitute a disruption of the proceeding. | 54953.5;
54953.6 | Ch. V |
|---|---------------------|-------|

CONDITIONS TO ATTENDANCE:

- | | | |
|---|-------------------|-------|
| Public may not be asked to register or identify themselves or to pay fees in order to attend public meetings. | 54953.3;
54961 | Ch. V |
|---|-------------------|-------|

PUBLIC RECORDS:

Materials provided to a majority of a body which are not exempt from disclosure under the Public Records Act must be provided, upon request, to members of the public without delay.	54957.5	Ch. V
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REQUIRED NOTICES AND AGENDAS

REGULAR MEETINGS:

Agenda containing brief general description (approximately twenty words in length) of each matter to be considered or discussed must be posted at least 72 hours prior to meeting.	54954.2	Ch. IV
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SPECIAL MEETINGS:

Twenty-four hour notice must be provided to members of legislative body and media outlets including brief general description of matters to be considered or discussed.	54956	Ch. IV
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EMERGENCY MEETINGS:

One hour notice in case of work stoppage or crippling disaster.	54956.5	Ch. IV
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CLOSED SESSION AGENDAS:

All items to be considered in closed session must be described in the notice or agenda for the meeting. A model format for closed-session agendas appears in section 54954.5. Prior to each closed session, the body must orally announce the subject matter of the closed session. If final action is taken in closed session, the body generally must report the action at the conclusion of the closed session.	54954.2; 54954.5; 54957.1 and 54957.7	Ch. IV
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AGENDA EXCEPTION:

Special procedures permit a body to proceed without an agenda in the case of emergency circumstances, or where a need for immediate action came to the attention of the body after posting of the agenda.	54954.2(b)	Ch. IV
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CLOSED-SESSION MEETINGS

PERSONNEL EXEMPTION:

The body may conduct a closed session to consider appointment, employment, evaluation of performance, discipline or dismissal of an employee. With respect to complaints or charges against an employee, the employee must be notified, at least 24 hours in advance, of his or her right to have the hearing conducted in public.	54957	Ch. VI
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PENDING LITIGATION:

A body may meet in closed session to receive advice from its legal counsel concerning existing litigation, initiating litigation, or situations involving a significant exposure to litigation. The circumstances which constitute significant exposure to litigation are expressly defined in section 54956.9(b)(3).	54956.9	Ch. VI
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LABOR NEGOTIATIONS:

A body may meet in closed session with its negotiator to consider labor negotiations with represented and unrepresented employees. Issues related to budgets and available funds may be considered in closed session, although final decisions concerning salaries of unrepresented employees must be made in public.	54957.6	Ch. VI
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REAL ESTATE NEGOTIATIONS:

A body may meet in closed session to consider price and terms of payment in connection with the purchase, sale, exchange or lease of real property.	54956.8	Ch. VI
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REMEDIES AND SANCTIONS

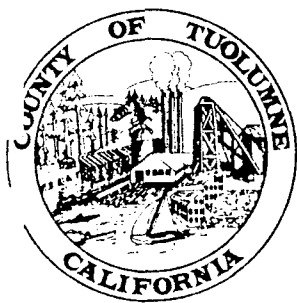
CIVIL REMEDIES:

Individuals or the district attorney may file civil lawsuits for injunctive, mandatory or declaratory relief, or to void action taken in violation of the Act.	54960; 54960.1	Ch. VII
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Attorneys' fees are available to prevailing plaintiffs.	54960.5	
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CRIMINAL SANCTIONS:

The district attorney may seek misdemeanor penalties against a member of a body who attends a meeting where action is taken in violation of the Act, and where the member intended to deprive the public of information which the member knew or has reason to know the public was entitled to receive.	54959	Ch. VII
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Grand Jury — County of Tuolumne

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

GRAND JURY FINAL REPORT TUOLUMNE COUNTY SHERIFF'S OFFICE AND JAIL

Reason for Investigation

California County Grand Juries are charged by the State to visit all jail facilities within the County once each year and report on operations and conditions.

Methodology

Seven members of the Grand Jury visited the County Jail and Sheriff's Department main office on April 14, 1999. (One jury member had also made a visit to the Sheriff's Department in February to verify an employee's complaint: *see Findings*).

Lt. Steely led the walk-through visit to the Sheriff's Department; Sergeant Meeks led the County Jail visit. Both were quite cordial, open, and encouraged questions.

Findings

Sheriff's Department

The Tuolumne County Sheriff's Department appears well managed, and efficient for and organization that must live within its small County budget. Because this Jury had received two employee complaints regarding working conditions, we have chosen to report on some serious space and maintenance problems that exist in the department. The dedicated officers and staff of this department need the tools and room to get the job done!

1. Offices have been created in the basement of the facility that have no heating or other ventilation. The February visit by a Grand Jury member found employees dressed for outdoors, and creating steam as they spoke. Jurors visiting in April were told this office was closed, but later found new employees working there.

2. Department growth has forced desks into hallways, and important Coroner's files to be piled in halls as well.
3. A large, stationary emergency generator located in the basement area creates fumes and noise that makes the basement a poor choice for offices, particularly those without ventilation.
4. Unsecured fuel drums and exit doors in the area of the generator seem to be a security and safety problem. "Trustees" were noted to be passing through this area without supervision.
5. Basement areas such as the deputy's locker room, and the evidence room are subject to sewage leakage from jail areas above. A water leak was noted as we visited.
6. Evidence room needs a new freezer, not the one salvaged from another agency. We were concerned that Trustees could work without apparent supervision in this area.
7. In the dispatch office, there is no room for an EMS dispatcher, but the department must be commended for getting the LifeScan identity and background checking system on line this year.

Conclusion

Sheriff's Department

The Tuolumne County Sheriff's Department cannot be expected to meet modern demands and challenges without locating some new space for its growing staff. The shortage of filing, storage, and staff space needs to be addressed immediately. The space and security shortcomings in the basement of the building now appear to pose some liability to the department and its mission.

Recommendation

Sheriff's Department

The Grand Jury recommends the County continue with efforts to secure new facilities for the Sheriff's Department, and seek any grants or funds that might be available for such a purpose.

The Grand Jury recommends that the Sheriff's Department work with other agencies or departments to identify and abate health and safety concerns that exist in the basement of

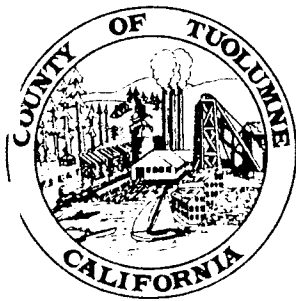
its present facility. We hope any expansion to new facilities will result in a closure of substandard offices and storage in the basement.

County Jail

Findings

The Grand Jury was pleased to find the Jail to be efficiently run and managed. This facility is operated at full capacity throughout the year and has no space for expanding its inmate population.

1. Because the jail is normally full, any special case or situation that requires isolation of an inmate means that other inmates must be released, or moved to accommodate the special need.
2. The County can work with the Sierra Conservation Center to accommodate some of its overcrowding, when possible.
3. The food service area appears clean and efficiently run. (Jurors did have some concern that leftover food was served without refrigeration in the employee break room area).
4. A new video arraignment computer system located in the inmate law library seems to be operating well. The system saves the County transportation, security, and court time.



Grand Jury — County of Tuolumne

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

GRAND JURY FINAL REPORT TUOLUMNE COUNTY Y2K PREPAREDNESS

Overview

The Y2K issue is an interesting one in that much of it is really conjecture about what will happen when the clock strikes twelve. "Event dates" for Y2K can be earlier than January 1, 2000. There are actually three dates involved; these are September 9, 1999, January 1, 2000, and February 29, 2000.

Y2K is an issue that Governor Gray Davis addressed in Executive Order D-3-99 of February 17, 1999. In this executive order, he states that computers that are unable to recognize dates beyond 1999 have the potential to significantly disrupt information technology systems and automated devices throughout the world. It is an issue that has caused massive media attention and confusion.

The Y2K industry is one with a short lifespan, yet global in nature. To county, city, and state governments, it is a perplexing problem that has caused a variety of responses. If government spends an inordinate amount of money and time in preparation, and nothing happens when the clock strikes twelve, then they will be criticized. If on the other hand, major breakdowns occur with power grids and communications, there will be public outcry and finger pointing.

One major aspect of any county preparedness plan, whether it is for Y2K, wildfire or flooding, is the availability of power and phone lines. While the County has done most everything in its power to prepare for emergencies, there is never a guarantee that the major power grid, which we rely upon, will remain intact. While Tuolumne County may be prepared, if the major supplier (i.e. Pacific Bell or Pacific Gas and Electric) goes down, it is beyond local control. In essence then, there is no guarantee that these major utility companies will remain intact in the event of a major emergency or equipment failure.

Most importantly, Y2K is an issue that really goes beyond the magical New Years date. It really must serve as a wake-up call to all citizens that our reliance on computers and emergency services is a tenuous one dependant upon the availability of power. If nothing else comes of this report, it is that families throughout the County should be somewhat capable and ready to take care of themselves should any disaster strike. This may or may

not have anything to do with "Y2K", but in order to help the County do its job, it is important the individuals do all they can to help themselves.

Reason for Investigation

The 1998-1999 Grand Jury chose to investigate Y2K preparedness within the County to ease concerns of the public and private sectors within Tuolumne County as the new millennium approaches. In addition, this report also acts as follow up on investigation of Information Systems and Services (ISS) by the 1997-1998 Tuolumne County Grand Jury.

Methodology

Preliminary research into the Y2K issue in California was conducted. Interviews were conducted with Greg Jacob, Manager of ISS, County Counsel Patrick Greenwell, Jerry Tucker of Facilities Management, and Emergency Operations for the County.

Findings

Information Systems and Services serves all County departments by maintaining computer communications, developing and maintaining databases, providing computer repair and maintenance and operation the County's central computer resources. Facilities Management is a division of the County Administrators Office and is responsible for building and grounds maintenance, landscaping, new construction, and telecommunications.

Tuolumne County has spent nearly four million dollars on upgrading the computer systems within the County. All major systems were tested and ISS continues to do what is necessary to meet Y2K compliance. There were several waves of testing on over 700 individual workstations throughout the County, and while many failed some phase of testing, most have been fixed. The cost to upgrade these stations with a software patch is minimal at about \$20.00 each.

Tuolumne General Hospital was the biggest system in need of updating. There were several choices; fix the coding (this was not really an option), phase out the equipment, or change or replace the equipment. Replacement of equipment was chosen with the purchase of Meditech and associated hardware and technology. It replaced the admitting, billing and medical records systems at TGH. In addition to installing it, the County needed to install a new financial system. This was necessary because the TGH financial

system also “died” on December 31, 1998. The first phase of PeopleSoft Financials modules, General Ledger, Accounts Payable and Purchasing, was a major effort that went live January 1, 1999. For the first time ever, both the County and TGH are using the same financial system.

Other aspects of Y2K compliance within the Tuolumne County are as follows:

1. Payroll and Human Services: “Goes live” July 1, 1999
2. Budget: Oct./Nov. 1999
3. Sheriffs Office: Computer Aided Dispatch should “go live” around June 1999.
4. Office of Revenue Recovery: System is being replaced.
5. County Property and Tax Assessment: Plans are to replace with a new vendor.

Many, if not most, of Tuolumne County’s computer systems have been upgraded or are in the process of being upgraded to become Y2K compliant. The workload placed on ISS has no doubt been immense, and as a result of this report several issues need to be addressed.

Staffing within the department appears to be inadequate. The new budget will ask for 12 new positions and one upgrade. These positions are necessary for several reasons. A consulting firm (Carrera Consulting Group) in 1998 reviewed ISS and made several findings in their report. Firstly, because of the outdated information systems within the County, it was felt that upgrading the hospital and financial application systems was absolutely necessary. Secondly, a countywide or WAN (Wide Area Network) system was necessary which would connect geographically separated areas or facilities within the County. Prior to upgrades recently made, the County was served with more than one dozen LAN’s (Local Area Networks), which made communication between the offices nearly impossible. In addition, recommendations were made to develop a desktop standard, a Network Strategy/Implementation Plan, and develop a countywide e-mail system. While a great deal of the work has been accomplished since the last report, staffing seems to be a major roadblock in furthering the ISS goals.

Emergency Operations

The primary Emergency Operations Center (EOC) for Tuolumne County is located in the County Administration Building, 4th floor in the Board Chambers. The Administration Building is supplied power from the Pacific Gas and Electric Company. According to the Tuolumne County Operational Area Emergency Services Plan, there is limited emergency power available (p.99). The generator operates the phone system, County mainframe computer, the emergency lighting, and the new HVAC (heating and air conditioning) system. Heating and air conditioning enable computers to function properly during temperature extremes.

The County Emergency Services Plan stated that emergency power was “limited” in 1996, and this was prior to the increased loads placed on the system by the new HVAC and computer mainframe. Engineers have established that the existing generator is

insufficient to run present functions within the Emergency Operations Center. The proposed budget to be reviewed by County Supervisors in August of 1999 includes a proposal for a new generator that is capable of handling emergency operations for the County.

Conclusions

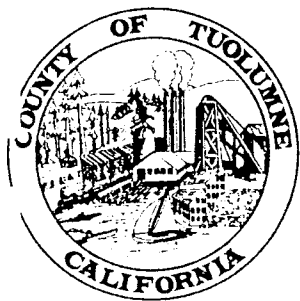
The office of Information Systems and Services appears to have control of the illusive Y2K issue. From interviews, it appears that most all of the variables that can be controlled have been, and those that have not been rectified, will be in the very near future. It appears that the office has been under an increased workload without much increase in staffing.

Facilities Management is responsible for a wide variety of building and grounds maintenance issues, perhaps the most important for this report is the generator for the Administrative Offices. Their ability to insure power for the Emergency Operating Center is severely hampered by the lack of a suitable generator capable of handling the increased demands on it.

Recommendations

1. Sufficient staffing to handle increased demands in the ISS office should be a priority. The County has already invested a great deal in upgrading computer systems, establishing communications between systems, and reducing redundancy within them. It seems a logical and necessary step to provide for the maintenance and upkeep of these systems through an increase in personnel.
2. Approve the budget request for a generator that is housed in the County Administration building. This seems like the most basic of requirements necessary to the functioning of Emergency Operations Center housed there.
3. Increase public education in the arena of disaster preparedness. This is really at the crux of the entire Y2K issue, let alone other emergencies, including fire, flood, or earthquake. It should be the responsibility of each and every resident to have an emergency plan in place, should basic necessities such as electricity, water, phone and disaster response be interrupted. It is the responsibility of the community in which they live, i.e. Columbia, Jamestown, Groveland, Twain Harte, etc. to teach the need for disaster preparedness within their geographical area, and make available the town's contingency plans during a disaster. At the same time they should encourage self-sufficiency should emergency services become compromised.

4. The 1999-2000 Grand Jury should follow up on this issue prior to the New Year.



Grand Jury — County of Tuolumne

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

GRAND JURY FINAL REPORT TUOLUMNE COUNTY VISITORS BUREAU/FILM COMMISSION

Reason for Investigation

A complaint was filed with the Grand Jury stating that financial and other business of the Visitors Bureau/Film Commission (VB/FC) was not freely shared with citizens. The jury voted to send a member to a meeting of the VB/FC and to check with County staff regarding the public nature of their relationship.

Methodology

The juror attended the November 1998 meeting of the Visitors Bureau/Film Commission Board of Directors. Telephone conversations with staff of the Tuolumne County Auditor, Counsel, and Board of Supervisors provided the juror with additional information regarding the relationship between the VB/FC and the County of Tuolumne.

Findings

At the November 1998 meeting of the VB/FC Board, the following observations were noted:

- The Board is composed of members from diverse commercial and geographic interests, this board discussed and transacted business vital to the County's tourism industry;
- Meetings were conducted in a formal and professional manner;
- This meeting differed from a public agency format by:
 1. Requiring all visitors to register (for introduction);
 2. Agendas not evidently posted prior to the meeting;
 3. Visiting public was not provided with copies of agenda or financial statements (Board members shared theirs with those who asked for a look);
 4. Visiting public was asked not to raise new issues due to a full agenda;

5. Board members introduced new business that was acted upon at the very same meeting.

Information was requested from the Tuolumne County Auditor, Counsel, and Board of Supervisors staff. The following was noted:

- The VB/FC contract (1987) with the County provides that annual financial statements shall be provided to the County. The Auditor's office has copies of annual budgets, but no financial statements are now on file with them;
- Tuolumne County Supervisor's minutes of February 10, 1998 approving the Film Commission by-laws include these provisions:
 1. A member of the Board of Supervisors shall be appointed to serve on the Film Commission board;
 2. Five *at large* Film Commission board members shall be appointed by the County Supervisors.

Though Visitors Bureau/Film Commission board members and staff freely shared information when asked, copies of meeting agendas, financial statements, and current information were not prepared for visitors to the monthly board meeting.

Conclusion

Given the Bureau/Commission's relationship with the County of Tuolumne, this organization is covered under the rules of the Brown Act as a "private corporation or entity" (Sec. 54952(1)(2)). At the very least, the Film Commission's relationship with the County is covered under the Brown Act.

Recommendations

1. The Bureau/Commission should meet with County Counsel to determine if the Visitors Bureau falls under the definition of an entity of a government body, and therefore must meet Brown Act guidelines. If not, it may wish to meet separately from the Film Commission Board.
2. The Bureau/Commission should update the County Auditors Office with copies of formal financial statements for the previous years of their contractual relationship.
3. The Bureau/Commission staff should work with the County Counsel to receive instruction on the Brown Act, and share this information with members of the Board of Directors.



Grand Jury — County of Tuolumne

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GRAND JURY FINAL REPORT CORRESPONDENCE COMMITTEE

Reason for Investigation

The obligation of the California Grand Jury is to investigate and dispense all correspondence sent to the jury.

Methodology

Five members of the correspondence committee decided if an inquiry merits an investigation. Some are not appropriate to answer as they are in litigation, others are referred to other committees. Once the determination has been made, the following steps are taken:

- Make an appointment with the opposing side. Gather information.
- After hearing/discussing both sides, assess wherein the problem lies, and go forward with a decision.
- Write a report with the conclusion and recommendation of the committee.

Findings, Conclusions, and Recommendations

Findings:

In correspondence received regarding a lien of back child support payments, the citizen has already been to two levels of government (state and county). Information has been given to him concerning his only option at this point, OSC. (Order to Show Cause)

Conclusion:

The Grand Jury would be unable to help him.

Recommendation:

OSC would put the matter before the court. A representative from Social Services will be given a date and time to appear. They then would be able to explain their conclusion.

Findings:

In correspondence received regarding back child support payments and interest charges, this citizen has been to the District Attorney's office and they have done all they can.

Conclusion:

As per Ms Gallagher in the District Attorney's Office, they have gone to the State Child Support office to request the ability to waive or compromise interest fees, with no success.

Recommendation:

Speak to the California legislature.

Findings:

In correspondence received regarding alleged violation of a California Education Code in making Zoophonics a mandatory reading program at Tenaya School.

Conclusion:

Dave Manship, Superintendent of Big Oak/Groveland Unified School District, was very helpful in our investigation.

After this committee completed an in-depth investigation, we concluded that the program is not mandatory. The teachers may make choices in their curriculum. Therefore, no violation has been made. Dwain McDonald verified that there was no infraction of any California Education Code.

In investigating Zoophonics, no improprieties were found.

Other allegations within his letter were also investigated and no criminal acts were found.