

EL DORADO COUNTY



2004-2005 GRAND JURY FINAL REPORT

June 28, 2005

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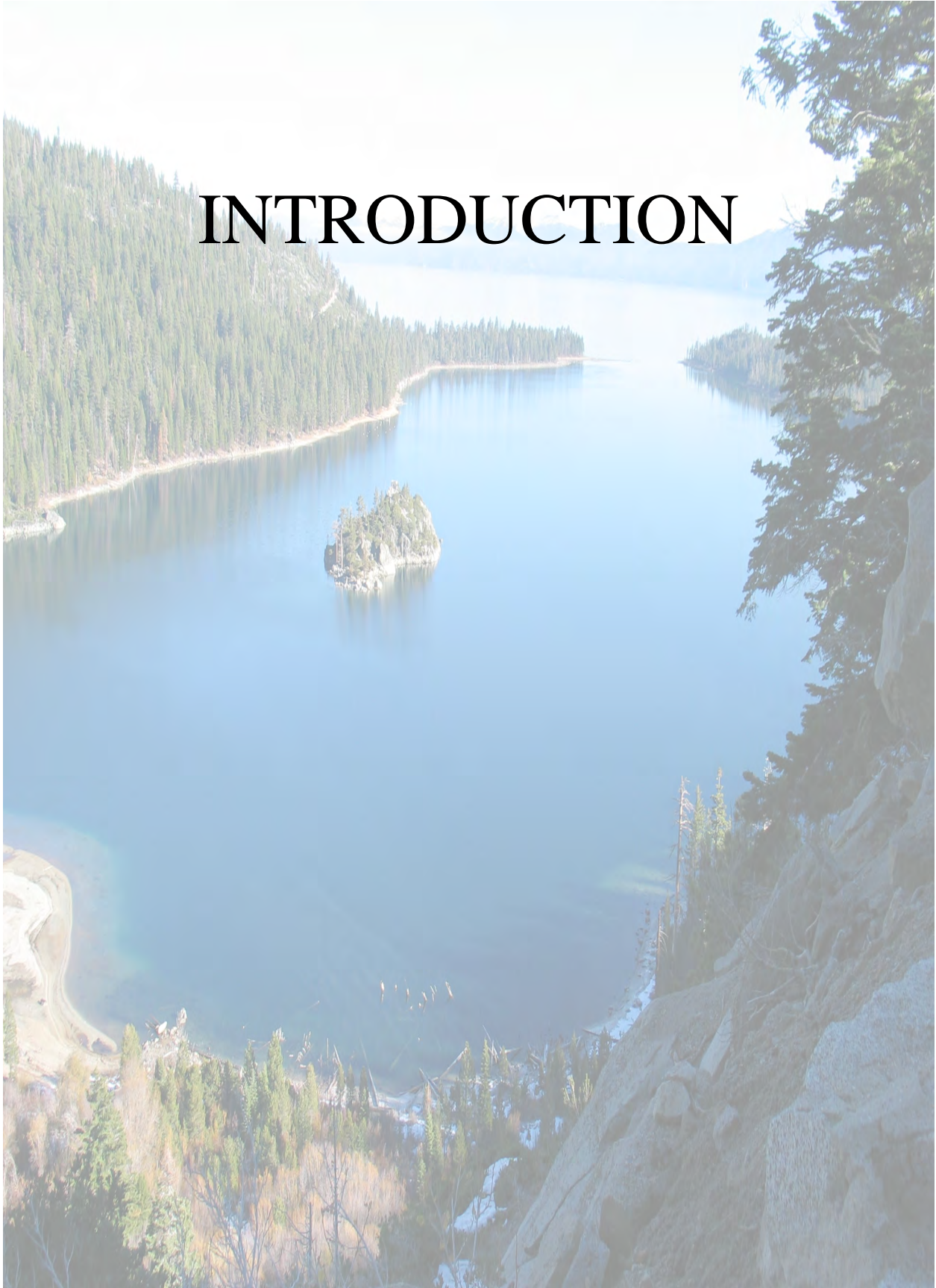
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INTRODUCTION



Emerald Bay, Lake Tahoe

FORWARD

The grand jury is an investigatory body created for the protection of society and the enforcement of the law. It is an arm of the court and a representative of the public. Although an arm of the court, it operates independently of direct court supervision. It is a check against governmental authority, but not a branch of the county government, nor is it answerable to the district attorney.

The grand jury is a group of ordinary El Dorado County citizens who have agreed to perform the task of inquiring into local government for one year and to report their findings. The resulting report, speaking for the general population to their government, must be answered by the proper officials in a timely and correct manner as proscribed by law. If those officials agree with the grand jury's finding and recommendations, they must also explain how and when any recommendations will be implemented. If they disagree, they must state why.

The grand jury is not just speaking for their own membership – they are speaking for the populace. The government is not answering only those nineteen people – they are responding publicly to all of their constituents. Serving on the grand jury is the direct involvement of citizens in their local government. It is a great opportunity as well as a great responsibility. The grand jury is an example of government by its people.

The grand jury speaks in one voice, as a body. Individual jurors or subcommittees of the jury do not produce reports or issue statements without the authority of the entire jury. The vote and work of the individual jurors are concealed. All proceedings are in secret, unlike almost any other legal proceedings. Secrecy is required to protect jurors from improper pressures and to encourage witnesses to speak freely without fear of retribution or public disclosure. The California Penal Code requires secrecy be kept.

THE GRAND JURY DERIVES ITS POWER FROM THE CALIFORNIA CONSTITUTION, STATUTE AND CASE LAW

STATE OF CALIFORNIA
EL DORADO COUNTY
POST OFFICE BOX 472
PLACERVILLE, CA 95667



GRAND JURY

Telephone (530) 621-7477

June 28, 2005

Honorable Daniel B. Proud
Presiding Judge
Superior Court, Department 1
495 Main Street
Placerville, California 95667

Honorable Judge Proud,

In accordance with California Penal Code, Section 933(a) and (b), enclosed is the final report for the 2004-2005 El Dorado County Civil Grand Jury. Although the report includes nine reports and one commendation this reflects but a small portion of the time members of the grand jury spent responding to inquiries and investigating complaints. Thousands of hours were exhausted by members of this panel to ensure county services were efficiently utilized and finances were appropriately dispersed. We are confident in their leadership and hopeful the recommendations will be accepted in a positive manner and acted on appropriately.

The experience of serving on the panel was rewarding and stimulating. We were fortunate to meet with many elected and appointed leaders of our county. All were gracious, helpful and supportive of our mission. Each county employee we contacted supplied the information we required in a timely and accommodating manner. They are the true representatives of our county and I am proud of them and the service they provide.

I would like to take this opportunity to thank you for the support, trust and leadership you provided these past twelve months. I appreciated the honor to serve as foreman for this grand jury; however, it is necessary for me to recognize the other members of this panel who completed the lion share of the work. They did so diligently, enthusiastically and with the motivation to improve the county for the citizens, employees and visitors. I believe they succeeded and I am proud to have served with each of them. This panel typifies service to the community.

As El Dorado County moves forward, we are humbled to have been a small part.

Respectfully and with gratitude,

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

David Davinroy, Foreman
2004-2005 County Grand Jury



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF EL DORADO**

**495 Main Street
Placerville, California 95667**

Department 1(530) 621-6451
Fax: (530) 622-5729

June 2, 2005

Dear Grand Jury Members:

I have reviewed the submitted final report of the 2004/2005 Grand Jury and wish to express how personally pleased I am to have been associated with this Grand Jury as Supervising Judge.

This final report is a model of what a grand jury report should look like. The report reflects not only the tremendous amount of time and effort the committee members expended in responding to and investigating issues brought before them but also the knowledge, wisdom and professionalism of the grand jurors.

As you are aware, the main purpose of a grand jury is to assist the public as an independent investigative body overseeing local and county government. At the completion of the term, the year-end report is prepared to inform the public and government of the Grand Jury's findings. The objective is to assist the local government to be more efficient and effective for the benefit of all of our citizens. You have accomplished that task with distinction. It is my hope that you found the experience interesting and rewarding.

As the Supervising Judge for 2004/2005, I recognize that serving on the Grand Jury requires a great personal sacrifice. You have taken time away from your families, employment, and usual interests to perform a very important civic function for the benefit of all that live, work or do business within El Dorado County.

I wish to thank each of you for your extraordinary work as grand jurors for El Dorado County during the 2004/2005 session. I especially wish to thank you, David Davinroy, for the leadership and dedication you brought to the position as foreperson. As a direct result of your guidance and the many hours of work expended by you and your grand jurors, this has been a most successful and productive session.

Congratulations on a job well done.

Respectfully,

DANIEL B. PROUD
Judge of the Superior Court

DBP:hw

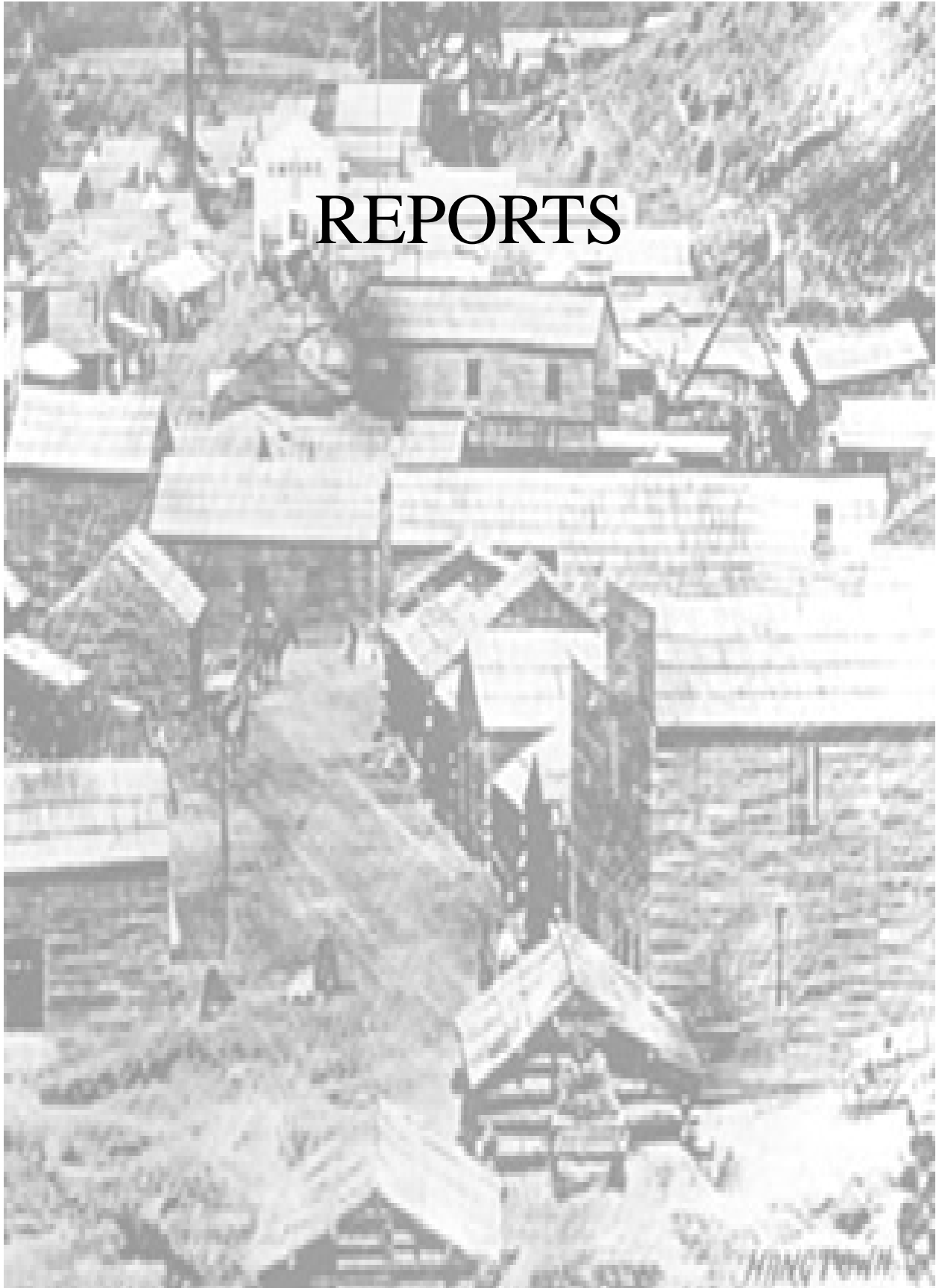
MISSION STATEMENT

The El Dorado County Grand Jury is a group of dedicated citizens actively working for responsive government, enhanced community service, and protection of the rights of individuals, residents, employees and those who conduct business in our county.

The grand jury will complete its task by actively responding to individual complaints and also conducting investigations in a reasonable, impartial and fair manner. The panel of 19 members will expose problems of concern to the community and make corrective recommendations. This grand jury will also recognize those employees, individuals, entities and organizations that are providing an outstanding service or assistance to the people of El Dorado County.



El Dorado County Lake Tahoe Area



REPORTS

Placerville circa 1851

**REVIEW OF PAST GRAND JURY REPORTS
AND
BOARD OF SUPERVISORS RESPONSE
GJ 04-040**

Reason for the Report

The 2004-2005 Grand Jury reviewed the last four years of Grand Jury Final Reports and the Board of Supervisors Responses. Our investigation revealed that many issues addressed in these four reports still exist. Recommendations were made by past Grand Juries. The county agreed with some of the recommendations, stating they would be implemented, but never did so. Each year significant operational deficiencies of several departments continue to appear before the Grand Jury, thus causing time and monies to be spent due to lack of timely implementation of actions that would have remedied the problems. (*example, see GJ04-043, Lack of Strategic Plan see page 11*).

Background

The Grand Jury's primary function is to serve the public by overseeing county and local government and is an impaneled investigative body mandated to inform the citizens of El Dorado County to better the function of its government. The Grand Jury Final Report is published at the end of its term in June with findings and recommendations, is the product of the investigations that were completed during that year, and is mandated by Penal Code Section 933 (a), of the State of California. The Grand Jury has a duty to review all responses to prior years' final reports to insure that responses are correctly addressed and initiated as stated.

Findings/Recommendations

1a. **Finding:** Final Grand Jury reports from the last four years have addressed several problems in various departments. Responses to these problems made by the affected departments indicated acknowledgement of these problems and acceptance of the Grand Jury's recommendations. The responses to the reports were "**We agree that the problem exists and that action will be taken in the near future.**" But the problems still exist in many departments today. The department managers and directors are not implementing the necessary actions required to correct the recurring situations. The Grand Jury finds that the Board of Supervisors is ultimately responsible, but has not acted to assure corrective action.

1b. **Recommendation:** The Grand Jury recommends that a monitoring program be implemented to assure that acknowledged deficiencies are corrected. The Board of Supervisors is to be advised by the CAO as to the current progress in complying with the response to the Grand Jury's report. The progress report is to be printed in the board's agenda minutes at the first board meeting of each month.

2a. **Finding:** Several responses to recommendations in the 2003-4 Grand Jury Report stated that the recommendation has yet to be implemented, but will be in the future. Example: Child Protective Services response #2; County Government response #5; Trust Funds response #4; South Lake Tahoe Public Utility District response. These responses are not in compliance with

Penal Code Section 933.05(b)(2) and (3) which requires the respondent give a time frame for implementation of the recommended actions.

2b. **Recommendation:** The Board of Supervisors when responding to Grand Jury recommendations must follow Penal Code Section 933.05 (b) (2) and (3) and **set specific time frames for accomplishing recommendations which are acknowledged.**

A response is required by the Board of Supervisors within ninety (90) days. See Table of Contents, "*Notice to Respondents*".

LACK OF COUNTY STRATEGIC PLAN GJ04-043

Reason for the Report

The 2001-2002 Grand Jury with the Board of Supervisors approval, at a cost of about \$12,325, contracted for an independent management audit which found the county did not have a long range strategic plan. The Board of Supervisors agreed with the findings and responded that the recommendations would be “implemented in the future.” **This Grand Jury found that no strategic plan has been started or implemented to date.**

Scope of the Investigation

People Interviewed

- The Chief Administrative Officer
- The County Auditor

Documents Reviewed

- The 2001-2002 Grand Jury Report and Responses by the Board of Supervisors including the report of the independent management audit titled “Analysis of El Dorado County’s Budget Process” dated May, 2002.
- The Grand Jury Reports for the two subsequent years, 2002-2003 and 2003-2004.
- The County Budgets for 2003-2004 and 2004-2005.

Background

As Satchel Paige said years ago, “If you don’t know where you want to go, you may wind up some place else.” If the county does not have a strategic plan, what the county will become may not be what the citizens want it to be.

The 2002-2003 Grand Jury report on page 18 describes a strategic plan in these terms:

“Many organizations, public and private, engage in a strategic planning process to accomplish the following:

1. Confirm and refine the mission statement of the organization with which all employees and stakeholders agree.
2. Establish a vision for the future of the organization
3. Develop goals, objectives and action plans to ensure accomplishment of the mission and vision.
4. Establish a mechanism for measuring and reporting on actual organization performance relative to the goals, objectives and action plan.

“Generally, strategic plans are multi-year in nature with a five year horizon being fairly typical. A strategic planning process for El Dorado County should include the following steps:

- Assessing the current state of County operations including resources available and strengths and weaknesses of the organization.
- Identifying likely future trends that will affect the County (e.g., population growth in El Dorado and neighboring counties, changes in State funding formulas, likely incorporation of cities, impacts of new technology, etc.)
- Identifying likely future service needs and resources available to meet those demands (i.e., likely revenue streams).
- Establishing service goals and objectives consistent with the mission and vision for the future.
- Establishing a system for measuring the County’s success in meeting the stated goals and objectives.”

Facts

1. The CAO stated the county has not started to implement a strategic plan.
2. The CAO has had experience in developing and implementing strategic plans in other governmental environments and knows the importance of them.
3. The County Auditor states the plan would be difficult to develop and implement due to the unreliability of state and federal funding for some departments. A strategic plan could by preemptive planning soften the effects of future shortfalls.
4. Unstable funding for county employee pensions and health care after retirement, the poor capital expenditures planning, and the recent curtailment of some of the county libraries are examples of problems that develop due to lack of a long-term strategic plan.
5. The recently voter-approved County General Plan is a planning and land use document and is not a long-term strategic plan.

FINDINGS/RECOMMENDATIONS

- 1a. **Finding:** The Board of Supervisors agreed in 2003 that a long-term strategic plan would be beneficial to the county, **but has taken no action to implement one.**
 - 1b. **Recommendation:** The Board of Supervisors should take the necessary action to develop and implement a long-term strategic plan as described in the 2002-2003 grand jury report.

A response by the Board of Supervisors is required within 90 days. See Table of Contents “*Notice to Respondents.*”

**DEPARTMENT OF HUMAN SERVICES
AND CHILD PROTECTIVE SERVICES
GJ 04-010**

Reason for the Report

The Grand Jury received a public complaint that the Human Services and Child Protective Services Departments are dysfunctional in its current operations. The complaint listed several cases of emotional stress, repositioning of personnel into untrained positions, senior employees leaving, and feelings of being “terrorized”, “intimidated”, and lack of respect for the Social Workers and Staff.

Scope of Investigation

People Interviewed

- Director of Human Services
- Director of Child Protective Services
- Department of Community Services
- APS/IHSS Program Manager
- Department of Social Services
- Child Support Services
- Department of Mental Health
- Department of Public Health
- Program Manager Children Services
- Supervisor Adoptions, CPS
- Supervisor Emergency Response, CPS
- Supervisor Ongoing Services, CPS
- Supervisor Child Protective Services
- Several CPS and DSS Social Workers
- Recently resigned Employees of CPS
- Chief Administrative Officer
- County Counsel
- Human Resources

Documents Reviewed

- A preliminary working manual of current CPS policies.
- Memos to Social Worker Personnel from CPS Department Heads
- Memos of Human Services Personnel from HS Department Heads
- Memos to Local #1 Union from CPS Personnel
- Various Articles from the Mountain Democrat
- Audit conducted by Harvey Rose, CPA, 2002
- Board of Supervisors Response to the Grand Jury Final Report 1999-2000
- Board of Supervisors Response to the Grand Jury Final Report 2000-2001
- Board of Supervisors Response to the Grand Jury Final Report 2001-2002
- Board of Supervisors Response to the Grand Jury Final Report 2002-2003
- Board of Supervisors Response to the Grand Jury Final Report 2003-2004
- Audit conducted by John Warden, CPA, 2002

Background

The current Grand Jury has reviewed the last five years of Grand Jury Reports and Board of Supervisors Responses. The investigation revealed that many of the conditions addressed in these four reports still exist in the Human Services and Child Protective Services Departments. Over the past four years the Department of Human Services has been re-organized by integrating Welfare

Services and Social Services. The new department has had several directors as well as several resignations of personnel with long-term tenure and experience. Significant deficiencies in management and training have been identified and continue to exist. The Board of Supervisors in their micro-management of this county, as mandated by the County Charter, has been delinquent in establishing a format to follow-through with programs necessary to eliminate the continuing conditions.

Findings/Recommendations

1a. **Finding:** Human Services Management has mandated reorganization and repositioning of personnel to create a cohesive workplace. Management's lack of effective, proactive leadership, cross training, and proper guidelines has allowed both confusion and poor morale to develop and continue.

1b. **Recommendation:** The proper training of managerial staff is needed to encourage a more sensitive approach when dealing with individual caseworkers, and when conducting staff meetings.

2a. **Finding:** Management mandated moving experienced long-term caseworkers, with established client relationships, into new and different positions within the department, caused children and families in crisis to be subjected to additional stress.

2b. **Recommendation:** When repositioning personnel a cross-training program needs to be initiated prior to final reappointment to new positions.

3a. **Finding:** The head of the department has stated "a work-in-progress manual, *Guidelines for CPS* is currently being written." A "*California Department of Social Services Manual of Policies and Procedures: Div. 31 – Child Welfare Services*" provides the guidelines which are generally used day-to-day. Methods to implement the "work-in-progress manual" have not been established. Many guidelines proposed within the "work-in-process manual" are subject to interpretation by the caseworker. Interpretation of policies has in the past caused confusion and delays in response to a child in crisis. The department director and managers are not implementing the manual policies and staff recommendations necessary to make these departments function properly.

3b. **Recommendation:** Implement a regular open forum round-table meeting with staff, supervisors, and managers to review day-to-day problems and current policies.

4a. **Finding:** Positions in the Human Services Department are filled from eligibility lists established by a State-sanctioned, quasi-public, non-profit, independent authority called "Cooperative Personnel Services," usually referred to as the Merit System. The Merit System screens and tests applicants and maintains eligibility lists of job categories for several Counties in the State. Merit System candidates responding to the needs of El Dorado County are selected from a "five candidate per opening requirement."

Other counties having a higher pay scale for the same qualification may have selected candidates and may deplete the number of candidates available. In the time frame of several weeks of screening, El Dorado County may not have the opportunity to interview the highest qualified applicant. Vacancies in the CPS and DSS are prevalent. Positions are remaining vacant for several

months, indicating a need to pursue different strategies to acquire the qualified personnel required for these positions.

4b. **Recommendation:** Other than the Merit System, establish a more responsive program to reduce the time frame required to employ candidates. Revise the recruiting procedure to a more direct contact with colleges and other employment agencies nationwide. Adjust salary scales to become competitive in the overall hiring process.

5a. **Finding:** The Director of Human Services has established an open door policy for employees to discuss improvements and inadequacies, but is very often not available and out of the office, which has created frustration on the part of employees.

5b. **Recommendation:** Establish a calendar with defined times that the director will definitely be available.

6a. **Finding:** Interviews with the Board of Education and Marshall Hospital staff indicate a slow response and follow-up from CPS and APS on crisis calls. We find these departments are not meeting the state mandated time frame on all crisis calls.

There have been cases where patients with pre-existing conditions of attempted suicide have been evaluated and sent home from the hospital without further investigation. This action could lead to tragic results.

6b. **Recommendation:** Directors, managers, and supervisors need to initiate a more rigid standard that will insure timely responses to crisis calls and be more informed as to response times achieved. Mental Health, as well as CPS and APS, must become more proactive in moving these patients into a more controlled environment.

7a. **Finding:** In January of 2004, several departments were incorporated under one director forming the Human Services Department. Over the past four years, Grand Jury Reports indicated several problems existed that these department managers had acknowledged. The Grand Jury finds some of these problems still exist. The CAO and the department heads have indicated that policies are currently not in place to correct these problems.

7b. **Recommendation:** The Board of Supervisors to review the last five years of Grand Jury Reports for stated and acknowledged problems that still exist. Establish a proactive process to assure that those responsible for correcting the problem follow through and finish the task in a timely manner. Penal Code Section 933 requires a time frame be stated when responding to all recommendations and findings.

A response is required from the Board of Supervisors within ninety (90) days. See Table of Contents "*Notice to Respondent.*"

INFORMATION TECHNOLOGY GJ04-026

Reason for the Report

The Grand Jury chose to do a general investigation of the use of information technology in the county.

Scope of Investigation

People Interviewed

- Director of Informational Technologies (IT) Department
- Various Department Directors and their information technology (IT) staff
- County Chief Administrative Officer

Documents Reviewed

- El Dorado County Information Technologies Strategic Plan, updated July 2004
- El Dorado County Information Technologies Tactical Plans, updated October 2004
- El Dorado County computer and Network Resource Usage Policies and Standards Guide, revised June 2004
- County of El Dorado Board of Supervisors Policy A-10 Information Technology Steering Committee and Information Technology Acquisition Procedures, revised November 1999
- IT Department draft revision of County of El Dorado Board of Supervisors Policy A-10
- Draft report “The Future of El Dorado County Information Technologies and the Information Technologies Department” prepared by the Information Technologies Department dated November 1, 2003.

Background

The Grand Jury was interested in the progress the County was making in incorporating the use of information technology and the use of computers in their business plan.

Facts

1. Twenty-one of the 32 county departments depend on the IT Department for desktop and departmental application support. The IT Department has twenty-seven (27) staff supporting those departments.
2. The IT Department additionally supports all large enterprise applications, such as, payroll, property, FAMIS, BPrep, etc. and county-wide computer systems including the mainframe and network.
3. The IT Department staff occasionally supports the other eleven departments or develops multi-departmental “enterprise” applications.

4. The eleven departments not supported by IT have 31 employees dedicated to IT functions.
5. The industry standard for personal computer tech support is approximately 75 personal computers (PCs) per tech support employee.
6. IT Department PC tech support is at the 150-200 PCs per tech support employee. The average for the eleven departments with their own PC tech support staff is approximately 30 PCs per tech support employee.
7. Not all IT staff in the eleven departments with their own IT section is supervised by an information technologist or someone with specialized training in the IT field. IT requires a specialized knowledge base and an on-going need to acquire information about emerging technologies.
8. The County has adopted a county-wide IT Strategic Plan.
9. The county has adopted IT standards.
10. The county has implemented centralized purchasing of some hardware through the IT Department.
11. The county has an Information Technology Steering Committee to advise the IT Department, Board of Supervisors and the County Administration Officer.

Findings/Recommendations

1a. **Finding:** IT staff county-wide is not being used as effectively or as efficiently as they could be. Some departments like the Assessor and District Attorney Offices have excellent IT staff and appear to be far ahead in their use and integration of computers in their daily routines. Other departments are lagging. The IT draft document “The Future of El Dorado County Information Technologies and the Information Technologies Department” states that the county could **save \$650,000 per year** if the IT functions were more centralized with the IT Department in a “federated” or multi-tiered IT personnel configuration model. **The Grand Jury believes the savings could be well over \$1,000,000 per year.**

1b. **Recommendation:** Conduct a review of the delivery of IT services in the county with an eye towards reduction in the cost and an increase in efficiency and upgrading of services. Alternatives should include 1) outsourcing all or some IT services, 2) centralizing IT services within the IT Department and 3) implementing a federated or multi-tiered model as proposed in the IT Department’s November 1, 2003 draft report. The county should seriously think about a review by an outside agency.

2a. **Finding:** IT staff recommendations per County Policy A-10 on the purchase of either software or hardware are routinely ignored. The policy A-10 as written states that all purchase requests dealing with information processing shall be reviewed by Information Services for analysis and recommendation prior to purchase. It does not require their approval before software or hardware is purchased.

2b. **Recommendation:** Revise Policy A-10 to require that all software and hardware purchases be approved by the IT Department. Exceptions from established county IT standards would have to be approved by the IT Steering Committee.

3a. **Finding:** Departments acquiring or producing information or data that could be used by other county departments are sometimes reluctant to freely share that information or data. The public is not served well by these reluctant departments. As an example, the Building Department could better coordinate with the Assessor's Office when blueprint information is scanned and made available so that the Assessor's staff can complete their work in a timely manner.

3b. **Recommendation:** The Board of Supervisors, elected officials and the CAO shall empower an individual (IT Director?) to assure that all departments are sharing data and information between departments. This will help foster inter-departmental communication and help eliminate any duplication of data collection.

A response is required by the Board of Supervisors within 90 days. See Table of Contents, "*Notice to Respondents*".

EID CRAWFORD DITCH GJ 04-001

Reason for the Report

The Grand Jury received a complaint regarding the misuse of water resources, over allocation of water meters and preferential treatment of large landowners and developers by the El Dorado Irrigation District, hereafter referred to as EID.

Scope of Investigation

People Interviewed

- Former member of EID engineering staff
- EID Ditch System Supervisor
- EID General Manager

Documents Reviewed

- EID internal memos, e-mails, newspaper articles, other agency reports, personnel action records, transcribed interviews and employee personal journals
- EID prepared binder with maps, flow data, revenue data, Power Point presentation transcripts, legal briefs and historical data related to ditch systems and particularly the Crawford Ditch.

Physical Inspection

- EID guided tour of Crawford Ditch showing diversion dam, typical delivery apparatus to end users and repairs following a major side wall failure.

Background

The Grand Jury found the complaint as filed to be largely a matter of difference of opinion and perspective. Some of the issues raised were technically valid at one time, but have since been properly resolved by EID. The one exception is the issue related to the current operation of the Crawford Ditch.

The Crawford Ditch is an enduring example of Gold Rush era technology. It operates today much as it did in the 1850's. It consists of 21 miles of open earthen ditch winding through the rugged and remote backcountry of our county.

It begins at a diversion dam on the North fork of the Cosumnes River under a pre-1914 water right. Its purpose is to deliver untreated seasonal agricultural water.

Facts

1. Revenues from the ditch water customers average around \$10,000 per year.
2. Costs incurred by EID to keep the ditch operating total over \$100,000 in a typical year.
3. Sidewall collapses have occurred causing private property and environmental damage resulting in repairs and mitigation expenses costing EID millions of dollars.
4. Quantification of water diverted, delivered and lost (seepage, evaporation and theft) is extremely primitive. Several studies have been attempted with results that are less than conclusive. These efforts have been characterized by EID as “educated guesses” at best. The studies do agree that those losses are high, ranging from 60% to 80%.
5. Due to contaminants picked up from its long journey in an open ditch over agricultural land, the remaining water can not be economically treated to potable standards. All efforts to do so ended in the early 1990’s.
6. Ditch water customers pay a flat rate per season based on the type of apparatus used to divert ditch water to their property. There is no actual quantification of water used and therefore no meaningful records.

Findings/Recommendations

1a. **Finding:** The Crawford Ditch loses money at roughly a 10 to 1 ratio. This results in the rate payers at large providing a 90% subsidy to the 44 Crawford Ditch customers.

1b. **Recommendation:** Adjust the fee schedule to more realistically reflect the cost of the service.

2a. **Finding:** Reliable data on water received at the source, water delivered to customers and water lost (seepage, evaporation and theft) does not presently exist. *See photo on page 21.*

2b. **Recommendation:** Install the metering hardware necessary to accurately quantify the water appropriated, sold and lost.

3a. **Finding:** The Ditch itself pollutes the water rendering it useless as a future potable water source, and the potential remains high for future sidewall failures requiring EID to pay large damage claims. Also, the lack of quantification, high percentage of loss and outright pollution of valuable water creates fertile ground for future legal challenges to our current water right.

3b. **Recommendation:** Embark on a plan to structurally upgrade from an open ditch to infrastructure consistent with current standards for water conveyance

In Conclusion

With the adoption of a General Plan our county is poised for a large population increase in a very compressed time frame. This makes our water resources all the more valuable. Any waste of water is truly undesirable and any loss of water right totally unacceptable.

A response is required by the El Dorado Irrigation District within ninety (90) days. See Table of Contents, “*Notice to Respondents*”.



Sample of open ditch

PUBLIC BUILDINGS AND PROPERTY GJ04-042

Reason for the report

The 2004-2005 Grand Jury, per Penal Code 925, inspected several county buildings, parking lots, and adjacent grounds. We also followed up on some of the concerns identified by previous Grand Juries.

Scope of the Investigation

People Interviewed

- Prison Staff
- Fire Marshall – Placerville/South Lake Tahoe
- Interim Director General Services
- Real Estate Manager
- Program Coordinators
- Senior C.A.D.D. Technician, General Services
- Engineering Specialist, Public Works City of Placerville
- Engineering Technician, Public Works / Placerville Engineering Department
- Risk Manager, County Administrative Office
- Director Mental Health Department
- Nutrition Services Supervisor
- Engineers, Department of Transportation
- Field Supervisors, Animal Control
- Kitchen Staff, Placerville Senior Center

Sites Visited

- Jail – Placerville
- Juvenile Hall – Placerville/South Lake Tahoe
- Growlersberg Conservation Camp
- Georgetown – Airport / Library
- Senior Center – Placerville
- Mental Health Buildings & Services – Placerville / South Lake Tahoe
- Animal Control – South Lake Tahoe
- Department of Transportation – South Lake Tahoe

Documents Reviewed

- Placerville topographic map
- Risk Management Claim Register / Litigation Report
- Risk Management Facility Incident Report
- Property Lease Agreements
- Grand Jury Final Report / Responses for 2003-04; 2002-03; 2001-02; 2000-01

Background

Mental Health Services, South Lake Tahoe (SLT) and Georgetown Airport and Library were chosen for inspection, since they had not been visited in the last four years. The leased facility at 3rd Street, SLT (a prior residence) has modifications with safety concerns. **We requested the Fire Marshall to inspect several buildings when safety issues were found.** Previous Grand Juries identified potentially hazardous conditions at the Placerville Spring Street Complex and South Lake Tahoe Animal Control.

MENTAL HEALTH BUILDINGS – South Lake Tahoe

Findings/Recommendations

1a. **Finding:** The leased building at 1120 3rd Street has an awkward floor plan. Kitchen area, offices, and storage areas are inadequate. Although three floors are in use only the first floor is ADA compliant. A wheel chair lift to the basement is under construction.

1b. **Recommendation:** Relocate this department to a facility adequate to serve the clientele, to create a safe work environment for the employees and to meet ADA requirements.

2a. **Finding:** Cleanliness is a problem. The bathrooms are potential health hazards. There are cobwebs in stairwells, bathrooms, and ceiling vents. Several fluorescent lights have been flickering for months. Staff and clients perform janitorial duties.

2b. **Recommendation:** Hire a janitorial service.

3a. **Finding:** The Fire Marshall and the County Building Inspector found the inside stairway failed to meet required codes. The building inspector has condemned the stairway until it is rebuilt to code.

3b. **Recommendation:** Require the landlord to provide a proper inside stairway

4a. **Finding:** The basement furniture is dirty and worn. This room was a former swimming pool and has no windows.

4b. **Recommendation:** Purchase better furniture for the basement.

5a. **Finding:** Clothing, boxes, bags, suitcases, etc, are stacked in corners and on counter tops. New tires (about 12) are stored in the corner of the main meeting room.

5b. **Recommendation:** Provide lockers or cabinets for clients' belongings, and store tires at DOT.

6a. **Finding:** The front entrance is hazardous in the winter due to melting snow and ice falling off the roof. The outside basement entrance is a concrete stairwell where ice accumulates. The rear entrance is icy and uneven. Sign on outside building wall warns of falling ice and snow. This dangerous condition should not be allowed to exist. *See photo on page 26.*

6b. **Recommendation:** Ensure entrances and fire exits are free of ice and snow as needed (daily or hourly).

- 7a. **Finding:** The main door sticks. Pulling/pushing may result in slipping and/or falling.
7b. **Recommendation:** Request landlord to repair front door.

- 8a. **Finding:** Wood rot resulting in peeling paint under eaves was evident on the upstairs balcony.
8b. **Recommendation:** Request landlord to repair roof and gutter.

- 9a. **Finding:** The heating system results in a difference of 10 degrees between the basement and first floor and a similar difference between the first and second floors. The top floor is too warm while the basement is too cool. The multi-stage construction of this former private residence has resulted in inadequate air circulation with inadequate thermostat controls.
9b. **Recommendation:** Request landlord to improve heat and air circulation.

- 10a. **Finding:** The second floor bathroom is under re-construction due to mold abatement.
10b. **Recommendation:** Ensure mold problems have been eliminated.

MENTAL HEALTH and PUBLIC HEALTH BUILDINGS – Placerville

Findings/Recommendations

- 11a. **Finding:** The building at 344 Placerville Drive has numerous areas where carpet seams have separated and worn bumpy areas have erupted. Since May 2000 five accidents occurred in various county buildings due to carpet problems.
11b. **Recommendation:** Replace “bumpy/worn” carpet as soon as possible to minimize County liability and prevent injury accidents/lawsuits.

- 12a. **Finding:** The Fire Marshall required inappropriate exit signs removed, and proper fire exits clearly marked. The “Fire Escape Routes” will be clearly posted.
12b. **Recommendation:** Inform employees of the necessity to keep Fire Exits clear. The Fire Marshall should perform unannounced inspections periodically.

- 13a. **Finding:** The building at 2808 Mallard Street is sometimes closed and locked during regular business hours, with no explanation posted on the locked door.
13b. **Recommendation:** Post hours open/closed for each day, when they vary from the regular business hours. This should go into effect immediately.

- 14a. **Finding:** The Mallard Street building is generally well maintained. The kitchen area was cluttered but clean. The office layout, meeting rooms and general traffic flow promote efficient service to clients.
14b. **Commendation:** The Grand Jury commends the staff at 2808 Mallard Lane for their friendly and helpful environment.

SENIOR CENTER – Placerville Spring Street Complex

- 15a. **Finding:** Access to the Spring Street Complex is via a narrow road, Robin Court.
15a. **Recommendation:** Construct a proper encroachment on Robin Court per County specifications.
- 16a. **Finding:** Emergency shut-off valves and electrical sub-panels are poorly marked.
16b. **Recommendation:** Mark emergency shut-off valves and sub-panels.

ANIMAL CONTROL – South Lake Tahoe

- 17a. **Finding:** Architectural drawings have been done to remodel the existing buildings, and add a new building (per GJ Report 2003-2004). The County is in the process of purchasing adjacent land. Needed improvements should be completed by the end of 2005.
17b. **Recommendation:** Complete improvements as soon as possible.

JUVENILE HALL – Placerville / South Lake Tahoe

- 18a. **Finding:** The Placerville Juvenile Hall is well run and functions just under capacity with the opening of the new facility at South Lake Tahoe. The new facility at South Lake Tahoe is clean, modern and well run.
18b. **Commendation:** The Grand Jury commends both staffs for their efficiency.

GROWLERSBERG CONSERVATION CAMP – Georgetown

- 19a. **Finding:** Growlersberg is well run and in good condition, however, the woodworking shop, which offers excellent training to inmates, is not operating due to lack of funds.
19b. **Recommendation:** Make funds available for the woodwork shop.

A response is required by the Board of Supervisors within 90 days. See Table of Contents, “*Notice to Respondents*”.



Front entrance of Mental Health Facility, Third St., South Lake Tahoe.

**BOARD OF TRUSTEES
EL DORADO UNION HIGH SCHOOL DISTRICT
GJ04-025**

Reason for the Report

Upon receiving a complaint that improprieties may have occurred in the choice of a new superintendent, the Grand Jury decided to investigate the actions taken by the Board of Trustees in the summer of 2004. This does not reflect in any way on their choice of the new superintendent, but on the manner in which the board went about making their choice. A possible violation of *The Brown Act* during this process is the subject of our investigation.

Scope of the Investigation

People Interviewed

- Superintendent of the EDUHSD
- Assistant Superintendents of the EDUHSD
- Assistant to the Superintendent of the EDUHSD
- El Dorado County Deputy District Attorney
- El Dorado County Counsel
- El Dorado County District Attorney
- Leadership Associates Consultant
- Member of the Board of Trustees of the EDUHSD

Documents Reviewed

- *The Brown Act*
- Minutes of the Board of Trustees from May through August, 2004
- Contract between the Board of Trustees and *Leadership Associates* signed June 7, 2004
- *Leadership Associates* brochure
- *Leadership Associates* sample timeline
- Advertisement placed by *Leadership Associates* on the internet and in the periodical of the Association of California School Administrators.

Background

The then-current Superintendent of the EDUHSD in May of 2004 notified the Board of Trustees that he was leaving for another position at the end of the term. The board began the process to find a new superintendent who would reflect the values important for the district; which consists of five high schools, three continuation high schools and one adult school. The board signed a contract with *Leadership Associates*, a search organization, to conduct the search and provide them with applicants who were to be screened by *Leadership Associates*. The Board of Trustees was then to make their selection from this pool. The advertisements for the position had not been posted on the internet, nor print media, when the Board of Trustees announced they had chosen a

new superintendent. The board usually meets on Tuesdays in the conference room at the district headquarters, but may also meet at any of the high schools. The board does not usually meet during the month of July, and not all of the high schools are open for summer school programs.

Facts

1. The minutes of the Board of Trustees do not reflect the date, time and place of the next regular meeting.
2. Under *The Brown Act* both regular and special meetings require 24 hours notice to the public. Special meetings require only a single agenda item.
3. On June 2nd, *Leadership Associates* sent a letter to the board with a proposal that they be selected to conduct the search for a new superintendent.
4. On June 7th the board signed a contract with *Leadership Associates* to conduct the search. The sum of \$24,500.00 was to be paid for this search, and the contract was open-ended with the goal of the final selection process in November.
5. On June 15th the board voted to place an interim superintendent in the position while the search for a new permanent superintendent was conducted. They also discussed the contract parameters and possible candidates during the closed portion of this meeting.
6. On June 22nd the board minutes indicate an approval of an interim superintendent.
7. On Monday, July 12th, a month in which no meetings are usually scheduled, a special meeting held by the board approved an interim superintendent.
8. On Saturday, July 17th, during a closed session, applicants for the position of superintendent were discussed and one was selected for the position. The new superintendent was from a local school district.
9. On Monday, July 19th, the district announced the appointment of a new superintendent. The search contract with *Leadership Associates* was then terminated.
10. A bill dated July 20th for \$12,250.00, half of the sum of the search fee, was sent to the board, and is marked "paid in full". The bill is date-stamped "July 26th Superintendent's Office".
11. No brochures from *Leadership Associates* were distributed in the district. The advertising on the internet appeared Wednesday, July 21st; four days after the choice had been made.
12. No completed applications were submitted by *Leadership Associates*, and the board member interviewed could not recall any discussed at the July 17th meeting. No application for the superintendent selected by the board has been produced by the Board of Trustees.
13. The use of the term "informal meeting" in the minutes of the board meetings on June 8th and 15th and July 12th and 17th is not permitted by definition in *The Brown Act*.
14. The fact that no completed applications were available from *Leadership Associates* and the Board of Trustees indicates that the position had not been adequately publicized. One qualified employee told us that he would have applied for the position if the applications had been available.
15. The fact that the advertisements in the ACSA magazine and on the internet came out after the selection of the superintendent further indicates that the board acted hastily in entering into a contract for the search.
16. *Leadership Associates* representatives had attended two, possibly three, community meetings, met with members of the Board of Trustees twice, produced a brochure and prepared advertisements that were released after the fact. For this they were paid \$12,250.00 for approximately 6 weeks of work.

Recommendation:

The Grand Jury strongly recommends that, in the future, the Board of Trustees of the EDUHSD develop a plan for the selection of a candidate for any administrative position and adhere to it. Entering into a contract and then subverting it by making a selection before the contract had expired is improper. While this is not illegal and is the prerogative of the Board of Trustees, the short period during which this process took place leads the Grand Jury to wonder if the candidate was “pre-selected” from the start, which gives the air of impropriety. The EDUHSD Board of Trustees should promote policies which demonstrate fair and open communication, minimizing both secrecy and the appearance of favoritism.

The fact that other people have stated that they would have applied if they had known the position was open indicates that this opportunity was not as widely available as the board has stated. The lack of any records as to whom and when the notices of the Board of Trustees’ meeting agenda were sent, and whether they were given the required time as mandated in *The Brown Act*, indicates a lack of regard for the law and gives the impression of contempt for teachers and the general public. The EDUHSD Board of Trustees should insure that proper documentation is kept on file, which indicates total, not selective, compliance with *The Brown Act*.

The Board of Trustees is not an entity unto itself, but is supported by the people of El Dorado County through public taxes, and is therefore to be of service to the public, not the reverse.

A response is required by the Board of Trustees, El Dorado Union High School District within ninety (90) days. See Table of Contents, “*Notice to Respondents*”.

**EID LOAN TO EI DORADO HILLS
INCORPORATION COMMITTEE
GJ04-005-B**

Reason for the Report

The Grand Jury received a public complaint that the El Dorado Irrigation District (EID) Board of Directors was exceeding their fundamental guidelines by loaning money to the El Dorado Hills Incorporation Committee and should be stopped from using taxpayer funds to support projects that are not within their jurisdiction.

Scope of Investigation

People interviewed

- LAFCO Executive officer
- EID General Counsel
- EID General Manager
- El Dorado Hills CSD General Manager

Documents reviewed

- Letter to LAFCO from EID Board of Directors concerning loan of \$25,000 to El Dorado Hills Incorporation Committee
- Audio tapes of EID Board of Directors meetings of May 17, 2004 and June 21, 2004
- E-mail dated June 22, 2004 between LAFCO and EID Counsel
- Director's Item #15 of June 21, 2004 EID Board of Directors' meeting concerning the El Dorado Hills Incorporation committee loan update.
- County of Fresno v Malaga County Water District (2002 DJDAR 8663)
- January 5, 2005 letter to Grand Jury from EID counsel concerning a promissory note issued by Grizzly Flats through a Joint Powers Authority.

Background

The Grand Jury identified a fundamental problem with the way the EID Board of Directors approved an unsecured, no interest loan to an anticipated entity (the City of El Dorado Hills). Because the city did not exist at the time of the loan they are not bound to repay the loan. In essence, the Board of Directors gave the money to LAFCO to benefit the El Dorado Hills Incorporation Committee with little chance of getting it repaid.

Facts

1. At the EID Board of Directors meeting of June 21, 2004 the directors approved by a 3-2 vote (Districts 1 and 4 voted no) a \$25,000 payment for the benefit of the El Dorado Hills Incorporation Committee to be deposited directly with LAFCO.
2. The payment was accompanied by a statement that the payment be considered a loan to be repaid by the future city, if formed.
3. Further, it was accompanied with a request that LAFCO condition any incorporation approval upon such repayment.
4. There was no interest stated for the loan.
5. There was no due date stated.
6. EID had approached the El Dorado Hills CSD to see if they would be the recipient and guarantor of the loan. The CSD Board rejected EID's request and challenged the EID Board to match CSD's own contribution as a grant to the incorporation effort with no strings attached.
7. The Board had received several comments from the public that the board should not support granting money to the incorporation effort.

Findings/Recommendations:

1a. **Finding:** The EID Board of Directors gave a \$25,000 unsecured, no interest loan to the El Dorado Hills Incorporation Committee to be repaid by the future city of El Dorado Hills knowing the loan would not be repaid if there was no city formed and knowing that even if El Dorado Hills were to be incorporated there was nothing but a moral obligation to repay the loan. EID Board of Directors had three choices: (1) granting money to the incorporation effort, (2) granting a loan or (3) making no funds available to the incorporation committee. The Board chose the loan because they felt many of their ratepayers did not support an outright grant. All the while, the board acknowledged the fact that the loan was to an anticipated entity which even if it came into existence would have no obligation to repay the loan. In essence, the board gave the \$25,000 to the incorporation effort disguised as a loan. If the loan had been presented to the public in a clear, concise and truthful manner they may have also had the same objections that they did for the outright grant.

1b. **Recommendation:** In the future, the EID Board of Directors should, in a clear, concise and truthful manner fully disclose to their rate payers the full terms and conditions of loaning the ratepayer's money, as in this instance, unsecured, with no interest due, no due date, and to an anticipated entity without the obligation to repay.

2a. **Finding:** The EID Board has no written policy on loaning the rate payers money.

2b. **Recommendation:** The EID board should adopt a written loan policy to guide future loan granting decisions.

A response is required by the El Dorado Irrigation District within ninety (90) days. See Table of Contents, "*Notice to Respondents.*"

AD HOC COMMITTEE – PUBLIC GUARDIAN GJ 04-014

Reason for the Report

A complaint was received requesting the policies and procedures of the Public Guardian's office. Should be investigated in view of what was perceived as mistreatment of a neighbor who was taken into conservatorship in 2004.

Scope of the Investigation

People Interviewed

- The Public Guardian
- The Chief Deputy Public Guardian
- Three Deputy Public Guardians
- A practicing attorney in the South Lake Tahoe area

Documents Reviewed

- After El Dorado County Courts approved Grand Jury access to the Public Guardian's confidential files, four active case files were reviewed. The case files included reports by private investigators hired by the Court, some medical records including evaluations of the mental and physical conditions of the conservatees, wills, trusts, court petitions and orders, statement and depositions by witnesses, notes of interviews by the Deputy Guardians and financial records.
- Correspondence by attorneys representing both the conservatees and conservators.

Background

The office of Public Guardian exists in 57 of California's 58 counties. Their duty is to take into conservatorship adults who are unable to care for themselves and are being abused by friends, neighbors, relatives, or others. The County Adult Protective Services, doctors, friends, attorneys, and bankers make most of the referrals to the Public Guardian. El Dorado County currently has three Deputy Public Guardians who make preliminary investigations of the referrals and, if warranted, request County Counsel to petition the Court for conservatorship. The Court usually hires a private investigator who interviews the person, relatives, acquaintances, etc., to determine the abilities of the person and whether there is evidence of abuse. The Court, if warranted, then issues an Order appointing the Public Guardian as conservator. The Guardian's office takes control of the finances and the person may be placed in a 24 hour care facility if warranted by inability to care for themselves and when friends or relatives are unable to adequately care for the person. When possible, 24 hour care is provided in the person's home. Expenditures by the Public Guardian from the estates under conservatorship are controlled by the Court and the Guardian makes regular financial reports to the Court.

Findings/Recommendations

1a. **Finding:** The Public Guardian's actions were warranted by the facts of the four cases the Grand Jury reviewed. The friends and relatives of the elderly conservatees were abusing them financially. Examples of the abuse:

- The relatives elected to no longer care for their elderly parent with dementia and left him at the local hospital emergency room after they had changed the title to the parent's home into their names.
- An attorney and later a neighbor became substantial beneficiaries of various revocable living trusts executed after an elderly woman with no children developed dementia.
- A demented person's home was very cluttered and people came by offering to pay her \$100,000 for her Tahoe lakefront property which was later valued at over \$2,000,000.

In all four cases reviewed the conservatorship resulted in better care for the elderly persons and the financial abuse was resolved thereby providing financial and physical security until death. The Public Guardian charges a nominal conservatorship fee, about \$150 a month to manage the finances and oversee the caregivers. In some cases where extraordinary services by the Public Guardian are required, extra fees are charged to the estate. In cases of poverty, fees are adjusted downward and sometimes none are collected. Each of the three Deputy Public Guardians is assigned about 85 conservator cases to work. Some cases require only minimal accounting services, while others take considerable time.

1b. **Commendation:** The Grand Jury commends the Public Guardian on the service they offer to the County.

2a. **Finding:** The Public Guardian has requested the Board of Supervisors authorize an increase in staffing of two more Deputies due to the heavy workloads and increasing referrals of elder abuse.

2b. **Recommendation:** Due to the high current and projected case loads the Grand Jury recommends the staff increase as requested by the Public Guardian.

A response is required by the Board of Supervisors within 90 days. See Table of Contents, "*Notice to Respondents*".

COMMENDATION REPORT PUBLIC SCHOOL FACILITIES

Reason for the Report

The 2004/2005 Grand Jury per Penal Code Section 925 inspected several county schools, and also followed up on concerns identified by previous Grand Juries.

Scope of the Investigation

Sites Visited

- Golden Sierra High School
- Divide High School
- Ponderosa High School
- Shenandoah High School
- Union Mine High School
- Sierra Ridge Middle School
- Pine Ridge Elementary School
- Emigrant Trail Elementary School

People Interviewed

- Superintendent of the County Office of Education
- Directors of the County Office of Education
- Principals of the various High Schools
- Vice Principals
- Teachers
- Librarian
- Kitchen Staff
- Maintenance Personnel

Background

County school sites not visited by the Grand Jury in the last four (4) years were chosen for inspection. Ponderosa High School and Indian Diggins School were found by previous Grand Juries to have potentially hazardous conditions.

Ponderosa High School needs to obtain the necessary funds to build a “turn out” in the available space on school property for the safety of the students, to prevent accidents and to reduce congestion and improve traffic flow.

The Grand Jury requested that the principal at Indian Diggins School have a defective wheelchair lift repaired and a letter confirming that repairs had been made is in the file.

The Grand Jury was requested to investigate why the new Emigrant Trail School in Pollock Pines was closed and students sent to an older school. We were informed the Emigrant Trail School (grades 3-4) had a population decrease to a point that Pinewood School (grades K-4) and Sierra Ridge Middle School (grades 5-8) were able to handle the total K-8 school population for the district.

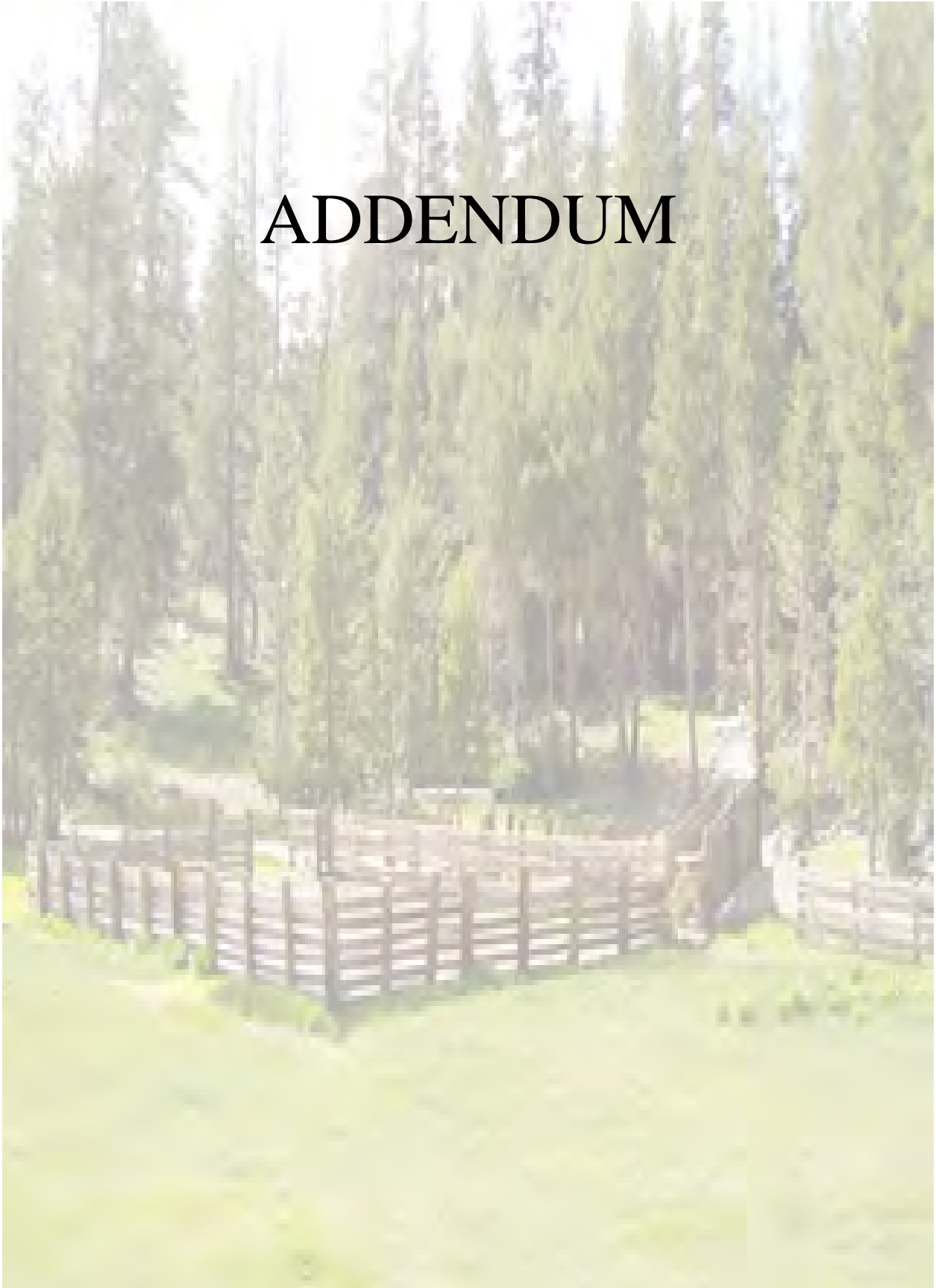
Inspection of the Emigrant Trail School showed good use is being made of the facilities. The rooms are being used by the Boys and Girls Club, a home school teacher and her students, after-school care for those students whose parents cannot pick up their children until 5 p.m. or later, etc. The Fire Department already conducts training programs on part of the land. Further uses are in the planning stages to make the facilities available to benefit the entire community and to increase revenue to the school district.

Commendation

Under the current budgetary restraints that all school districts are facing we believe that the staff and teachers in the schools inspected are being remarkably resourceful in meeting their stated goals.

The California School Recognition Program honored 192 public schools out of nearly 2,300 applicants from middle and high schools. Four (4) El Dorado County schools received the California Distinguished School Award. These four (4) county schools are: Golden Sierra High School, Sierra Ridge Middle School, Rolling Hills Middle School and Mountain Creek School. This highly coveted award is based in part on each school's Academic Performance Index, its average yearly progress and on community involvement. It is an honor for these schools to receive this award and reflects highly on the entire El Dorado county educational community.

ADDENDUM



Corral in Meadow

LETTER OF COMMENDATION

As Foreman of the 2004-2005 El Dorado Civil Grand Jury it is my distinct honor to recognize individuals and organizations that are providing exceptional service to our community. This is by no means a complete list of those providing outstanding assistance to the community, but ones that came to our attention due to our mission as a grand jury. This list is not in any particular order.

To the General Counsel of the El Dorado Irrigation District, **Tom Cumpston**, for providing exceptional and thorough documentation and analysis. He was always responsive to our needs.

To Sheriff **Jeff Neves** and his staff, especially to Correctional Lieutenant **Pam Lane** and Lieutenant **Randy Peshon** for assisting the grand jury with the requirements of touring the correctional facilities in the county. They were gracious hosts who took the time to ensure all questions were answered.

To Commander **Ken Casler** and Chief **Kelly Keenan**, their respective staff and the inmates of Growlersberg Conservation Camp who provide fire prevention and fire suppression service throughout El Dorado and surrounding counties. These services save El Dorado County alone over \$200,000 annually.

To the employees of the county's Information Technologies Department who gave their service and assistance to the grand jury in an immediate manner.

To Auditor-Controller **Joe Harn** for availing his services and especially to Analyst **Hillary Coyne** for her service to the grand jury. She always worked to resolve our issues correctly, reimbursed the members of the panel for expenses incurred and expedited our requests.

To **Sharon Burch Colombini**, Coordinator of Mental Health Day Treatment Center, creates a welcoming atmosphere for visitors and patrons of the facility. Both Sharon and her staff demonstrate a desire to do their best assisting those who seek help. We applaud their efforts and encourage them to continue their good work.

To County Counsel **Lou Green** and his chief assistant, **Ed Knapp**, who always responded promptly to our inquiries. Upon each visit to their offices they spoke to us in a professional yet personable manner. Their guidance and reassurance made our responsibility that much easier to complete.

To District Attorney **Gary Lacy** and his chief assistant, **Sean O'Brien**, for their assistance and representation on issues raised during several investigations. Their guidance and support proved invaluable.

To Chief Administrative Officer **Laura Gill** who gave continuing support and prompt service to the grand jury. She made herself available each time we asked.

El Dorado County Board of Supervisors

Final Response To The 2004-2005 Grand Jury Mid-Session Final Report



Animal Control Division

Reason for the Report

The 2004/2005 Grand Jury received a complaint from a citizen regarding her belief that she was treated unfairly by the Animal Control Division.

Scope of the Investigation

People interviewed

- Director, Public Health Department
- Chief Animal Control Officer
- Complainant
- Citizens that adopted complainant's horses

Documents reviewed

- Animal control Policies and Procedures Manual
- Crime report for the incident
- Veterinary report
- Declaration of (previous Chief Animal Control Officer) in Superior Court Case P02CRM0653
- Copy of P.C. 597.1 (post seizure hearing) forms served on the complainant
- Copy of letter to complainant regarding Hearing Officer's decision (also established an initial billing of \$2,873.05, payable within 15 days, in order for the complainant to retain ownership of the horses).
- Copies of advertisements in the Mountain Democrat soliciting bids for horses
- Copies of bid forms for the horses
- Copies of animal adoption receipts (contracts)
- Copies of Superior Court minute order (jury decision in complainant's criminal case)
- Copies of the Motion for Return (of complainants' horses) and the Courts Ruling

Background

The complainant lives on 118 acres in a remote area of El Dorado County. She states that in February 2002 she had a total of thirteen horses in a large acreage pasture, which is not within view of her home. In early February 2002 she realized that three of the horses from the pasture were missing. Since the fences and gates were all intact, she originally believed the horses had been stolen. The Sheriff's Department was contacted and they referred her to Animal Control where, on 02/08/02, she located and identified the three horses missing from her pasture.

Animal Control states they seized the three loose horses on 02/05/02. They refused to return the horses (which were underweight) because of their concern that the owner had criminally neglected them. A chronology of subsequent events is as follows:

- February 8, 2002 – The complainant was served with a “Notice of Seizure of Animals” form and advised she had right to a post seizure hearing (597.1PC). The purpose of the hearing was to determine if the seizure was appropriate and to determine if the animals would continue to be held. The complainant exercised her right to a hearing.

Note: The Animal Control officer serving the notice observed the complainant’s remaining ten horses from a distance while he was at her home. He has advised he did not observe any signs of those ten animals being in danger.

- February 13, 2002 – A post-seizure hearing was conducted. Those in attendance included the complainant and her husband, an attorney from County Counsel, the Kennel Supervisor, the Chief animal Control Officer and the Hearing Officer. The Hearing Officer was a Public Health Department employee. The Hearing Officer decided that the seizure was appropriate and that the horses would be “held by Animal Control for care and safekeeping until the matter is adjudicated”.
- March 13, 2002 – Correspondence was sent to the complainant stating that the cost of seizing and boarding the horses currently totaled \$2,873.05. She had until March 28, 2002 to make payment. If payment was not made, the horses would be deemed to be abandoned and disposed of by the impounding officer.
- March 26 or 27, 2002 – complainant’s husband contacted the Chief Animal Control Officer at her office for the purpose of paying the bill. Complainant states her husband did not pay the bill because he was advised he would not get the horses back even if he did.

The Chief Animal Control Officer stated that “I advised Mr. (complainant’s husband) that if he and his wife wanted to maintain their ultimate right to retain the animals, should the criminal charges be withdrawn or should there be an acquittal at trial, they should pay the bill presented by the County”.

Out of Context – The current Chief Animal Control Officer advised that if the complainant had paid the bill it would have preserved their ownership; however, they would have then been liable for the continuing costs of maintenance for the three horses regardless of the outcome of the criminal court case. If the complainant had retained ownership of the horses, their total bill would have exceeded \$18,000.00 by the time their trial concluded.

- June 2002 – The three horses were put up for bid and adopted out.
- February 20, 2003 – Jury trial decision – Complainant’s not guilty of cruelty to animals.
- April 4, 2003 – Complainant’s Motion for Return of Property (horses) submitted to the court.

- May 30, 2003 – A court hearing denied the Motion for Return and also made a judgment in favor of El Dorado County for the seizure and care of two horses for \$1,915.36 (The third horse seized did not belong to the complainant.)
- June 2, 2003 – animal Control submitted a “collection referral form” in the amount of \$2,873.05 against the complainant.

Note: The status of this collection is unknown to the Grand Jury.

Facts

1. Three of the complainants horses, running loose and significantly underweight, were seized by Animal Control.
2. Based on the fact that the three horses were loose and underweight, Animal Control prepared a 597.1PC crime report (permitting animals to go without care), naming the owners as suspects. (Note: The District Attorney’s Office subsequently upgraded the charge to 597(b)/PC Cruelty to Animals (which potentially carries more severe penalties.)
3. The complainant attempted to recover her horses from Animal Control and was denied by a hearing Officer (a county employee).
4. Animal Control demanded \$2,873.05 from the complainant in lieu of forfeiting ownership.
5. The complainant forfeited three horses with a total value of between \$4,000 and \$5,000 (complainants estimate).
6. Ownership of complainant’s three horses was transferred for high bids of \$425.00 and 300.00 and \$65.00.
7. The complainant and her husband were prosecuted for three counts of 597(b)/P.C. Cruelty to Animals. They were found not guilty on all counts by an El Dorado County jury.
8. Animal Control initiated a lien for \$2,873.05 against the complainant.
9. The complainant believes that ownership of her horses was transferred to county employees or their friends, and states that rumor exists in the community.
10. The new owners of the horses were contacted and they advised that Animal Control had conducted follow-ups to insure that the horses were receiving proper care.

Findings

1. Animal Control acted within their statutory and discretionary authority.

Response to Finding 1: The respondent agrees with the finding.

2. The Grand Jury has contacted the current owners of the three horses and finds no evidence of impropriety in the transfer of ownership.

Response to Finding 2: The respondent agrees with the finding.

3. There is no record of the discussions during the 597.1 hearing. Therefore, there is no indication that other options for handling this situation were considered.

Response to Finding 3: The respondent agrees with the finding.

4. The crime report prepared by Animal Control is extremely brief, making reference to loose horses and underweight horses. These two elements, standing alone, do not support a prosecution for cruelty to animals under any concept of fairness.

Response to Finding 4: The respondent disagrees wholly with the finding.

The crime report prepared by an Animal Control Officer references a nationally recognized Body Condition Scoring System for Horses which rated the horses in question extremely low in the scale of body condition, a statement by the Kennel Supervisor about the horses' poor condition, and a statement by the attending veterinarian that the horses were underweight by approximately 20%. The Officer that prepared the report states that she was taught the Body Condition Scoring System while attending a Horse Abuse Investigation School and was trained and knowledgeable in the proper care of horses. The sum of these observations and assessments were deemed sufficient to present the case to the District Attorney. Based on the information contained in the crime report, the District Attorney's office felt that there was probable cause to warrant a charge and prosecute the case. The prosecution was conducted referencing the following Penal Codes: PC 597 states "...every person who causes any animal...to be deprived of necessary sustenance... is, for every such offense, guilty of a crime punishable as a misdemeanor or a felony...". And Penal Code 597.1 states "...Every owner...who permits the animal to be in any street... without proper care ... is guilty of a misdemeanor".

5. The Policy and Procedures Manual for Animal Control is out dated and disorganized.

Response to Finding 5: The respondent agrees with the finding.

6. Animal Control has an adequate process for handling animal adoptions.

Response to Finding 6: The respondent agrees with the finding.

7. Grand Jury's contacts with Animal Control personnel indicate they are a conscientious and committed group of employees working in a difficult environment.

Response to Finding 7: The respondent agrees with the finding.

8. There has been no reconciliation between the \$1,915.36 court judgment for the county and the \$2,873.05 collection referral form initiated by Animal Control

Response to Finding 8: The respondent disagrees wholly with the finding.

At the time of the court's adjudication of the case, the judge ruled that the cost of the seizure and care should only be attributed to two of the three horses seized. The \$2,873.05 was the amount identified by Animal Control as owed for three horses (\$957.69 per horse). The \$2,873.05 was reduced by \$957.69, to \$1,915.36, to reflect the charge for two horses. The County Revenue Recovery Division (County Collections at the time) was informed in writing (after the court's judgment) that the amount of \$1,915.36 was the amount owed to the County.

Recommendations

1. Develop a formal structured process for determining the reasonableness of returning (or not returning) animals to their owner.

Comment: The Grand Jury cannot identify any reasons why these horses, upon payment of seizure and maintenance charges, should not have been returned to the owners. A return in an incident such as this could be made contingent on an agreement that Animal Control be permitted to make inspections. Such an arrangement would be consistent with stated goals of animal control, such as reuniting animals with their owners and the education of owners. This arrangement would of course not be appropriate if overt abuse was suspected, or the owner simply did not have the means to care for the animals. However, that does not appear to be the case in this incident.

Response to Recommendation 1: The recommendation has not been implemented, but will be implemented in the future.

The Chief Animal Control Officer adheres to CA Penal Code 597.1 when making a determination on whether to return or not return animals to their owners. The Chief Animal Control Officer consults with the attending veterinarian about the neglect and if the animal is physically fit. Then they review the case to see if the owner can and will provide the necessary care if the animal is returned to them. A policy and procedure will be developed which outlines the specific elements the Chief takes into consideration in making their decision. This will be completed by July 2005.

2. Use non-county employees as Hearing Officers in 597.1 hearings.

Comment: While the statute allows the use of employees to perform the duties of hearing Officer, this clearly does not have the appearance of fairness.

Response to Recommendation 2: The recommendation has been implemented.

The Animal Control Division has contracted for a non-county employee to be the hearing officer for the 597.1 hearings. This person is a local attorney.

3. Prepare a formal record of 597.1 hearings.

Comment: For all practical purposes, the decision of the hearing officer was a decision to permanently confiscate the property of the complainant. That level of government action requires documentation.

Response to recommendation 3: The recommendation has been implemented.

Every 597.1 hearing is tape-recorded and the Animal Control Division staff takes supplemental notes.

4. Provide additional training to Animal Control Officers relative to the preparation of crime reports and identification of the elements of the crimes they are likely to encounter.

Response to recommendation 4: The recommendation has been implemented.

All Animal Control Officers attend training pursuant to CA Penal Code 832 which is an introductory course prescribed by the Commission of Peace Officer Standards and Training. This course identifies the elements of a crime and details the powers of arrest. All Animal Control Officers also attend a two-week Animal Law Enforcement Academy that includes the preparation of crime reports and evidence collection as well as the elements of a crime. Additionally, officers attend the Advanced Animal Law Enforcement Academy or similar training presented by nationally recognized agencies that encompass all aspects of animal crimes. The Chief Animal Control Officer and Supervising Animal Control Officer review all crime reports prior to submittal to the District Attorney's office. Both have extensive training and experience in writing crime reports.

5. Update and organize the Animal Control Policies and Procedures manual

Response to recommendation 5: The recommendation has not yet been implemented, but will be implemented in the future.

The Animal Control Division and the Public Health Department are currently in the process of updating the Policies and Procedures manual and this project will be completed by July 2005.

6. Animal Control needs to reconcile the Court judgment against the complainant for \$1,915.36 and the \$2,873.05 collection referral form they initiated.

Response to recommendation 6: The recommendation has been implemented.

At the time of the court's adjudication of the case the judge ruled that the cost of the seizure and care should only be attributed to two of the three horses seized. The \$2,873.05 was the amount for the three horses and the \$1,915.36 was the amount for the two horses. The County Revenue Recovery Division (County Collections at the time) was informed in writing (after the court's judgment) that the amount of \$1,915.36 was the amount owed to the County.

JAIL INSPECTIONS

Per Penal Code 919(b) select members of the 2004/2005 Grand Jury visited the following Jails & Department of Correction facilities:

1. El Dorado County Jail, Placerville
2. El Dorado County Jail, South Lake Tahoe
3. Juvenile Hall, Placerville
4. Juvenile Hall, South Lake Tahoe
5. California Dept. of Corrections Conservation Camp, Growlersberg, Georgetown

There were no material deficiencies to note.



El Dorado County Court House- basement was former county jail.

**Members of the
2004-2005 El Dorado County Grand Jury**

David Davinroy, Foreman
Van L. Dossey, Foreman Pro-Tempore
Colleen Young, Recording Secretary
Doug Clough
Peri Curry
David Dalzell
Al Diller
Chad Gilzean
Robert Hanson
Michael Johnson
Ross Johnson
Val Kesler
Floyd Knapp
Patricia Murphy
Lorraine McLaughlin
Liz Pazdra
David Perez
Joseph Salerno



Photo of 2004-2005 Grand Jury Members

Missing from picture:

**Floyd Knapp
Patrica Murphy
Michael Johnson**

ACKNOWLEDGEMENTS

To members of the 2004-2005 El Dorado County Grand Jury who were unable to complete the prescribed term:

Philip Davis
Richard Lucy
Russell Darnell
C. Warren Wickman

Thank you for the service and time donated to the county.

Photographs provided by:

El Dorado County Chamber of Commerce

El Dorado Irrigation District

Floyd Knapp

Val Kesler

David Davinroy, Foreman
El Dorado County Grand Jury

NOTICE TO RESPONDENTS

For the assistance of all Respondents, Penal Code Section 933.05 is summarized as follows:

How to Respond to Findings

The responding person or entity must respond in one of two ways:

1. That you agree with the finding.
2. That you disagree wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

How to Respond to Recommendations

Recommendations by the Grand Jury require action. The responding person or entity must report action on all recommendations in one of four ways:

1. The recommendation has been implemented, with a summary of the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
3. The recommendation requires further analysis. If the person or entity reports in this manner, the law requires a detailed explanation of the analysis or study and timeframe not to exceed six months. In this event, the analysis or study must be submitted to the officer, director or governing body of the agency being investigated.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Time to Respond, Where and to Whom to Respond

Depending on the type of Respondent, Penal Code Section 933.05 provides for two different response times and to whom you must respond:

1. **Public Agency:** The governing body of any public agency must respond within ninety (90) days. The response must be addressed to the Presiding Judge of the Superior Court.
2. **Elective Officer or Agency Head:** All elected officers or heads of agencies who are required to respond must do so within sixty (60) days to the Presiding Judge of the Superior Court, with an information copy provided to the Board of Supervisors.



**COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject: RESPONDING TO GRAND JURY REPORTS	Policy Number A-11	Page Number: 1 of 7
	Date Adopted: 11/5/1991	Revised Date: 4/26/2005
	Corrected: 6/10/1994	

BACKGROUND:

It is the intent of this policy to implement Section 933 (c) of the Penal Code and to specify a uniform procedure and a standard format for all departments to follow when responding to the annual Grand Jury Report. It is anticipated that a uniform procedure and a standard format will provide the Board of Supervisors with a structurally consistent document, one which will assist department heads and the Chief Administrative Officer to provide an appropriate draft response, enable the Board of Supervisors to evaluate the proposed response more effectively, help ensure continuity in the Grand Jury process from year to year and assist the Grand Jury in tracking its findings and recommendations.

POLICY:

Section 933 (c) of the Penal Code shall govern the County response to the Grand Jury report. It reads as follows:

“No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the Board of Supervisors, on the findings and recommendations pertaining to matters under control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of the comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury



**COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject: RESPONDING TO GRAND JURY REPORTS	Policy Number A-11	Page Number: 2 of 7
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reports shall be placed on file with clerk of the public agency and the office of the County Clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.”

PROCEDURES:

Timelines:

1. Department heads to provide responses to the CAO within 21 days following the CAO notifying department heads of the required responses.
2. Submittal of the Initial Draft Response for review and comment by the Board, at least 21 days prior to the Final Draft adoption hearing.
3. Elected officials are required by Section 933(c) of the Penal Code to respond within 60 days. However, the Board of Supervisors encourages them to respond within 21 days from their receipt of the final report.
4. Submittal of the Final Draft response adoption hearing must occur with the legally specified 90 days response time following the Grand Jury providing a copy of the Final report to the Presiding Judge of the Superior Court.

Format:

1. In order to meet response deadlines the Grand Jury is encouraged to:
 - a. work with the Chief Administrative Officer to provide a Final Report copy in a computer format compatible with the County;



COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject: RESPONDING TO GRAND JURY REPORTS	Policy Number A-11	Page Number: 3 of 7
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4.
 - b. to have all findings and recommendations individually identified in sequential order.
2. Each Grand Jury Finding and Recommendation should be individually identified in sequential order. The Response must clearly indicate which Finding and which Recommendation is being responded to.
3. All responses shall be organized similarly to the Grand Jury's final report. Each Finding and Recommendation shall be responded to separately.
4. Finding responses shall follow the format in Section 933.05 (a) of the Penal Code.
5. Recommendation responses shall follow the format and timelines specified in Section 933.05 (b) of the Penal Code.

Initial Draft Response Process:

1. The Chief Administrative Officer (CAO) receives the Grand Jury Final Report.
2. CAO sends correspondence to all non-county government entities identified in the Grand Jury report alerting them to their reporting obligation under Section 933 (c) of the Penal Code and shall request a courtesy copy of their response. Such courtesy copies shall be made available for public viewing in the Board of Supervisors Office. The CAO will send the Board of Supervisors a copy of this correspondence.
3. CAO provides information to all department heads (elected and appointed) regarding the required response format and time frame.



**COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject: RESPONDING TO GRAND JURY REPORTS	Policy Number	Page Number:
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4. Appointed department heads must provide a response to the CAO using the format prescribed by the CAO and this policy, within the timelines specified by the CAO and outlined in this policy.
5. When Grand Jury findings and recommendations require responses from elected officials as well as other county officials over which the Board has some decisionmaking authority, elected officials should provide a response to the CAO using the format prescribed by the CAO and this policy, within the timelines specified by the CAO and outlined in this policy.
6. Department responses to the CAO shall be submitted in writing as well as the computer compatible formats specified by the CAO.
7. The CAO will keep a file of all department head responses so the Grand Jury or Board of Supervisors may review.
8. Elected department heads must, in addition to the above, provide a written response to the Presiding Judge of the Superior Court within 60 days.
9. The CAO will review all department head responses, for which the Board is required to respond, for accuracy, appropriateness, investigating and reconciling discrepancies among responses, etc.
10. The CAO shall compile an Initial Draft Response for Board review.
 - a. All Responses will be organized in a manner similar to the Grand Jury's Final Report.



COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject: RESPONDING TO GRAND JURY REPORTS	Policy Number A-11	Page Number: 5 of 7
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- b. The Initial Draft Response shall be submitted for a Public Hearing review set for a time certain. This public hearing will be not less than 21 days prior to the 90-day legal response time to the Presiding Judge of the Superior Court.
- c. The CAO will inform the issuing and/or current Grand Jury Foreman as to the Board Hearing date and time, transmit a copy of the Initial Draft response to them at the same time as the Draft goes to the Board Clerk. The CAO will include a statement in the cover letter to the Board, accompanying the initial draft, that a copy of the report has been transmitted to the issuing and/or current Grand Jury Foreman along with information regarding the date and time of the Hearing.
- d. At the Initial Draft Response public hearing the Board may direct staff to make changes, establish workshops to explain the issues, schedule additional hearings, create Board subcommittees, etc.

Final Draft Response:

- 1. Following the Board review of the Initial Draft Response, and within the 90 day required response time to the Presiding Judge of the Superior Court:
 - a. The CAO will submit the recommended Final Draft Response to the Board in a Public Hearing set for a time certain.
 - b. The CAO will send copies of the Final Draft Response to department heads with a directive to inform the CAO of any changes that might have occurred thus making the Final Draft Response out of date. The CAO will review the



**COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject: RESPONDING TO GRAND JURY REPORTS	Policy Number	Page Number:
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responses and inform the Board and the Grand Jury, in writing, prior to the Public Hearing, should changes be required.

- c. The Final Draft Response agenda shall include a proposed letter of transmittal from the Board Chair to the Presiding Judge of the Superior Court.
 - d. The Final Draft Response will incorporate any Board approved modifications from the Initial Draft Response.
 - e. A letter accompanying the Final Draft Response agenda item will include a summary of any Board Subcommittee recommendations that may modify the Final Draft Response.
 - f. The Final Draft Response will include recommendations as to distribution and publication (in addition to Section 4, below).
2. The CAO will inform the issuing and/or current Grand Jury Foreman as to the Board Hearing date and time certain, transmit a copy of the Final Draft Response to them at the same that the Draft goes to the Board Clerk. The CAO will include a statement in the cover letter to the Board, accompanying the final draft, that a copy of the report has been transmitted to the issuing and/or current Grand Jury Foreman along with information regarding the date and time of the Hearing.
 3. At the Public Hearing the Board may direct final modifications of the Final Draft Response and authorize submittal of the Final Report to the Presiding Judge of the Superior Court, etc.



COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

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4. The Final Response adopted by the Board shall be sent within ten working days following approval and within the 90 day required response time, to the Presiding Judge of the Superior Court, the current Grand Jury, all affected departments and to each branch of the County's public library system.
5. The CAO will distribute and publicize the Final Response in accordance with Board Policy B-10, "Grand Jury Annual Report-Publication of Annual Report and Board of Supervisors Response".
6. The CAO will have copies of the Final Response available for the public.

Pending Items:

The Board of Supervisor's Final Response may include plans to implement recommendations in the future or to complete an analysis on a recommendation. The Chief Administrative Office will coordinate these pending items and report back to the Board regarding completion status of implementation plans and analysis results and recommendations for Board review.

Primary Departments: Board of Supervisors, Chief Administrative Office

References: Penal Code Section 933 to 933.05
County Charter Section 703

Grand Jury Complaint Form



View from Ice House Road

Grand Jury Citizen's Complaint **Instructions & Information For Filing Out and Filing**

The Civil Grand Jury (Jury) is an investigatory body created for the protection of society and the enforcement of the law. It is an arm of the Court and a representative of the public. Although it is an arm of the Court, it operates independently of direct Court supervision. It is a check against governmental authority. It is not a branch of the County, nor is it answerable to the District Attorney.

The Jury has oversight responsibility over local government, such as but not limited to: county government, city government, special districts, local school districts (financial not curriculum). The Jury does not have jurisdiction over the Courts, other counties, federal or state governments or private citizens. Typically the Jury looks at systems and processes. The Jury has no enforcement authority, it can only make recommendations, through publication of a final report, usually published at the end of June each year (See Penal Code 933 & 933.05). The Jury cannot normally resolve or solve emergency situations. Each complaint the Jury accepts for investigation, must be investigated thoroughly, seeking out facts, and analyzing the facts prior to writing a report for publication. This is a time consuming process and usually takes many months to complete. You may view the Final Report at <http://co.el-dorado.ca.us/grandjury/index.html>.

The typical process for the Civil Grand Jury is the following: 1) A complaint is received, 2) a preliminary investigation is conducted to find out if there is enough information, 3) if the complaint is valid, if the Jury has jurisdiction, and if warranted, a full investigation may be instituted. Upon completion of the full investigation, a report is generated and issued as part of the annual Grand Jury Final Report.

Two Examples

<u>Unacceptable</u>	Your neighbor has a barking dog that annoys you. The Grand Jury has no jurisdiction to investigate your neighbor or to enforce barking dog laws.
<u>Acceptable</u>	Your neighbor has a barking dog that annoys you and you have contacted the appropriate agency, and they have failed to enforce county or city ordinances. You may file a complaint against the agency and the Jury does have the jurisdiction to investigate. The Jury does not have the authority to order the agency to take an action or not to take an action only to recommend a course of action and to make that recommendation public.

Preparation Instructions For Filing A Complaint

- 1. This complaint is against:**
 - a. Include name of agency and/or individual(s) the complaint is against. Ensure correct spelling.
 - b. Give the name of the department involved and the supervisor, if known.

- 2. My complaint about the above:**
 - a. Be clear and concise. Do not use broad statements.
 - b. Attach copies (no originals) of all available documentation, receipts, photos, letters and notes of conversations or observations that support the complaint.

- c. Number all attachments consecutively and on a separate page, describe each document using the corresponding number.
 - d. Describe all past or pending legal actions, civil or criminal, related to your complaint.
- 3. Describe the action you wish the Jury to take and why.**
- a. Keep in mind the Jury's jurisdiction.
- 4. List all other agencies, officials, attorneys or others you have contacted about this matter.**
- a. Provide a complete list of all persons contacted.
 - b. Include the address and/or telephone number of each.
 - c. Attach copies of any documents you shared with those contacted.
 - d. Provide a summary of conversations with those you spoke to, including the date, their names and telephone numbers.
 - e. Describe the results of these contacts.
- 5. About you:**
- a. Include your name, address, and telephone numbers. Anonymous complaints may not be investigated.
 - b. You should sign and date the complaint form. The Jury may not respond to unsigned complaints.

Do not send originals! Copies will not be returned

Send this complaint along with copies of any documentation to:

El Dorado County Grand Jury P.O. Box 742
Placerville CA 95667
Tel 530/621-7477
Fax 530/295-0763
<http://co.el-dorado.ca.us/grandjury/index.html>

YOUR CONFIDENTIALITY WILL BE RIGOROUSLY PROTECTED



EL DORADO COUNTY GRAND JURY
PO BOX 472
PLACERVILLE, CA 95677

CITIZEN COMPLAINT FORM

PERSON OR AGENCY COMPLAINT IS ABOUT

Name:	Telephone:
Address:	

NATURE OF COMPLAINT

(Describe events in the order they occurred as concisely as possible. Attach any additional information)

COMPLAINT CONTACTS (List persons or agencies contacted prior to Grand Jury)

Name:	Telephone:
Name:	Telephone:
Name:	Telephone:

WITNESSES THE GRAND JURY MAY CONTACT FOR FURTHER INFORMATION

Name:	Telephone:
Name:	Telephone:
Name:	Telephone:

DESCRIBE ACTION YOU WISH THE GRAND JURY TO TAKE AND WHY

COMPLAINANT

Name:	Telephone:
Address:	Drivers License No:

THE INFORMATION PRESENTED ON THIS FORM IS TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: _____ Date: _____

THE GRAND JURY WILL ACKNOWLEDGE ITS RECEIPT OF THIS COMPLAINT.

Grand Jury Application





INTRODUCTION TO THE EL DORADO COUNTY GRAND JURY

The Grand Jury is a body of 19 citizens who are charged and sworn to investigate county matters of civil concern as well as inquire into public offenses committed or triable within the county.

SELECTION PROCESS

You are one of a pool of individuals chosen to serve as potential Grand Jury members. A random drawing of 18 names will be conducted under the direct supervision of the Supervising Judge of the Grand Jury in the presence of the nominees. The Supervising Judge chooses the Foreperson from the pool prior to the drawing. These individuals will comprise the Grand Jury. If a juror is unable to serve, a replacement name is then drawn. If your name is not drawn, you may be contacted at a later date to serve as a replacement for a juror who leaves for any reason.

ROLE OF GRAND JURORS

The Grand Jury reviews and evaluates procedures, methods and systems utilized by local government to determine whether they can be made more efficient and effective. It may examine any aspect of county government, city government and Special Districts. The Grand Jury may inquire into written complaints brought to it by the public.

The Penal Code requires the Grand Jury to:

- Inquire into the condition and management of the public prisons within the county;
- Investigate and report on the operations, accounts and records of the county officers, departments or functions;
- Inquire into the willful or corrupt misconduct in office or public officers;
- Submit a final report of its findings and recommendations no later than the end of its term to the Supervising Judge of the Superior Court.

COMMITMENT/OBLIGATION

Service on a Grand Jury requires a significant commitment of time. A Grand Jury member serves on the Grand Jury for one year. Most Grand Juries meet as a full body at least two times each month. More active Juries may meet three to five times a month. In addition to the full Jury meetings, members usually spend several days each week on Jury Committee meetings and investigations.

The Grand Jury has strict rules on secrecy and maintaining the confidentiality of witnesses, witness testimony, deliberations of Jurors, meeting minutes, and the raw evidence collected.

Grand Jury service involves the ability to work with others with very differing educational and work backgrounds, good listening skills, some writing skills, and the mental ability to be objective.

ORIENTATION/TRAINING

There will be orientation and training sessions dedicated to assist you in the performance of your duties as a Grand Jury member. The Supervising Judge, county officials and former Grand Jury members will conduct these sessions. THE FIRST ORIENTATION/TRAINING SESSION IS USUALLY HELD ON THE FIRST SATURDAY FOLLOWING THE DATE YOU ARE SWORN INTO OFFICE.

REMUNERATION

Grand Jurors are paid per diem based on actual days worked (currently maximum \$15.00 per day). Mileage is reimbursed for travel between jurors' residences and the Grand Jury office and for travel on Grand Jury business.

REWARDING EXPERIENCE

If you become a member of the Grand Jury, you will be working with bright, interesting and vocal people from many different backgrounds, all with a common interest. It will be a year of hard work and the reward of feeling that you have contributed to making your community a better place to live. You can look back with pride at the service you performed on behalf of the citizens in El Dorado County.

**EL DORADO COUNTY SUPERIOR COURT
2005/2006 GRAND JURY APPLICATION AND NOMINATION FORM**

Please read the enclosed brochure before completing this questionnaire.

Then, complete all parts of this questionnaire to assist the Court in determining your eligibility for and any burdens placed upon you if you want to serve from July, 2005, to June, 2006, as a member of El Dorado County's Civil Grand Jury. If your answers indicate to the Court that you are an eligible candidate for Grand Jury service, you will receive a Court notification of the date, time, and place to appear for the final selection process for next year's Grand Jury.

Pursuant to California Rules of Court, Rule 989.3 and the Americans with Disabilities Act (ADA), the Superior Court of California, County of El Dorado, does not discriminate against persons with disabilities. Please advise the Office of the Jury Commissioner, (530) 621-7414, if you require reasonable accommodation to participate in this application process.

Please print in black ink or type.

1. **Name:** _____
Last, First, Middle

2. **Residence Address:** _____
Street, City, Zip

3. **Home Phone:** () _____

4. **Are you at least 18 years old?** Yes _____ No _____

5. **Supervisory District:** _____

6. **Employment Status:** Presently employed _____; Not employed _____; Retired _____
If employed, present occupation: _____
Name of Employer: _____
Business Address: _____
Street, City, Zip
Business Phone: () _____

If not employed or retired, your former occupation: _____

7. **Name of Spouse or adult members of your household:** _____
Occupation/Employer: _____

8. **Are you, your spouse, or any adult member of your immediate household related to or closely associated with any elected official or public employee?** Yes ___ No ___
If yes, please give name and explain relationship: _____

9. **Are you contemplating any absence from El Dorado County in the fiscal year 2005/2006 for more than two weeks, which might interfere with your performance as a Grand Juror?** Yes ___ No ___ If yes, please indicate the period of time.
Departure Date: _____ Return Date: _____

PLEASE NOTE: An orientation/training program for the 2005/2006 Grand Jury will be scheduled, pursuant to Penal Code §914. It is mandatory that each of the selected 19 members and the first three alternates attend.

10. **Are you currently an elected public official or county employee?** Yes ___ No ___

11. **Have you been discharged as a grand juror in any court of this state within one year of this date?** Yes ___ No ___

12. **Have you ever been convicted with any of the following?**

Malfeasance in Office: Yes ___ No ___

Felony: Yes ___ No ___ Misdemeanor: Yes ___ No ___

If you answered Yes to any of the above, please give details below:

City/State of Offense: _____

Date of Offense: _____ Penalty: _____

A misdemeanor conviction is not an automatic bar to acceptance of application. Each case is considered individually and confidentially.

13. **Have you ever been suspended, disqualified or disbarred from any public office, profession, or professional organization?** Yes ___ No ___

14. **If selected as a grand juror, you will be required to swear or affirm the following. Have you any objections to taking such an oath or affirmation?** Yes ___ No ___

“ I do solemnly sear (affirm) that I will support the Constitution of the United States and the State of California, and all laws made pursuant to and in conformity therewith, will diligently inquire into, and 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.”

15. **Are you a citizen of the United States?** Yes ____ No ____
17. **Do you read and understand English?** Yes ____ No ____
18. **Will you have been a resident of the Count of El Dorado for one year prior to May 1, 2005?** Yes ____ No ____
19. **Are you aware that the Grand Jury is required to publish a final report of issues they have investigated?** Yes ____ No ____
20. **Are you willing to investigate and report on the operations, accounts, and records of the officers, departments or functions of the county or any incorporated city or joint powers agency located in the county?** Yes ____ No ____
21. **Will your employer release you to serve in the capacity as a fulltime grand juror for the entire period that the jury shall be in session?** Yes ___ No ___ Not Applicable ___
22. **Why do you want to serve on the Grand Jury and what contributions would you hope to make as a member?** _____

23. **Please outline your knowledge and understanding of the role and function of the Civil Grand Jury and the role and function of county government.**

24. **Would you be interested in the position of Grand Jury Foreperson?**
 Yes ____ No ____ If yes, why? _____

I am in possession of all my natural faculties, of ordinary intelligence, of sound judgment and fair character.

I declare under penalty of perjury that the above statements are true and correct.

Executed on _____ in _____, California.
Date City

Signature

End of Report

2004-2005 Grand Jury

