



**EL DORADO COUNTY  
GRAND JURY  
FINAL REPORT  
2008-2009**

# EL DORADO COUNTY GRAND JURY 2008 – 2009



## *Mission Statement*

*The Grand Jury acts as the citizen-over-sight for  
El Dorado County*

## **Table of Contents**

### ***Preface***

Letter to Citizens of El Dorado County	i
Notice to Respondents	ii
Grand Jury Picture	iv

### ***Final Report I, released January 27, 2009***

Garden Valley Fire Protection District	1
--	---

### ***Final Report II, released April 9, 2009***

El Dorado County Charter Review	5
---------------------------------	---

### ***Final Report III, released June 18, 2009***

Roadside Memorials	17
El Dorado County Zones of Benefit	19
El Dorado County Environmental Management Radon Awareness Program	23
El Dorado County Adult Protective Services	30
Response Review Report	34
Community Service Districts	43

### ***Facility Inspection Reports***

El Dorado County Jail – South Lake Tahoe	45
El Dorado County Juvenile Hall – South Lake Tahoe	48
El Dorado County Jail – Placerville	51
El Dorado County Juvenile Hall – Placerville	53
Growlersburg Conservation Camp – Georgetown	56
El Dorado Senior Day Care Center	59
Placerville Airport	63
El Dorado County Psychiatric Health Facility – Placerville	66
El Dorado High School	69
South Lake Tahoe Administration Facility – El Dorado Center	71
Lake Tahoe Airport – South Lake Tahoe	73
El Dorado County Health Services Department – Placerville	75
El Dorado County Branch Library – El Dorado Hills	78



**GRAND JURY**  
**El Dorado County**

P.O. Box. 472  
Placerville, California 95667  
(530) 621-7477 Fax: (530) 295-0763  
E-mail address: [grand.jury@co.el-dorado.ca.us](mailto:grand.jury@co.el-dorado.ca.us)

June, 2009

To: The citizens of El Dorado County,

Enclosed please find the 2008-2009 El Dorado County Grand Jury Final Report.

This report reflects a very diverse assortment of topics and issues...from a lengthy set of recommendations to our recently appointed Charter Review Commission...to a request of the District Attorney to recover public funds illegally spent by a local fire district...to several facilities inspections and County Department reviews. One area in particular deserves some specific comments:

This year's jury expanded the role of a committee called "Response Review" (R R). The typical function of the R R committee is to review the responses to prior Grand Jury reports to insure that the responses met the legal penal code requirements, as well as insure that any items that were committed to be done...were in fact being done. It creates good continuity from year to year, as each Grand Jury serves only 12 months. The expanded role of the R R committee this year involved *further* investigation into prior year reports' responses, and *subsequent new recommendations* when the re-investigation so warranted them. We would urge future grand juries to continue this expanded role for the R R committee.

This Grand Jury would like to recognize the input and support from many entities in our County. They include personnel within many County Departments and functions...including County Council, District Attorney, Chief Administrative Office, Auditor/Controller, as well as many others.

We also appreciate the support and guidance from Presiding Superior Court Judge Suzanne N. Kingsbury, Supervising Judge Daniel B. Proud, and Superior Court Administrative Clerk Holly Warren.

On behalf of all of the jurors, it has been our honor and privilege to serve the citizens of our fine county this 2008-2009 El Dorado County Grand Jury term.

Respectfully,

A handwritten signature in black ink, appearing to read "Chuck MacLean", written over a horizontal line.

Chuck MacLean  
Foreman, 2008-2009  
El Dorado County Grand Jury



## NOTICE TO RESPONDENTS

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. This information is intended to help you in your responses to avoid unnecessary and time consuming repetitive actions. Those responses which do not fully comply with Penal Code requirements, including explanations and time frames where required, will not be accepted and will be returned to respondents for corrections

### RESPONSE TO FINDINGS

*The responding person or entity shall indicate one of the following:*

- 1. The respondent agrees with the finding.*
- 2. The respondent disagrees wholly or in part 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 reason therefore.*

### RESPONSE TO RECOMMENDATIONS

*The responding person or entity shall report one of the following actions:*

- 1. The recommendation has been implemented, with a summary regarding 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, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of an agency of department being investigated or reviewed. This timeframe shall not exceed six months from the date of publication of the grand jury report. \*\**
- 4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.*

\* The time frame needs to be specific and reasonable.

\*\* At the conclusion of this analysis, the recommendation must be responded to as required by items 1, 2, or 4.

## **RESPONSE: TIME, WHERE, AND TO WHOM**

The Penal Code identifies two different response times, depending upon the classification of the respondent (see below), and includes where and to whom the response is directed. Day one begins with the date of the report.

### **1. Public Agency:**

The governing body of any public agency (also refers to department) must respond within ninety (90) days. The response must be addressed to the Presiding Judge of the El Dorado County Superior Court.

Examples: Governing body of a public agency, Board of Supervisors, Directors of Districts.

### **2. Elective Officer or Agency Head:**

All elected officers or heads of agencies/departments are required to respond within sixty (60) days to the Presiding Judge of the Superior Court, with a copy provided to the Board of Supervisors.

Examples: Sheriff, Auditor/Controller, Recorder, Surveyor, Tax/Treasurer.

## **FAILURE TO RESPONSE:**

Failure to respond to a grand jury report is in violation of California Penal Code 933.05 and is subject to further action.



El Dorado County Grand Jury 2008-2009

Pictured Left to Right

*Seated:* Barbara Bailey, William (Gary) Miles Ettlinger (Sergeant-at-Arms), Jan Greenwood (Secretary), Judy Cook, Delores Brumett

*Standing Front Row:* Thomas Fleming, Clyde Needham, Tom Piatanesi, Ken Harper, Joseph Salerno, Robert Coffey

*Standing Back Row:* Ray Van Asten, Steve Sedgwick (Parliamentarian), Kathy Walter (Pro-Tem), Jane Newman, Chuck MacLean (Foreman), Becky Evans, Lloyd Hathaway

# EL DORADO COUNTY GRAND JURY

## 2008-2009 FINAL REPORT Part I



January 27, 2009

Grand Jury  
P.O. Box 472  
Placerville, CA 95667  
(530) 621-7477  
[www.co.el-dorado.ca.us/grandjury](http://www.co.el-dorado.ca.us/grandjury)



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **Garden Valley Fire Protection District Case No. GJ-008-003**

#### **REASON FOR REPORT**

The 2007-2008 El Dorado County Grand Jury conducted an investigation into a number of irregularities involving the Garden Valley Fire Protection District (GVFPD). Due to the nature of that investigation, the current Grand Jury elected to again review operations in the GVFPD to assure that corrections were being undertaken that would result in a more appropriate level of service and use of funds on behalf of the taxpayers of the District and County.

#### **BACKGROUND**

The Garden Valley Fire Protection District is a special district located in the northern area of El Dorado County. A five-member board of directors, elected by District voters, oversees GVFPD operations. The board of directors is responsible for fire protection as well as the appropriate and prudent use of taxpayer money. In FY 2007 (ending June 30, 2008) GVFPD received \$205,285.00 in El Dorado County General Funds in addition to its other sources of income (primarily from property tax and benefit assessments).

In early 2008, the board consisted of Directors Frank Clark, Norma "Jo" Cleaver, Robert S "Bob" Rogers, Bonnie Manard, and Pete Robinson. On February 12, 2008 Director Robinson resigned. On March 11, 2008, Director Manard resigned. On March 24, 2008 Director Fred Kendall was seated and on April 8, 2008 Director Paula Page was seated. Directors are non-compensated positions.

#### **METHODOLOGY**

The Grand Jury gathered information regarding the District from many sources including GVFPD records, bank records, GVFPD Board Minutes and Agendas. The Grand Jury reviewed the report of the prior Grand Jury, Case Number GJ 007-020. The Grand Jury interviewed a



number of persons with knowledge of GVFPD operations and finances. The Grand Jury visited the GVFPD offices in Garden Valley and attended some public board meetings.

Documents Reviewed:

- GVFPD Board of Directors Minutes
- GVFPD Board of Directors Agendas
- Copies of cancelled checks
- Itemization of Time Spent from Director Robert Rogers.
- Itemization of Time Spent from Director Norma Cleaver
- Miscellaneous GVFPD Records
- Grand Jury Case Number GJ-007-020
- GVFPD Policy and Procedure Manual
- GVFPD Board of Directors Manual

## RESULTS OF INVESTIGATION

The investigation disclosed that in January 2008 Directors Rogers and Cleaver undertook a variety of tasks involving the District's records.

On April 22, 2008 at a Board of Directors meeting invoices were submitted for Board approval. One was from Director Rogers in the amount of \$5,978.00 for 427 hours of work claimed to have been performed involving District records, and the other was from Director Cleaver in the amount of \$4,018.00 for 287 hours of work claimed to be performed involving District records. These invoices were for work performed between January 3, 2008 and April 9, 2008. The invoice from Cleaver was a detailed statement of work performed while Roger's invoice stated only dates and hours.

Testimony and documents demonstrated that Directors Cleaver and Rogers' compensation as outlined above was first sought from the Board **after** completion of the work. No Board action authorized the Directors to undertake work for pay before they began the project. At that Board Meeting Director Rogers voted in favor of Cleaver's compensation and Director Cleaver voted in favor of Roger's compensation. Neither voted for their own compensation.

The compensation of board members of a fire protection district is governed by California Health and Safety Code sections 13853 and 13857, and Government Code section 53232 et.seq. The payments made to Directors Cleaver and Rogers fail to qualify under these statutes.

The payments made to Directors Cleaver and Rogers violate Article 11, Section 10 (a) of the California Constitution which prohibits retroactive payment of compensation under the circumstances discussed above. This section of our Constitution provides that:

“A local government body may not grant extra compensation or extra allowance to a public officer, public employee, or contractor after service has been rendered or a contract has been entered into and performed in whole or in part, or pay a claim under an agreement made without authority of law”

California Constitution, article 11, section 10(a)

Because there is no enforceable obligation or legal right to payment under the circumstances described above, the payments violate California Constitution, article 16, section 6 which prohibits a gift of public funds.

## **FINDINGS**

1. The compensation identified above is outside the bounds of California Law. GVFPD Board authorization was neither sought nor given prior to commencement of the work by Rogers or Cleaver, and there was no pre-existing agreement to pay for that work.
2. The \$4,018.00 sum paid to former Director Norma Cleaver was an unlawful payment and is money due the District and/or El Dorado County.
3. The \$5,798.00 sum paid to former Director Robert Rogers was an unlawful payment, and is money due the District and/or El Dorado County.

## **RECOMMENDATIONS**

1. The Grand Jury recommends that Directors Rogers and Cleaver return to the District the money paid to them for their work on District files.
2. The Grand Jury recommends that the Garden Valley Fire Protection District take steps to recover the funds unlawfully paid to Directors Rogers and Cleaver.
3. CA Penal Code section 932 provides that a Grand Jury may order the District Attorney to institute suit to recover money that may be due to the County. Accordingly, The 2008/2009 Grand Jury has filed with the Court an ORDER directing Vern Pierson, District Attorney for the County of El Dorado, to file an action to recover the \$5,798.00 improperly paid to Robert Rogers, former director Garden Valley Fire Protection District and to recover the \$4,018.00 improperly paid to Norma Cleaver, former director Garden Valley Fire Protection District.
4. Furthermore, any taxpayer in the District may file a lawsuit to recover the funds unlawfully paid by the District.

## **RESPONSES**

No responses are required to this report.

This is a true certified copy of the record if it bears the seal, imprinted in purple ink, the date of issuance and an original signature.

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Dated: 1-27-09



Superior Court of California  
County of El Dorado

Sally M. Wauer  
Deputy

EL DORADO CO. SUPERIOR CT.

FILED 1-27-09

BY Sally M. Wauer  
Deputy

SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF EL DORADO

In Re the matter of:

No.

The 2008/2009 El Dorado County  
Grand Jury

ORDER OF THE 2008/2009 EL DORADO  
COUNTY GRAND JURY UNDER PENAL  
CODE SECTION 932

It is hereby ordered by the 2008/2009 El Dorado County Grand Jury under the authority conferred by Penal Code section 932 that the District Attorney of El Dorado County institute a suit to recover money that is due from former board members of the Garden Valley Fire Protection District Robert S. Rogers and Norma Cleaver as the result of payments to them which were made in violation of the Constitution and laws of the State of California, as set forth in the report of the 2008/2009 Grand Jury issued in regard to this topic.

Dated: JAN 27, 2009

Certified as an official Order of the  
2008/2009 El Dorado County Grand Jury

By Charles MacLean  
Charles MacLean, Foreperson  
2008/2009 El Dorado County  
Grand Jury

-1-

ORDER OF 2008/2009 EL DORADO COUNTY GRAND JURY

# EL DORADO COUNTY GRAND JURY

## 2008-2009 FINAL REPORT Part II



April 9, 2009

Grand Jury  
P.O. Box 472  
Placerville, CA 95667  
(530) 621-7477  
[www.co.el-dorado.ca.us/grandjury](http://www.co.el-dorado.ca.us/grandjury)



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Charter Review**

Case No. GJ-08-005

#### **REASON FOR REPORT**

The Board of Supervisors is required by the El Dorado County Charter to form a “Charter Review Commission” at least every five years. A 2009 Charter Commission was called into session in March 2009. The commission consists of one member and one alternate from each supervisory district. The purpose of the Charter Commission is to recommend potential amendments or revocations of charter provisions to the Board of Supervisors. If the Board of Supervisors approves the Charter Commission recommendations, the recommended amendments must be placed on the ballot seeking voter approval. The approval process for any changes to the Charter rests solely with the Board of Supervisors.

Over the past several years, while studying a number of issues relating to the structure and operation of county government, the Grand Jury has determined that substantial changes in county operations are needed. Those changes include financial philosophy, management structure and long term planning. In addition, this Grand Jury concluded that the purpose of County Charter government should be reviewed. This Charter Review Report is written to provide assistance and input to the Charter Review Commission and the Board of Supervisors.

#### **BACKGROUND**

The California Constitution allows for two types of counties: General Law Counties and Charter Counties, both of which are technically legal subdivisions of the State. General Law counties are organized and governed according to State Law. Charter Law counties are similarly organized and governed. However, charter counties have a limited degree of “home rule” authority that may provide some additional flexibility or potential power.

The charter form of government has been in effect in California since the early 1900’s. In 1911 California voters’ enacted non-partisan local elections and home rule charter authority for cities and counties. The voters enacted these amendments to the California Constitution for cities and counties when the State of California Legislature was unable to address local concerns effectively. In the early 1900’s, in an era that lacked modern democratic innovations like public records acts, open meetings, notification requirements, and strict public contracting laws, the major goal was to achieve the reduction of corruption in professional public service. The California Constitution, Article XI, Sections 3(a), 3(b) and 3(c) allows the electors of a county, by majority vote pursuant to general law to adopt,

amend, review or repeal a charter (Election Code §9100-9126).

In his study, “The limited and Contrary Usage of County Charter Reform: Two California Cases”, Alvin D. Sokolow (a public policy specialist at the University of California-Davis) concluded that charters have had little influence on local governments. The premise of a charter is also questionable since general law applies to almost 95% of functions in county government. In fact, California constitution law, government codes and general law supersede local ordinances or rules in most cases. University of Arizona professors Dawn Cowan and Tanis Salant stated in their article “The Prospects for County Charter Form in California” that charters do not provide much opportunity for expanded fiscal and functional powers. Another noted quote from the California State Association of Counties states “a charter does not give county officials extra authority over local government, revenue raising abilities, budgetary decisions and intergovernmental relations.”

## **METHODOLOGY**

The State of California has fifty-eight counties of which fourteen counties are Charter Counties. The remaining forty-four counties are General Law Counties. The 2008-2009 Grand Jury gathered information and studied from ten charter counties in the State, namely: Alameda, Butte, Fresno, Orange, Placer, Sacramento, San Bernardino, San Mateo, Santa Clara and Tehama.

Charters not studied by the Grand Jury were Los Angeles, San Diego and San Francisco Counties. These counties, considering population size and diversity, do not compare well with El Dorado County.

## **FINDING 1**

The Grand Jury has come to the conclusion that the County has been operating for several years with an “obsolete government philosophy”. Investigations by the Grand Jury found few, if any, progressive innovations in county departmental operations. Previous Grand Juries have focused on personnel turnover, deficient operations in many departments, and too much supervisory control by the Board of Supervisors over day-to-day operational issues in county government.

In its recap of Grand Jury reports over the last five plus years, the same question arose time after time: “why is there no improvement in El Dorado County operations?” During its interviews with elected officials, department heads, county counsel, management and a large number of county employees, the same theme seemed to come into focus. Change was slow and too little. Progress was always just around the corner. Why the large number of turnover amongst department heads? Why such little change and progress over many years when problems had been identified, but left uncorrected?

The Grand Jury took a close look at the Charter and determined that this document in the past fifteen years stood in the way of progress and failed in its mission to guide the county to better and more efficient government. It has, in effect, become the county’s “Achilles heel”. The Grand Jury surmised that the Charter impedes progress and in fact contributes little to the promises that were made to the voters when enacted in 1994.

The cumbersome and costly compliance with Charter enforcement runs into hundreds of thousands of dollars annually. The enactment and delays encountered because of the County Charter has significantly contributed to a large increase in the cost of county government. The commissions, boards and charter procedures costs runs into the hundreds of thousands of dollars. Collectively these costs amount to an estimated \$1,000,000 per year. The uncontrolled costs of the Charter are a clear waste of taxpayer money.

If the Charter were in fact a significant policy document that meaningfully guided El Dorado County's course, the hidden cost of the Charter would be a reasonable tradeoff. However, the Charter typically addresses insignificant issues or makes insignificant clarifications. The El Dorado County Charter contains approximately seventeen references and/or deferrals to General Law. In fact, a line-by-line comparison of the El Dorado County Charter and the enormous body of state law governing counties reveals only minor differences between the Charter and General Law.

Moreover, of the nineteen amendments that has occurred since the adoption of the Charter, ten of those have been simply adoptions of references to general law and became inoperative due to changes in state law and outdated timeframes, or corrected outdated wording and references. Many of the more "substantive" amendments such as term limits for supervisors, or Sheriff salaries, could be addressed outside of the Charter through general law if voters so choose. It is very questionable whether such a large amount of time and resources should be devoted to something that provides such little tangible benefit. The Charter has not delivered on its promise to enhance local control or make the county government more efficient. On the contrary, it appears to be a cumbersome self-sustaining administrative document that only adds unnecessary bureaucratic requirements to county government. Weighing the benefits against the burdens, it appears that the El Dorado County Charter is more burdensome than it is beneficial.

## **RECOMMENDATION 1**

The Grand Jury recommends to the Charter Commission and the Board of Supervisors that the revocation of the Charter be placed on the ballot for a decision by the voters at the next election.

*In the event that the El Dorado County Charter is not revoked, then the following analysis and recommendations for amending the Charter follows:*

### **Article II – Board of Supervisors**

#### **Section 203: Filling of Vacancies**

Section 203 states: "Whenever a vacancy occurs in the office of supervisor, the unexpired term shall be filled by election. If the vacancy occurs more than 90 days but less than 120 days before a scheduled primary, general, or special election, involving the district in which the vacancy has occurred, then the election to fill the vacancy shall be consolidated within the scheduled election. If the vacancy occurs more than 120 or less than 90 days before scheduled primary, general, or special election involving the district in which the vacancy has occurred, then the vacancy shall be filled at a special election, called by the Board of Supervisors to take place not less than 90 nor more than 120 days after the vacancy occurs. The special election shall be conducted in accord with the provisions of general state law

regarding special elections. The candidate with the highest number of votes shall be elected to fill the unexpired term.”

#### Government Code §25060: Filling of Vacancies

It states: “Whenever a vacancy occurs in any board of supervisors, the Governor shall fill the vacancy. The appointee shall hold office until the election and qualification of his successor.”

Charter section 203 remains one of the key differences between the County’s Charter and general law. It requires a special election to fill an unexpected vacancy and that individual holds the office until the next election for that seat.

In the past the Board of Supervisors has not called a special election within the required time frame, leaving a four person Board of Supervisors. This makes it difficult to reach a majority decision, and leaves the district in which the vacancy occurs without representation. Special county elections are costly, estimated costs between \$35,000 to \$45,000.

The Charter direction to hold a special election to fill a vacancy on the Board of Supervisors has not always been followed in El Dorado County. In early 2006 a supervisor seemingly abdicated his office but made no formal declaration of resignation. In July 2006 the Board of Supervisors made an unprecedented move and declared the office vacant under Government Code 1770(g). In order to fill the vacant office, the Board should have called a special election. However, 2006 was an election year and there were already candidates vying to win the seat in the General Election scheduled for November. A costly special election would have resulted in the winner filling the supervisory seat for a few months before the winner of the November election was sworn into office. Consequently, the Board of Supervisors opted to disregard the Charter requirement and did not call a special election. Although the Charter does allow a significant deviation from the General Law in this regard, it is not clear that the special election requirement has turned out to be a benefit above General Law.

### **RECOMMENDATION**

The Grand Jury recommends that the Charter be revoked. However, this portion of the Charter needs to be amended if the Charter is not revoked in its entirety.

To alleviate the cost and time lag of replacing a Board Member the Grand Jury recommends the following language: Whenever a vacancy occurs in the office of Supervisor, the unexpired term shall be filled by the remaining Supervisors within thirty-days. If the Supervisors do not select a replacement, the Governor shall make an appointment after the vacancy occurs per Government Code §25060.

### **Article 11 – Board of Supervisors**

#### **Section 202: Term of Offices**

Section 202 states: “The term of office of supervisor is four years. Board members shall be



limited to two consecutive terms. No person elected supervisor may serve as such for more than two successive four-year terms. Any person elected to the office of supervisor to complete in excess of two years of a four-year term shall be deemed, for the purpose of this section, to have served one full term upon the expiration of that term. No person having served two successive four year terms may serve as a supervisor until at least four years after the expiration of the second successive term in office. Any supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purpose of this section, to have served a full four year term. The above shall not disqualify any person from running for election to the Board of Supervisors for any term or terms that are not successive. The term of office commences at noon on the first Monday after the January 1<sup>st</sup> succeeding their election.

The supervisor for each of the First, Second and Third districts shall be elected in 1996. The supervisor for each of the Fourth and Fifth districts shall be elected in 1994.”

Government Code §25000 (a)

It states: “Each county shall have a board of supervisors consisting of five members. Not more than three members shall be elected at the same general election. If the terms of office of more than three members of the board expire at the same time, at the first regular meeting after January 1<sup>st</sup> following their election the members so elected shall so classify themselves by lot that three members shall serve for four years and two for two years. Thereafter the term of each member shall be four years.”

Government Code §25000 (b)

It states: “Notwithstanding any other provision of law, the board of supervisors of any general law or charter county may adopt or the residents of the county may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the board of supervisors may serve on the Board of Supervisors. Any proposal to limit the number of terms a member of the board of supervisors may serve on the board of supervisors shall apply prospectively only and not become operative unless it is submitted to the electors of the county at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.”

## **RECOMMENDATION**

The Grand Jury recommends that the Charter be revoked. However, this section of the Charter needs to be amended if the Charter is not revoked in its entirety.

Term limits create an experience drain and allow for lack of continuity of County governance. None of the above listed government codes affects other elected El Dorado County officials. No elected officials in El Dorado County, besides the County Supervisors whom are elected, have term limits. The Grand Jury recommends that the County abide by Government Code §25000 (a)(b) and eliminate term limits for County Supervisors.

## **Article III – Chief Administrative Officer**

### **Section 301: Chief Administrative Officer**

Section 301 states: “The Chief Administrative Officer (CAO) is the Chief Executive Officer (CEO) of the County”. Other pertinent sections in the Charter in reference to the CAO’s position are Sections 302, Appointment and Removal; Section 303, Compensation; Section 304, Duties.

### **Section 304: Duties**

Section 304 states: “The Chief Administrative Officer shall be responsible to the Board Of Supervisors for the proper and efficient administration of such of the affairs of the county as are or hereafter may be placed in the charge of the Chief Administrative Officer, pursuant to the provisions of the Charter, or of any ordinance, resolution or order of the Board of Supervisors. In addition to other powers and duties herein provided, the Chief Administrative Officer shall have the duty and power to:

- a) Coordinate the work of all offices and departments, both elective and appointive, and devise a way and means to achieve efficiency and economy in all county operations.
- b) Formulate and present to the Board plans to implement policies and accomplish goals established by the Board.

The CAO has assigned responsibilities by the Charter which include Para. C - Budgets, Para. D - Administration of the budget, Para. E - Provides analysis of county programs, Para. F - Implement accountability systems for county money and property, Para. G Work with other government agencies such as federal, state, regional and local, Para. H - On an annual basis reviews and appraises performances of appointment department heads except county counsel, and Para. I - Coordinate publication of the County long-range fiscal plan and the annual statement of goals.”

Based on interviews and information received from department heads, elected county officials and county employees, the Grant Jury found that the office of the CAO is perceived as an administrative function only. Interviews with former and current supervisors indicate strong support that the CAO function needs to be upgraded in stature. Under the Charter, this requires approval from the voters.

## **RECOMMENDATION**

The Grand Jury recommends that the Charter be revoked. However, this section of the Charter needs to be amended if the Charter is not revoked in its entirety.

The Grand Jury recommends upgrading the status and responsibilities of this function to CEO. The position should be given the authority and responsibility it is designed to perform. The duties of the CAO have not kept up with the growth and change in government in El Dorado County. The Board of Supervisors should be a policy decision-making body. The CEO office should be responsible for the day-to-day management of the county. The Grand Jury recommends that the CEO serve at the will of the supervisors. Except for the purpose of obtaining information, the members of the Board of Supervisors

shall deal solely and directly through the CEO's office with all county departments.

## **Article IV – Department Heads, Boards and Commissions**

### **Section 402: Elected Department Heads**

Section 402 states: “The following departments heads shall be elected: (a) Assessor, (b) Auditor/controller, (c) District Attorney, (d) Recorder/Clerk, (e) Sheriff/Coroner/Public Administrator, (f) Surveyor, (g) Treasurer/Tax Collector. The term of office of all elected officers is four years. However, there are no term limits for these elected department officers.”

Under authority of Penal Code §928, the Grand Jury may recommend and initiate the following: “Every Grand Jury may investigate and report upon the needs of all county officers in the county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of several offices. Such investigation and report shall be conducted selectively each year. The Grand Jury shall cause a copy of such report to be transmitted to each member of the Board of Supervisors of the County”.

California Constitution, Article XI §1 (b) provides for county powers to elect as a minimum: (a) Assessor, (b) District Attorney, and (c) Sheriff. All other elected officers are listed in the Charter or in government code §24000.

The Board of Supervisors is elected by district. Other elected officials are elected in county wide elections. Evidence provided to the Grand Jury indicated that this has created political difficulties for the Board of Supervisors' ability to bring changes and control the county's management structure. It has decreased efficiency and raised the cost of operating in the county. Elected officials are not evaluated. There is no check and balance system to evaluate them, except by the voters.

This inequity in the election process, per the County Charter, raises questions for effective county government. There is, according to testimony, a serious movement by those elected department officials to block any change to the present election structure in the county. To balance the effectiveness of elected officials with no term limits vs. those elected officials with term and district boundary limits, serious questions are raised regarding the overall effectiveness of the current charter provisions.

### **RECOMMENDATION**

The Grand Jury recommends that the Charter be revoked. However, this section needs to be amended if the Charter is not revoked in its entirety.

To eliminate inequities, and generate cost savings, the Grand Jury recommends that the following action be enacted under the authority of Government Codes §24300 and §24300.5. Create a position of Financial Officer, to serve as Financial Officer of County government reporting to the CEO's office. The position would also supervise the following

appointed positions of Treasurer and Tax Collector. The positions of Surveyor, Public Administrator, Recorder, County Clerk and Coroner should be changed to appointed positions and report to the CEO's office or another administrative county entity. The function of Auditor/Controller should remain an elected position and supervise all financial transactions and financial compliance in the county.

Under this recommendation the following positions will continue to be elected: Board of Supervisors, Sheriff, Assessor, District Attorney and Auditor/Controller.

## **Article IV – Department Heads, Boards and Commissions**

### **Section 404: Appointed Department Heads**

Section 404 states: “The position of department head shall be designated by ordinance. Department heads serve at the pleasure of the appointing authority, the Board of Supervisors. Department heads shall have and may delegate the power to appoint, supervise, suspend and remove all persons employed in their departments subject to the provisions of Article V of this charter.”

#### **RECOMMENDATION**

The recommendation is to upgrade the CAO's position to CEO. The appointed department heads should serve at the pleasure of the CEO and not report to the Board of Supervisors. The CEO should have the authority to hire, discipline, adjust salaries, and terminate those department heads according to County human resource policies and in accordance with the needs of the County.

## **Article V – Sheriff's Salary Limitation**

### **Section 504: Sheriff's Salary Limitation**

Section 504 states: “The Sheriff's Salary initiative, commonly known as Measure A, and passed by the voters at a general election on November 7, 1972, is hereby repealed.

The Board of Supervisors shall, at least annually determine the existing average salaries for the South Lake Tahoe Police Department, Amador County Sheriff's Department and the California Highway Patrol for each class of position employed by said agencies. Effective on the first day of January of each year after this charter provision first becomes effective, the Board of Supervisors shall adjust and determine that the average salary for each class of position as set forth herein be at least equal to the average of the salaries for the comparable positions in the South Lake Tahoe Police Department, Amador County Sheriff's Department and the California Highway Patrol.

As used herein, the term ‘comparable class of position’ shall mean a group of positions substantially similar with respect to qualifications or duties or responsibilities using the following positions as guidelines: Undersheriff, Captain, Lieutenant, Sergeant, Deputy Sheriff, and Clerk.

The provisions of this section shall prevail over any otherwise conflicting provisions of the Charter or general law which may relate to salaries of county officers or employees who are

not elected by popular vote.”

Under the present structure there is no fiscal accountability. It abdicates the control and responsibility of elected El Dorado County Supervisors to negotiate and effectively control expenditures and budgets of the Sheriff’s Department employees. This year, as other employees were being terminated due to the County’s budget shortfall, the raises in the Sheriff’s Department drew much attention from area media. Just weeks after the County eliminated ninety positions across multiple departments; many Sheriff’s Department employees were granted raises. This Charter provision has enshrined automatic spending over which the Board of Supervisors has no control. Section 504 of the Charter indexes El Dorado County Sheriff employee salaries to the average of the salaries for comparable positions in the South Lake Tahoe Police Department, Amador County Sheriff’s Department and the California Highway Patrol. This section actually repealed a 1972 Measure known then as Sheriff Salary Initiative, and was adopted into the Charter.

Consequently, each year salaries (and all subsequent benefit costs) must be adjusted according to the Charter. As one Sacramento area television station reported, “neither the county supervisors nor any administrator can stop (the pay hikes), even in these tough economic times”.

The County can only plan to fund the automatic salary increases within its annual budget. The County budgets \$500,000 each year to account for the increase. The Charter dictates that the raises become effective on the first of January each year. The actual amount of the increase varies from year to year. In December 2008 the estimated annual cost to provide the automatic increase was \$589,000 for the raise that took effect January 1, 2009.

## **RECOMMENDATION**

The Grand Jury recommends that the Charter be revoked. However, this section needs to be amended if the Charter is not revoked in its entirety.

This is a very costly and unpredictable section in the Charter from the taxpayer point of view. It would be unconscionable if this section in the Charter remains in effect. Eliminating this provision of the Charter will return financial accountability for Sheriff Department salaries back under County control and not under other jurisdictions.

## **Article VI – Finance**

### **Section 602: Contract Administration**

Section 602 states: “The Board of Supervisors shall not authorize the payment of money or other compensation for the performance of any service or function by a private entity except pursuant to a written contract meeting all legal requirements for county contracts as established by the Board of Supervisors. Each contract shall identify the county officer or employees with responsibility for administering the contract”.

Section 602 of the Charter has significantly increased costs to the County. The contract administration process creates several inefficiencies. The major problem with this section is the requirement to have a “written contract meeting all legal requirements for county contracts as established by the Board of Supervisors” for “any service or function”. Since

the definition of “service or function” is not specific in the Charter, any activity that could be construed as a service or function requires a full written contract. The Charter provides no flexibility. For example, if a department receives a state grant to provide educational items and the vendor charges an artwork fee to inscribe the items with the county logo, instead of a simple purchase order, a full written contract is required.

Other simple purchases that could trigger the written contract requirement include minor rental fees for tanks used to store purchased oxygen gas. Although the County could simply issue a purchase order for the oxygen itself, the tank rental fee is a “service” which requires a written contract. Simple equipment repair jobs also require full contracts instead of purchase orders. In addition, under state law a written contract meeting legal requirement is one that is signed by both parties. This can add lengthy delays in executing contracts because vendors often do not understand why the County insists on a full contract or the corporate officer signature required on some contracts which are difficult to acquire. In some cases vendors simply refuse to sign the contracts.

Another hurdle is the requirement for each contract to “identify the county officer or employee with responsibility for administering the contract.” The Charter does not provide a definition of “administering the contract” so this requirement is interpreted differently among departments. For example, some departments always specify the department head as the contract administrator while others denote specific employees. Consequently, if something does go wrong with the contract this Charter section does little to increase accountability because it is not clear who is actually responsible for the contract.

County department’s management, County Counsel officers and county departments’ staffs spend huge amounts of time and subsequently county funds on executing Charter required written contracts. It is questionable whether this section in the Charter is required for simple purchases that have minimal risks.

## **RECOMMENDATION**

The Grand Jury recommends that the Charter be revoked. However, this section should be amended in the event the Charter is not revoked it is entirety.

This section of the Charter does not make fiscal sense. Although the intent may be sound, the procedures and execution per the Charter has not worked as intended and is costing the taxpayers hundreds of thousands of dollars each year in cumbersome bureaucratic paperwork. This makes the County very inefficient in purchasing and executing contracts. The reputation of the County with outside vendors is one of inefficiency and very difficult to deal with. There is no reason to keep this section in the Charter and it should be revoked.

## **Conclusion: The 2008-2009 Grand Jury states the following:**

During its investigation the 2008-2009 Grand Jury discovered that the El Dorado County Charter is one of the least read documents in the County and in County Government. The Grand Jury interviewed many directors, supervisors and county employees. Many had not read nor had any idea what was in the Charter. Interviews and discussions with employees made it clear that the Charter is not effective. Because of the Charter provisions, change is difficult to achieve. The Charter is typically reviewed or changed every five years.

It is the Grand Jury's opinion that the Charter has not been effective for the past fifteen years. The Charter Commission should seriously investigate the Charter shortcomings and make its recommendations strongly but fairly to the Board of Supervisors.

There are articles in the Charter that are not enforced or that have created difficulties. The Charter is, and has been, an ineffective instrument for County Government. The Charter Commission has a serious mission to recommend changes that could have a profound effect in county government structure and operations. Government in El Dorado County could and should be made more effective and cost efficient. This Grand Jury respects the difficulties faced by the Charter Review Commission and its tasks.

For the past fifteen years the County has operated under a Charter form of government and it has not improved County governing functions. If the Charter is revoked, the next fifteen years should lead El Dorado County to a better and more effective County government under General Law.

## **RESPONSES**

None required

# EL DORADO COUNTY GRAND JURY

## 2008-2009 FINAL REPORT Part III



June 18, 2009

Grand Jury  
P.O. Box 472  
Placerville, CA 95667  
(530) 621-7477  
[www.co.el-dorado.ca.us/grandjury](http://www.co.el-dorado.ca.us/grandjury)





## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **Roadside Memorials**

Case No. GJ-08-002

#### **REASON FOR REPORT**

The El Dorado County Grand Jury received multiple complaints from citizens regarding private roadside memorials located on County roads. Complaints centered around safety issues.

#### **METHODOLOGY**

The Grand Jury investigated various road locations to determine if memorials are on private property or on a roadway easement. The Grand Jury developed a dialogue with the County Department of Transportation to determine how this problem might be solved.

#### **FINDINGS**

1. There presently is no policy or ordinance in El Dorado County that provides for the oversight of roadside memorials. There are no restrictions regarding length of time memorials may exist or what form they may take.
2. Several discussions with the County Department of Transportation have resulted in the drafting of a departmental policy which will provide the necessary regulation and oversight of roadside memorials and to take action when these regulations are not followed. The Board of Supervisors will be advised of this Department of Transportation Memorial Policy.

## **RECOMMENDATION**

The Grand Jury recommends that the County Department of Transportation have this policy reviewed and implemented by June 30, 2009.

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code S933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Zones of Benefit**

Case No. GJ-08-021

#### **REASON FOR REPORT**

The Grand Jury received citizen complaints regarding road maintenance Zones of Benefit (ZOB) operations and support from the County Department of Transportation (DOT), and decided to investigate the ZOB process.

#### **BACKGROUND**

The Zones of Benefit entity was established in the late 1970's and early 1980's by the Board of Supervisors under title 3, Division 2, Part 2, chapter 2.2 of the California Government Code. Section 25210.8 enables the County to establish Zones of Benefit within County service areas. The ZOB entity was used to build and maintain roads and allow for subdivision projects to proceed. The roads for these subdivisions, by the agreement between the County and developers, were not built in accordance with County standards due to the expense involved. However, the ZOB concept to have the roads built by the developer, but not maintained by the County, was a legal way to have future property owners pay for the upkeep of their roads. It also provided that the roads had public access, and that the County would coordinate and oversee the improvements and maintenance of these road systems through tax collection assessments.

There are currently thirty-three ZOB's in the County, although no new ZOB's have been created in the last twenty years. County ZOB's had been managed by the County General Services Department until DOT assumed responsibility in May 2006. The ZOB option has created many problems for its members. Most other subdivisions in the County have road systems that are managed by either a Community Services District (CSD), a Home Owners Association (HOA), or in some cases a private road association.

## **METHODOLOGY**

The investigation was conducted in two segments:

- Discussions with DOT staff allowed the Grand Jury to understand the ZOB process as well as receive specific financial data pertaining to all thirty-three ZOB's.
- The Grand Jury then invited all thirty-three ZOB's in the County to attend a special closed meeting with representatives from the Grand Jury. Twenty-two ZOB's responded and sent representatives (generally the ZOB Coordinator) to attend that meeting.

The Grand Jury appreciates and commends the twenty-two ZOB's who attended and provided good input at that special meeting on a Saturday in February.

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The following findings are based primarily on input received from the ZOB's that attended the meeting, as well as information gleaned by the Grand Jury from DOT:

1. Many of the ZOB members stated that since the oversight responsibility changeover from General Services to DOT in 2006, there has been erosion in member service levels, as well as administrative fee increases, which some feel are excessive.
2. The last ZOB procedures document, titled: "Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit within a County Service Area" was produced June 2, 1987, and it appears that no updates or new distributions have been made since that time. Also, new administrative procedures by DOT have not been well communicated to ZOB's, and much confusion has ensued.
3. Accounting for expenses has been sporadic and lacks sufficient detail.
4. The annual meeting for ZOB's, when scheduled, is overly focused on "ethics training" and does not adequately address ZOB operational issues. A training program for new ZOB coordinators does not exist.
5. DOT does not provide much engineering expertise to assist ZOB's. In the event road engineering information is required, the information is very slow in being provided.
6. When ZOB homeowners volunteer to perform basic landscaping or road maintenance they find the process cumbersome relative to requirements, forms, and steps needed to purchase materials. In addition, a \$1,000,000 insurance rider is required by the County for any landscape work performed by property owners

7. The contract process for any roadwork takes too long and the DOT non-bid minimum threshold is too high. Since DOT does all of the administrative work for a contract, many of the smaller details of the contracted work get lost, resulting in work that has to be adjusted and done again. The cost of these errors is incurred by the ZOB. In some cases, work is being delayed due to the lack of expertise by one of the hired contractors. DOT does not allow for “splitting of contracts”, although there are often cases where two different contractors with different skills and expertise could handle a project more cost-effectively to the ZOB. Presently, prime contractors have to award subcontracts after bidding takes place.
8. An emergency or quick turnaround process is not in place to fix problems. The ZOB has to wait its turn for approval, and in the meantime, a problem that could have been resolved quickly may get worse, and costs often go up accordingly.
9. Many of the ZOB’s are unhappy with the cost and structure of the ZOB process but do not see a viable way to exit from that road maintenance entity. Although they could vote to remove themselves from the ZOB, a readily available path to pursue an alternative entity is not in place. This is an important issue, as it remains one of the biggest frustrations of several ZOB’s.

## **RECOMMENDATIONS**

1. The Department of Transportation should achieve a consistent and frequent (quarterly) dissemination of accounting information, with an improved level of detail to allow ZOB’s to better understand their costs and manage their organizations effectively.
2. The contract process needs to be revamped to reduce the excessive time built into the current process, as well as increasing the dollar threshold for non-advertised contracts.
3. The volunteer program process needs to be reviewed, with the goal of minimizing restrictions so that homeowners can more easily take care of simple tasks on their own.
4. Hold an annual meeting that focuses primarily on the operational concerns of ZOB’s.
5. The Board of Supervisors should help facilitate a path for disgruntled ZOB’s to exit the system and re-organize under an entity that best suits their needs. This issue is currently being discussed by County Counsel and DOT. We recognize that this is not a simple issue. Both the transition out of a ZOB to another road maintenance entity, and the adjustment from “public access to private roads” to “private roads only” needs to be addressed as part of this solution. We would urge that this recommendation produce a solution by the end of this calendar year.

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Environmental Management Radon Awareness Program**

Case No GJ-08-023

#### **REASON FOR REPORT**

This report is being issued in response to a citizen complaint regarding the lack of implementation of the El Dorado County Radon Awareness Program.

#### **BACKGROUND**

The El Dorado County Environmental Management Department oversees environmental health and safety concerns for the citizens of El Dorado County. They monitor, enforce and educate citizens relative to environmental issues and concerns. Much of the department's focus and information is generated from the State of California and the federal government.

Radon is a colorless, odorless and tasteless gas that is radioactive and occurs naturally in the environment. It escapes from uranium rich rocks into the atmosphere. Radon can and does, depending on geological locations, disperse through confined spaces such as home basements and foundations. The Lake Tahoe Basin has a high positive test rate above the minimum "safe" threshold of 4.0 picocuries (a unit of measure for levels of radon gas). Of the 693 tests in participating homes in the Tahoe basin that were tested in 2007 and 2008, 384 (55%) tested above the 4.0 picocuries level. We tested our county building (Building B, Fair Lane in Placerville, downstairs), and our reading came in at a very safe level of <0.5 picocuries.

It should be noted that a key radon expert at the California Department of Public Health willingly provided the Grand Jury with information, and agreed to personally present additional information to the Grand Jury. That meeting was suddenly cancelled at the last minute by the State. In our attempt to discover the rationale behind the sudden CDPH refusal to continue to provide the Grand Jury with radon information, we were told that a subpoena would be required. This Grand Jury is concerned as to why that

State agency (CDPH) would require a subpoena to present taxpayer-funded public information to this California County entity.

El Dorado County developed a Radon Awareness Program in 2007. It consisted of a number of initiatives, primarily targeting education and construction method change recommendations, specifying completion by February 2008. The County Board of Supervisors has also determined that there is a concern regarding radon in our County, as they passed a Resolution making January 2009 (as well as January 2008) Radon Action Month (see attachments).

## **METHODOLOGY**

People interviewed:

- California Department of Public Health Staff Environmental Scientist
- El Dorado County Department of Environmental Management personnel

Documents reviewed:

- El Dorado County Radon Awareness Program (December 2007)
- El Dorado County Resolutions #'s 05-2008, 10-2009
- State of California, and other websites related to radon information

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The response(s) are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The County Environmental Management Radon Awareness Program, designed to be completed in February 2008, incorporated 18 actions (see attachment). The complainant indicated that a minimal number of those activities had been completed as of early 2009. Our investigation revealed that the County Department of Environmental Health, by their own admission, had yet to complete about 50% of those program components. They cited both financial and human resource reductions as the partial cause of their failure to complete the program as written.
2. The County Radon Program depends, in part, on materials and information from the State of California Department of Public Health. That department has been slow in providing key mapping and other data that this County could use to better manage the radon program.

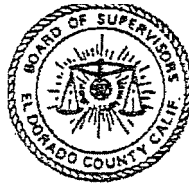


## **RECOMMENDATIONS**

1. The Grand Jury recommends that the El Dorado County Environmental Management Department implement the Radon Awareness Program in the manner and intent in which it was developed and written.
2. The Grand Jury recommends that the El Dorado County Department of Environmental Management seek support from the Board of Supervisors to help reduce the time delays in providing appropriate information to our County from the State Department of Public Health.

## **RESPONSES**

Response(s) to both Findings and Recommendations to this report are required in accordance with California Penal Code §933.05. Address response(s) to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court.



**RESOLUTION NO"      05-2008**  
**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EI DORADO**  
**DECLARING JANUARY 1 - 31, 2008**  
**RADON ACTION MONTH**

WHEREAS, radon is a colorless, odorless, naturally occurring radioactive gas that threatens the health of our citizens; and

WHEREAS, radon is the second leading cause of lung cancer deaths in the United States and the number one cause among non-smokers; and

WHEREAS, the only way to tell if radon is in your home [s to test, and testing for radon is simple and inexpensive; and

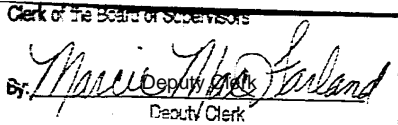
WHEREAS, "Radon Action Month" will increase the public's awareness of radon and support efforts to encourage residents to test their homes for radon, mitigate elevated levels of radon, and build new homes with radon resistant materials and features.

NOW, THEREFORE, BE IT RESOLVED by the El Dorado County Board of Supervisors that the month of January 2008, be designated as "Radon Action Month" in El Dorado County.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 8th day of January, 2008, by the following vote of said Board:

Attest:

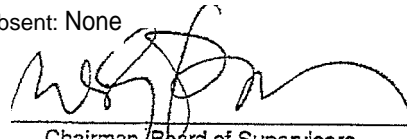
Cindy Keck  
Clerk of the Board of Supervisors.

Clerk of the Board of Supervisors  
  
Deputy Clerk

Ayes: Baumann, Sweeney, Dupray, Briggs, Santiago

Noes: None

Absent: None

  
Chairman, Board of Supervisors  
Rusty Dupray

I CERTIFY THAT:  
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE:



**RESOLUTION NO" 10-2009**  
**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**  
**DECLARING JANUARY 1 – 31, 2009**  
**RADON ACTION MONTH**

WHEREAS, radon is a colorless, odorless, naturally occurring radioactive gas that threatens the health of our citizens; and

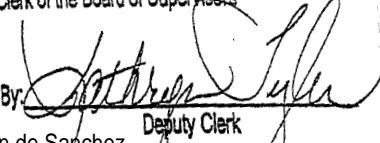
WHEREAS, radon is the second leading cause of lung cancer deaths in the United States and the number one cause among non-smokers; and

. WHEREAS, the only way to tell if radon is in your home is to test, and testing for radon is simple and inexpensive; and

WHEREAS, "Radon Action Month" will increase the public's awareness of radon and support efforts to encourage residents to test their homes for radon, mitigate elevated levels of radon, and build new homes with radon resistant materials and features.

NOW, THEREFORE, BE IT RESOLVED by the El Dorado County Board of Supervisors that the month of January 2009, be designated as "Radon Action Month" in El Dorado County.

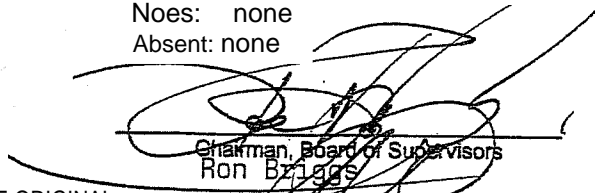
PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 27 day of January, 2009, by the following vote of said Board:  
Clerk of the Board of Supervisors

By:   
Suzanne Allen de Sanchez  
Deputy Clerk

Ayes: Sweeney, Briggs, Knight, Nutting, Santiago

Noes: none

Absent: none

  
Chairman, Board of Supervisors  
Ron Briggs

I CERTIFY THAT:  
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL

DATE: 2/2/09

IN FILE IN THIS OFFICE.

Attest:

By:

**EL DORADO COUNTY  
ENVIRONMENTAL MANAGEMENT  
RADON AWARENESS PROGRAM**

1. Develop awareness of radon and its possible health hazards
  - Distribute pamphlets at local grocery stores and post offices  
Public presentations at Board of Realtors, service groups, special events, etc.
  - Board/City Resolutions to support January as National Radon Action Month
  - Radon awareness insert with utility bills
2. Encourage community members to seek additional information about radon.
  - Public service announcements on local radio stations/newspaper articles
3. Inform community members as to various methods/sources for home radon testing.
  - Display test kits at local lumber and hardware stores
4. Encourage community members to test homes for radon.
  - Provide coupons for free test kits (if available from State)  
Promote State program for \$5 test kits
  - Work with Middle School/High School Science teachers to do radon project with their students-test their homes and track results
5. Inform community members on Radon Reduction Methods
  - Send letters to survey participants with radon results at or above action level
  - Provide copies of "How to Fix Your Home"
  - Consider providing workshop for homeowners
  - Expand list of State Certified Radon Mitigators
6. Encourage builders to include "Radon Resistant New Construction" (RRNC) in the construction of new homes.
  - Workshop for contractors, architects, engineers on methods of RRNC
  - Recommend to Development Services the adoption of a RRNC code for Tahoe area (similar to Appendix F of the International Residential Code) G Consider sending a Building Inspector and an Environmental Health Specialist to NEHA Radon certification class
  - Provide copies of "Building Radon Out" at City and County Building Departments and TRPA
    - Encourage radon reduction as part of Green Building

**MEASUREMENTS OF SUCCESS:**

1. Track the number of tests submitted for testing and their results
2. Track the number of homes built with RRNC

**TIMELINE FOR IMPLEMENTATION:**

December 2007:

Web site improvements, letters out to survey participants with results at or above action level, school district radon survey results

January 2007:

Radon Awareness Month, resolutions, coupons/free radon tests kits, public outreach, student projects at schools

February 2007:

Workshops for homeowners/contractors



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Adult Protective Services**

Case No. GJ-08-024

#### **REASON FOR REPORT**

As part of the El Dorado Grand Jury's ongoing oversight of County Government, a study was made of the El Dorado County Adult Protective Services (APS) Department to review its responsibilities and methods used to provide appropriate services to the County's elder and dependent adults.

#### **BACKGROUND**

The California Legislature has recognized that elders and dependent adults may be subjected to abuse, neglect, or abandonment, and that this State has a responsibility to protect these persons. Both the State and individual counties have been given the responsibility through Welfare and Institutions Code Section 15600-15601 to develop services to protect these individuals. Section 15600 (g) states: "The Legislature declares that uniform state guidelines, which specify when county adult protective service agencies are to investigate allegations of abuse of elders and dependent adults and the appropriate role of local law enforcement as necessary in order to ensure that a minimum level of protection is provided to elders and dependent adults in each county."

#### **METHODOLOGY**

Grand Jury members visited Adult Protective Services in Placerville on three different occasions. Our goals were to identify documentation regarding policies and procedures, organizational issues as well as available services and their provision. We also wanted to learn what actions were being taken in light of the economic downturn.

Documents reviewed include the following California Welfare and Institutions Codes:

- Section 15600-15601: Legislation creating and describing programs and services to protect elders and dependent adults
- Section 15610-15610.65: Description of agencies, issues and terms to be included in provision of these services
- Section 15630-15632: Mandated reporting
- Section 15633-15637: Confidentiality issues
- Section 15640: Reporting to law enforcement and other agencies
- Section 15650: Investigation reports
- Section 15653-15655.5: Role of adult protective agencies to determine need for investigation, investigation guidelines, training, interaction with care facilities
- Section: 15656: Punishment for willfully causing or permitting older or dependent adult abuse
- Section 15657-15657.5: Liability, legal actions, awards of protection and damages
- Section 15658: Written reports
- Section 15659: Proof of knowledge of Section 15630 and its compliance
- Section 15660: Criminal records
- Section 15670-15675: Background checks
- Section: 15700: Mechanism for temporary emergency protection
- Section 15701-15701.4: Definitions
- Section 15703-15705.40: Temporary emergency protection protocols
- Section 15750-15766: County system of protecting services

## **FINDINGS:**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court:

1. It is beneficial that many of the County departments and entities which are involved in providing adult protective services are co-located in one building on Briw Road in Placerville. This includes the Adult Protective Services Department, Ombudsman Program, Multipurpose Senior Services (MSSP) and Linkages Programs, In-Home Supportive Services, Visiting Nurse Program, Health Insurance Counseling & Advocacy Program (HICAP), Public Guardian and District Attorney.
2. A Multidisciplinary Adult Services Team (MAST) meets monthly to review and discuss cases that present unusual challenges to systems, involve multiple agencies, or require cooperative access to resources. Participants include staff from Adult Protective Services (APS), Public Guardian, Mental Health, Marshall Hospital, Long Term Care Ombudsman, Citizen Advocates for the Protection of Elders (CAPE), Information and Assistance, In-Home Supportive Services, MSSP/Linkages, ALTA Regional Center, Victim Witness Services and Public

- Health. Law Enforcement, Animal Services, Code Enforcement and other agencies sometimes attend for specific cases. Educational presentations are provided as suggested or requested.
3. The Elder Protection Unit (EPU) also meets monthly to review and discuss cases that are being considered for, or are in the process of, criminal prosecution or civil litigation. Participants include staff from the District Attorney's Office (Prosecutor, Investigator, and Legal Secretary) Deputy County Counsel, Public Guardian, Senior Legal Services Attorneys, Victim Witness Services, LTC Ombudsman, Adult Protective Services, Probate Bar Representative and a Certified Investment Advisor & CPA. Educational presentations are provided as suggested or requested.
  4. The Multidisciplinary Death Review Team (MDRT) meets monthly to review pediatric (under 18 years) and geriatric (over 60 years) deaths in the community with the goal of identifying and collecting data about premature or preventable death. Participants include Public Health Nursing Management, County Sheriff & Coroner, Placerville Police Department, Snowline Hospice, Human Services Child Protective Services (CPS), APS, and LTC Ombudsman, DA and Victim Witness, Deputy County Counsel and New Morning Youth & Family Services. Educational presentations are provided as suggested or requested.
  5. The El Dorado County Protective Services Department also interfaces with a substantial network of programs which utilize volunteers to support the well-being of elders and dependant adults and aid in the prevention of their abuse. They include:
    - Citizen Advocates for the Protection of Elders (CAPE) provides intake information to identify and prevent possible elder abuse.
    - Family Caregiver Support provides information and support services to informal caregivers of older individuals to maintain independence in a home setting.
    - Friendly Visitor Program provides friendship, support and contact for isolated or homebound seniors through home visits.
    - Health Insurance Counseling & Advocacy Program (HICAP) personnel are trained to provide assistance with Medicare problems, health insurance and long term care insurance.
    - Long Term Care Ombudsman Advocates monitor the quality of care and life of residents of skilled nursing facilities and elderly residential care homes.
    - Senior Center Activities volunteers provide a variety of recreational activities and educational opportunities designed for seniors.
    - Senior Nutrition Programs assists in the provision of hot nutritious lunches in both a congregate and home-delivered setting.
    - You Are Not Alone (YANA) provides a free daily telephone check-in and reassurance service available 7 days a week supported by the Sheriff's Team of Active Retirees and Human Service Volunteers.
    - Sheriff's Team of Active Retirees (STAR) senior volunteers assist the El Dorado County Sheriff's Office to enhance crime prevention.



## **RESPONSES**

Response to Findings in this report is required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court

## **COMMENDATION**

The County of El Dorado Department of Human Services, Adult Protective Services should be commended for their concern for elders and dependent adults. By co-locating various programs which focus on this population, they have created an atmosphere of convenient and rapid communication and problem solving. They continue to reach out into the County to cooperate and coordinate effectively with other service providers who also focus on this population. They interface with volunteer programs which provide older persons with meaningful opportunities to serve others and to benefit elders in the community.



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **Response Review Report**

Case No. GJ-08-025

#### **REASON FOR REPORT**

To provide the public and future Grand Juries with a current status and update of pending actions to the findings, recommendations and responses of Grand Jury Final Reports.

#### **BACKGROUND**

The El Dorado County Grand Jury is in session for 12 months. Each year the Grand Jury reviews and follows up on the responses to the reports written by prior year Grand Juries. The review is to determine that responses to the Grand Jury findings and recommendations meet California Penal Code Section 933.05 and to determine the current status of responses to recommendations and findings. Each Grand Jury is independent and decides its own course of action. Previous Grand Juries have followed up on responses and actions taken by various agencies with different methods and formats, but none have issued a final report on the subject matter. This year's Grand Jury has issues with several of the responses to recommendations made in last year's Grand Jury report. We recognize that priorities, budget and policy changes can impact prior responses. Therefore, this Grand Jury has elected to include in its final report a formal Response Review Report that can be readily monitored by future Grand Juries.

#### **METHODOLOGY**

The Grand Jury reviewed the written penal code required responses to the findings and recommendations from each County agency and department. This review gives opportunity for recommendations by this Grand Jury and those recommendations are identified and included below by title and case number. The Grand Jury conducted quarterly meetings with the CAO's office to determine the status of countywide findings and recommendations and we appreciate their support. Interviews were conducted with numerous agencies, cities and CSD's. Additional documents supporting responses to findings and recommendations provided by departments and agencies in the County were reviewed.

## **RESULTS OF INVESTIGATION (Response Review-Grand Jury Determinations)**

### **Grand Jury Report 07-25 Consolidation (Analysis) of Fire Districts- County and Fire District Response**

Last year's Grand Jury report focused on using County General Funds to subsidize eight fire districts, and the potential savings to the taxpayers if merging of fire operations were considered.

Most of the responses did not address the "tax fairness" issue but instead focused on local justification for the County providing General Funds to the eight fire districts. Taxpayers outside of those subsidized districts pay taxes to support their own fire districts, in addition to the County General Fund which provides funding to these subsidized fire districts. The report created a spirited response by various fire boards and agencies either in support or opposition to the findings and recommendations in that report.

This year's Grand Jury has followed the activity of various groups including the Board of Supervisors, LAFCO, and the Fire Chiefs Association. The problems discussed this year by the interested parties have focused on stabilizing the Aid to Fire funding. It has been discussed that no unsubsidized fire district would merge or combine if it were not financially feasible. Many other fire operational concerns would need to be addressed by various fire district boards if the Aid to Fire funding were eliminated by the Board of Supervisors. These fire district boards are independent governing bodies responsible for the fire operations in their local jurisdiction.

The annual Aid to Fire funding from the General Fund has been over \$1.3 million per year for the last three years. The Grand Jury has reviewed the responses and concludes that the tax fairness issue has not been addressed and continues to present an opportunity to analyze fire operations in the county. Last year's report focused on funding, not operational issues. Currently all County fire districts work together through mutual aid agreements and a central dispatch system for fire and emergency services operated by Cal Fire in Camino, providing County citizens the fastest available response to an emergency regardless of location. This combined system works well.

Listed below is the Aid to Fire General Fund contribution made to the eight subsidized fire districts operating budgets as of June 30, 2008.

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
<b><u>FIRE DISTRICT</u></b>	<b><u>ANNUAL OPERATING BUDGET</u></b>	<b><u>COUNTY AID TO FIRE CONTRIBUTION</u></b>	<b><u>AID as a % of BUDGET</u></b>	<b><u>AID TO FIRE FUND BALANCE Jun-08</u></b>	<b><u>BALANCE as a % of BUDGET</u></b>	<b><u>BALANCE as a % of AID AMT.</u></b>
Fallen Leaf Lake	235,184	60,454	25.7%	145,622	61.9%	240.9%
Garden Valley	2,175,771	205,285	9.4%	386,009	17.7%	188.0%
Georgetown	1,047,576	36,240	3.5%	21,055	2.0%	58.1%
Latrobe	433,452	168,978	39.0%	153,020	35.3%	90.6%
Meeks Bay	1,222,161	312,945	25.6%	2,026,695	165.8%	647.6%
Mosquito	381,500	35,047	9.2%	133,288	34.9%	380.3%
Pioneer	1,026,489	279,047	27.2%	291,789	28.4%	104.6%
Rescue	1,912,972	202,351	10.6%	775,756	40.6%	383.4%
<b>TOTALS</b>	<b>8,435,105</b>	<b>1,300,347</b>	<b>15.4%</b>	<b>3,933,229</b>	<b>46.6%</b>	<b>302.5%</b>

The total General Fund contribution for FY 2008-2009 is **\$1,300,347**. These numbers were compiled and presented to the Board of Supervisors by the CAO's office on March 30, 2009.

Note the wide discrepancy in dollars (column C) and contribution percentage of budget (column D) among the eight fire districts.

Note the levels of unspent Aid to Fire Dollars (Column E). These dollars indicate that the existing budget balances would support current Aid to Fire contributions for an average of over three years (column G). These numbers do not show if the Aid to Fire Fund balances are allocated for specific purposes.

There is a separate trust fund that was established for the exclusive use of fire districts. This fund currently contains \$963,513. The CAO's office has recommended that this trust fund be distributed to the fire districts as the FY 09/10 contribution for Aid to Fire funding. Distribution of the trust fund will ease the transition from canceling the Aid to Fire Funding contract which is the purpose of the trust fund. This Aid to Fire contract cancellation would provide the tax fairness and distribution that last years Grand Jury recommended.

The Grand Jury concludes that the current status of fire services in the County can be maintained or improved, and deliver tax fairness to all taxpayers in the County. The cancellation of the Fire District Contract between the County and the eight fire districts clearly provides an opportunity for this change.

Maintaining the Aid to Fire funding will not provide the leadership to analyze fire operations in the County, and will not provide incentive for fire districts and fire boards to look at change or consider other methods of operations. The current system, to quote a current member of the Board of Supervisors, "is arcane".

## **Recommendation 1**

This year's Grand Jury reaffirms last year's Grand Jury recommendation that Aid to Fire, as it is currently structured, continues to be a tax distribution and fairness issue. This requires a majority of property owners in the County to pay for their own fire districts operations, and support through the General Fund, fire services in eight other fire districts in the County. We recommend that the Board of Supervisors cancel the Aid to Fire contract with the fire districts, and distribute the trust fund monies for Fiscal Year 2009-2010 consistent with current contract funding agreements. The Grand Jury recognizes the Board of Supervisors may have made this decision during budget negotiations as this Grand Jury report is being prepared. If not, we recommend this contract be cancelled for next fiscal year 2010-2011.

## **Recommendation 2**

The Grand Jury recommends that the Board of Supervisors authorize an outside qualified consulting firm to analyze, evaluate, and make recommendations relative to the structure of our County fire service operations. This analysis should include mutual aid agreements, emergency medical services, and the ability of fire departments to operate without Aid to Fire funding. All fire district concerns should be brought out in the open for discussion and resolution as part of the analysis.

## **Recommendation 3**

We recommend that the cost of this independent analysis be paid by the current Aid to Fire funding. Based on interviews by the Grand Jury with two independent fire consulting firms we believe this analysis could be accomplished for an investment of under \$100,000, which is only 7.7% of the current Aid to Fire funding. Not performing an independent analysis keeps the status quo and perpetuates the same problem of tax fairness and distribution.

### **NOTE:**

*It should be noted that the Board of Supervisors – as this report was going to press – at their June 2, 2009 meeting, addressed this Aid to Fire issue, and did, in fact, make the very changes recommended in this report. Below is that segment to those minutes from the June 2<sup>nd</sup> meeting. We applaud the BOS for their actions.*

“Chief Administrative Office recommending the Board discuss Supplemental Funding to Fire Districts (Aid to Fire) and take the following actions:

- 1) Adopt Resolution 111-2009 terminating Supplemental Funding for Fire Districts, making findings to support that termination, and providing for an additional appropriation of \$335,537 in Fiscal Year 2009-2010;
- 2) Authorize staff to work with Local Agency Formation Commission (LAFCO) to initiate a request for qualifications for a Fire Service Consultant and prepare a Memorandum of Understanding with LAFCO for the administration of a Fire Service Consultant Agreement; and

- 3) Bring Fire Service Consultant findings and recommendations back to the Board prior to the Fiscal Year 2010/2011 budget.

FUNDING: General Fund

A motion was made by Supervisor Santiago, seconded by Supervisor Knight, as follows:

- 1) Adopt Resolution 111-2009;
  - 2) Authorize staff to work with Local Agency Formation Commission (LAFCO);
- And
- 4) Bring the draft findings and recommendations from the Fire Service Consultant back to the Board on or before January 26, 1020.

Yes: 4 - Knight, Sweeney, Briggs and Santiago

Noes: 1 Nutting”

### **Grand Jury Report 07-030 Use of County Vehicles – County (CAO Office) Response**

The **2007- 2008** Grand Jury reported eight Findings and four Recommendations. The County responses met the requirements of the penal code.

The Grand Jury recognizes the work of the CAO’s office following Board Policy #D4 to review permanent assignment and overnight retention of vehicles on an annual basis to continue or rescind authorization. The recent annual review has reduced the number of take home vehicles by County employees and cost savings will follow.

### **Grand Jury Report 07-06 Audit of Human Services and Mental Health Medi-Cal Revenue Department Responses**

The 2007-2008 Grand Jury commissioned a respected and experienced firm, Harvey M. Rose Associates, LLC, to conduct an audit of our County Human Services and Mental Health Departments. This action was prompted by prior Grand Juries’ investigations that had identified problems in the proper management of Medi-Cal billing practices. The purpose of the audit was to determine how much loss in State reimbursement was occurring based on those departments’ operations. The audit did in fact show some serious process deficiencies, and the projected substantial dollar losses to the County were realized.

The responses from the Board of Supervisors (BOS), presumably using input from the Mental Health and Human Services Departments, attacked the credibility and methods of the audit. The head of the Mental Health Department at that time publicly (at an open BOS meeting) denounced the audit findings, and indicated that all was well in his department. The BOS response focused on statistical methods and techniques, and virtually ignored the key findings and

recommendations of the audit and subsequent Grand Jury report. It should be noted that when the responses to that audit from the BOS were approved and given to the Grand Jury on September 30, 2008, the BOS had already approved the transfer of \$3,319,000 from the County General Fund to cover the Mental Health Department's 2007-2008 fiscal budget shortfall due to uncollected Medi-Cal payments.

Time has certainly exonerated the damaged credibility of that audit. As indicated above, at the end of last fiscal year (2007-2008), the Mental Health Department needed over \$3,000,000 to supplement its budget shortfall due to uncollected revenues from the State. Much of that shortfall can never be collected, as strict time rules exist between the State and Counties to recover past submission errors. And, per the County Auditor-Controller, it appears that the negative budget balance in the Mental Health Department will occur again this fiscal year (2008-2009).

In October of 2008 the Board of Supervisors changed the management of the Mental Health Department placing that department under the umbrella of the County Department of Public Health. This Grand Jury has met with members of the Public Health Department management team as well as our County Auditor/Controller to review the status of those fiscal problems. The Mental Health Department, under this new management, has recognized and embraced these problems, analyzed where the problems are, and, we believe, is taking steps to solve them.

The Mental Health Department (under the supervision of the Public Health Department) has indicated that they are taking the following actions:

- An electronic "bridge" is being placed between the two electronic systems designed to bill the State in a proper and timely manner
- Payroll has been consolidated into one operation
- The contract process has been consolidated
- The purchasing function has been consolidated
- There is an ongoing attempt to change the culture in order to place the proper priority on the billing and reimbursement process

According to the new management team at Public Health, the statewide average disallowance rate (non-reimbursed funds) is approximately 7%. The County is now running at 10%, which is down from 16% last year. This marked improvement in the disallowance rate still has much room to improve. The Mental Health Department will still require County "bailout" funds to balance the Mental Health Department budget this year. According to our County Auditor/Controller, at least 2.5 million dollars of General Fund money will again be needed this fiscal year (2008-2009) to cover the budget shortfall of the Mental Health Department.

## **Recommendation 1**

The taxpayer dollars lost due to fiscal mismanagement were huge, and every effort needs to be made by the Board of Supervisors to prevent a recurrence. The Grand Jury recommends that the BOS authorize an audit for next fiscal year to ensure that the purported progress being made by the Mental Health Department is real, and continues. The Grand Jury certainly recognizes the budget constraints that currently exist. However, if the recommended improvements in billing practices had been implemented last fiscal year the audit would have paid for its cost by a

multiple of many times. The County taxpayers lost over \$3,000,000 due to poor fiscal management in the Mental Health Department and the audit cost less than \$50,000.

**Grand Jury Report 07-19 Purchasing Department – County (CAO Office) Response)**

The Grand Jury reported seven findings and three recommendations in the report on the Purchasing Department. The County’s responses met the penal code requirements.

Last year’s report (Recommendation 1) called for the formation of a task force of end users and outside vendors. The purpose was to improve customer service to all internal and external customers of the Purchasing Department. This recommendation was made because the Grand Jury investigation revealed that the service problems that plagued the department were recognized by the CAO and the Purchasing Department. The purchasing systems are burdened with time consuming, paper laden processes and outdated systems. The County response said partially, “It is expected that the new Chief Administrative Officer will monitor the progress of the purchasing function”.

The current CAO has made significant changes to the operation and personnel in the Purchasing Department. The Grand Jury believes that time will determine if the customer service levels will improve internally and externally.

**Recommendation 1**

The Grand Jury recommends that the CAO’s office conduct a confidential County and partial vendor survey. This survey should attempt to determine if recent changes made in the organizational structure have affected the performance standards, measurements and processes of the Purchasing Department with improved levels of service to both internal customers and vendors.

We are not recommending a costly survey or project. This could be done internally with a one or two page document with a series of questions that asks for feedback on department performance objectives and measurements. Feedback by users and suggestions should be included. This survey could be done via email and should not take users or vendors a lot of time or any significant expense, however it is conducted. Results of the survey should be evaluated by the CAO’s office to determine the relative success of the recent organizational changes.



## **Grand Jury Report 07-14 Victim Restitution - Various County Department Responses**

Last year's Grand Jury report contained nine findings and six recommendations. The responses by the District Attorney and the Sheriff meet the penal code requirements.

The current Grand Jury reviewed the responses and decided to interview all department heads and selected staff personnel that are directly involved in at least one aspect of the victim restitution process. This included the District Attorney's Office, Probation Department, Sheriff's Department, Child Support Services Revenue Recovery and the Presiding Judge of the Superior Court.

The District Attorney's Office has implemented most of the recommendations listed in the Grand Jury report. The primary responsibility of the District Attorney is victim contact and restitution identification. A policy was implemented in October of 2007, and restitution orders are now being made in 85% - 95% of all cases where restitution is appropriate. The District Attorney's Office is unable to complete some restitution orders because some victims fail to cooperate, or the restitution amount is unknown at the time of sentencing, i.e. continuing medical costs.

The Sheriff's Department responded that their role in victim restitution is minimal. Their response indicated that the use of STAR volunteers for victim contact and follow-up will require further analysis due to scheduling, training and confidentiality issues. No time frame for this analysis completion was given by the department and should be provided.

Interviews with all department heads has led the Grand Jury to determine that all County departments are now fully aware of the existing problems in the victim restitution process, and a need to centralize the County's process. The involved departments are organizing a task force to establish a process that is centralized and will best serve victims entitled to restitution. The Grand Jury has concluded that all involved parties in the County are committed to resolving problems with the victim restitution process in a timely and efficient manner.

### **Recommendation 1**

The Grand Jury recommends that the task force referenced above address a centralized victim restitution program to be completed and implemented by the end of 2009.

### **Recommendation 2**

The Grand Jury recommends that the Child Support Services Revenue Recovery Department be responsible for victim restitution collection. This department has the desire, tools and expertise in revenue recovery to handle this responsibility.

## **Grand Jury Report 06-022 Department of Human Resources Response**

The original response to the 2006 Grand Jury report by Human Resources outlined a time frame to create a Human Resource Document/Book containing all the different County Human Resources policies. The time frame established was the second quarter of 2008. This has not been accomplished.

While turnover has occurred at the Director level, this Grand Jury does not believe any effort was made to accomplish this agreed to response by the Department.

Numerous attempts to follow up with the prior department head over the past year were deferred based on a variety of reasons, mostly under the banner of current labor negotiation.

### **Recommendation 1**

The Human Resource Department must complete the original recommendation as agreed to in their response.

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **Community Service Districts**

Case No. GJ-08-031

#### **REASON FOR REPORT**

The Grand Jury typically receives a substantial number of citizen complaints regarding Community Service Districts (CSD), and this year's jury was no exception. We did quite a bit of preliminary investigation into two road repair districts, two fire districts, as well as a Community Services District. Most of the concerns centered on perceived violations of the Brown Act (the Brown Act is a set of California laws and regulations regarding transparency and meeting rules for any public entity). Our investigations revealed several common generalities regarding CSD complaints.

#### **FINDINGS COMMON TO CSD COMPLAINTS**

1. Brown Act violations: there has never been, to our knowledge, a successful prosecution of a Brown Act violation, as the legal standard of showing criminal intent is very challenging.
2. Most of the problems regarding CSD board activities, whether or not related to the Brown Act, tended to be a function of lack of understanding of applicable laws, and poor management skills or personality styles, not illegal actions.
3. While the intent of a CSD is to provide local control, the level of citizen participation is typically quite low. CSD positions are voluntary, usually non-compensated, and performance and skill-set standards are rarely incorporated into by-laws, or measured in the election process.
4. Many complaints are based on disagreements between the policies of the CSD board and the opinions/views of other CSD members. This is *not* to say that errors are not made, and that poor management styles, processes, and decisions do not exist in many CSD's in our County.

#### **RECOMMENDATIONS RELATIVE TO THE COMMON FINDINGS**

Where there is a clear violation of law or process, Brown Act or otherwise, the Grand Jury is most interested in either providing solution recommendations, or recommending that the District Attorney review the case, as we have done this year. This Grand Jury would like to leave the

members of all CSD's in El Dorado County with the following comments and potential solutions:

1. Get involved in your CSD. Volunteer to run for the board or other position if you have the time and skills to do so.
2. Take advantage of training from organizations such as the California Special Districts Association ([www.csda.net](http://www.csda.net)).
3. Attend the board meetings. If there are issues that concern you, then bring them up publicly. CSD board members have an obligation to respond to concerns, and provide public documents.
4. Help set up a website or newsletter to keep all CSD members well informed.
5. Use the recall process if you feel that a board member (or other CSD position) is not acting in the best interests of CSD members.
6. Contact the District Attorney's office if you feel that there have been illegal actions. They are there to serve the citizens of El Dorado County.
7. Use the press. The Mountain Democrat, as well as many other print and electronic media is more than willing to publicize your valid concerns.
8. Use the Grand Jury to help you solve problems if you feel that any of the public entities in this county are not providing you, the CSD rate-payer, the appropriate level of communication and service.

## **RESPONSES**

None required

# **FACILITY INSPECTION REPORTS**





## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Jail South Lake Tahoe, California Case No. GJ-08-026**

#### **REASON FOR REPORT**

The California Penal Code §919(a) and §919(b) requires the Grand Jury to annually inspect any jail or prison within the county. This includes juvenile correctional facilities.

#### **BACKGROUND**

The South Lake Tahoe Jail was built in 1970 and was renovated in 1991. The jail has a maximum capacity of 158 inmates. Staff consists of 1 lieutenant, 7 correctional sergeants, 25 correctional officers, 1 cook supervisor, and 1 lead registered nurse to operate the institution in 12-hour shifts.

#### **METHODOLOGY**

Members of the Grand Jury inspected the facility on September 17, 2008.

##### People Interviewed:

- Sheriff of El Dorado County
- El Dorado County Under-Sheriff
- Commander of South Lake Tahoe County Jail
- Correctional staff

##### Documents Reviewed:

- California Code of Regulations, Title 15, §1029 and §1080
- Corrections Standard Authority Biennial Inspection Report dated June 3, 2008
- El Dorado County Sheriff's Office, Custody Division, Policy and Procedures
- Grand Jury reports 2005 through 2008

Website:

- El Dorado County Sheriff's Department, [www.co.el-dorado.ca.us](http://www.co.el-dorado.ca.us)

## RESULTS OF INVESTIGATION

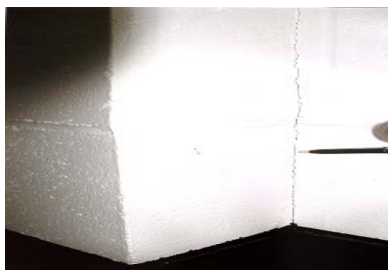
The attitude of the administration and officer staff demonstrates a progressive and efficient organization dedicated to its mission. Of particular note are the number of programs and opportunities staff provides for inmates to improve their skills as contributing members of society. Examples of these programs are:

- Addiction Recovery through Self Responsibility (H.E.A.R.T.S) Program
- Church Services
- Culinary Arts
- Day Reporting
- Drug and Alcohol Counseling
- Employment Success Program
- English as a Second Language
- General Education Diploma (GED)
- Health Education
- Mental Health Court
- Reentry Program
- Spanish H.E.A.R.T.S. Program
- Women's Health

## FINDINGS

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The interior cinder block wall on the east side of the jail that separates "B" and "C" pods from a common hall has cracks. The wall vibrates when doors on that wall are closed.



2. The strike plate on the door jamb of the door leading to the kitchen supply room is damaged.



## **RECOMMENDATIONS**

1. It is recommended that the Sheriff initiate an inspection to assess the structural integrity of the cinder block wall located in the “B” and “C” pods of the jail and report any safety concerns to the appropriate entity.
2. It is recommended the door jamb strike plate be replaced or repaired within the 2008-2009 fiscal year.

## **RESPONSES**

Response(s) to both the Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado Superior Court

## **COMMENDATION**

The 2008-2009 Grand Jury commends the El Dorado County Jail, South Lake Tahoe for their dedication to providing a safe and secure custodial area for inmates. The administration and staff are also commended for the number of programs and opportunities they provide for the inmates.





## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Jail South Lake Tahoe, California Case No. GJ-08-026**

#### **REASON FOR REPORT**

The California Penal Code §919(a) and §919(b) requires the Grand Jury to annually inspect any jail or prison within the county. This includes juvenile correctional facilities.

#### **BACKGROUND**

The South Lake Tahoe Jail was built in 1970 and was renovated in 1991. The jail has a maximum capacity of 158 inmates. Staff consists of 1 lieutenant, 7 correctional sergeants, 25 correctional officers, 1 cook supervisor, and 1 lead registered nurse to operate the institution in 12-hour shifts.

#### **METHODOLOGY**

Members of the Grand Jury inspected the facility on September 17, 2008.

##### People Interviewed:

- Sheriff of El Dorado County
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- Correctional staff

##### Documents Reviewed:

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- Grand Jury reports 2005 through 2008

Website:

- El Dorado County Sheriff's Department, [www.co.el-dorado.ca.us](http://www.co.el-dorado.ca.us)

## RESULTS OF INVESTIGATION

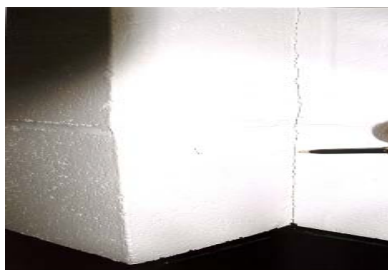
The attitude of the administration and officer staff demonstrates a progressive and efficient organization dedicated to its mission. Of particular note are the number of programs and opportunities staff provides for inmates to improve their skills as contributing members of society. Examples of these programs are:

- Addiction Recovery through Self Responsibility (H.E.A.R.T.S) Program
- Church Services
- Culinary Arts
- Day Reporting
- Drug and Alcohol Counseling
- Employment Success Program
- English as a Second Language
- General Education Diploma (GED)
- Health Education
- Mental Health Court
- Reentry Program
- Spanish H.E.A.R.T.S. Program
- Women's Health

## FINDINGS

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The interior cinder block wall on the east side of the jail that separates "B" and "C" pods from a common hall has cracks. The wall vibrates when doors on that wall are closed.



2. The strike plate on the door jamb of the door leading to the kitchen supply room is damaged.



## **RECOMMENDATIONS**

1. It is recommended that the Sheriff initiate an inspection to assess the structural integrity of the cinder block wall located in the “B” and “C” pods of the jail and report any safety concerns to the appropriate entity.
2. It is recommended the door jamb strike plate be replaced or repaired within the 2008-2009 fiscal year.

## **RESPONSES**

Response(s) to both the Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado Superior Court

## **COMMENDATION**

The 2008-2009 Grand Jury commends the El Dorado County Jail, South Lake Tahoe for their dedication to providing a safe and secure custodial area for inmates. The administration and staff are also commended for the number of programs and opportunities they provide for the inmates.



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Juvenile Hall**

#### **South Lake Tahoe**

Case No. GJ-08-027

### **REASON FOR REPORT**

The California Penal Code §919(a) and §919(b) requires the Grand Jury to annually inspect any jail or prison within the county. This includes juvenile correctional facilities.

### **BACKGROUND**

The South Lake Tahoe Juvenile Treatment Center is located at 1041 Al Tahoe Boulevard. It is approximately three years old. The facility houses a maximum of 40 male and female minors. On the day the site was visited, there were 13 children in residence. The El Dorado County Probation Department is responsible for maintaining the facilities that house youthful offenders. El Dorado County Office of Education is responsible for education during the child's period of detention. The name of the school located in the Juvenile Hall is Blue Ridge School. The relationship between the Probation Department and the school is integral to the success of both programs.

Children who are sent to juvenile hall have become temporary wards of the court pending adjudication. During this time a minor's health, safety and education are protected by federal and state educational codes, as well as California Code of Regulations, Title 15 and Title 24.

### **METHODOLOGY**

Members of the Grand Jury visited the South Lake Tahoe Juvenile Treatment Center on September 17, 2008.

#### People Interviewed:

- Deputy Chief Probation Officer - El Dorado County Probation Department
- Staff Members - Juvenile Hall
- Juvenile Wards

Documents Reviewed:

- California Code of Regulations, Title 15, §1029, Policy and Procedures Manual
- California Code of Regulations, Title 15, §1280, Facility Sanitation, Safety and Maintenance
- California Code of Regulations, Title 17, §6000-6075
- California Education Code 49068 & 49403
- Health and Safety Code, §120325-120380

Website:

- California Department of Education - [www.cde.ca.gov](http://www.cde.ca.gov)

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. Although numerous recruiting strategies have been employed, the staffing issue continues to be a problem.
2. Probation and education staff is dedicated to increasing a young person's ability to succeed in his/her environment. Programs are in place to educate, support, and promote youthful offenders and their families in effective rehabilitation information and strategies. These programs include:
  - Challenge Program
  - Counseling Programs
  - Mental Health Programs
  - Ranch Program
  - Vocational Programs
3. In addition to sending for and receiving complete school records (including proof of immunization) within 24 hours of intake, the probation staff has also initiated a more effective health review upon intake.

## **RECOMMENDATIONS**

1. The Grand Jury recommends that South Lake Tahoe Juvenile Hall continue to seek solutions to their recruiting difficulties.

## **RESPONSES**

Response(s) to Finding and Recommendations to this report are required in accordance with California Penal Code §933.05.

Address response to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court

## **COMMENDATION**

The 2008-2009 Grand Jury commends the El Dorado County Probation Department and the El Dorado County Office of Education for their outstanding advocacy and rehabilitation programs for at-risk youth.



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Jail**

#### **Placerville**

Case No. GJ-08-028

### **REASON FOR REPORT**

The California Penal Code §919(a) and §919(b) requires the Grand Jury to annually inspect any jail or prison within the county. This includes juvenile correctional facilities.

### **BACKGROUND**

The El Dorado County Jail located in Placerville was built in 1988. The maximum capacity is 271 inmates. The jail population at the time of the Grand Jury inspection was 231 inmates.

### **METHODOLOGY**

Members of the Grand Jury inspected the facility on September 24, 2008.

#### People Interviewed:

- Sheriff of El Dorado County
- El Dorado County Under-Sherriff
- Commander of Placerville County Jail
- Correctional staff

#### Documents Reviewed:

- California Code of Regulations, Title 15, §1029 and §1080
- Corrections Standard Authority Biennial Inspection report dated June 3, 2008
- El Dorado County Sheriff's Office, Custody Division, Policy and Procedures
- El Dorado County Fire Protection District Inspection report (2008)
- Grand Jury reports 2005 through 2008

#### Websites:

- El Dorado County Sheriff's Department, [www.co.el-dorado.ca.us](http://www.co.el-dorado.ca.us)

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The facility currently uses a VHS recording system to monitor selected locations in the jail. It supports eight cameras throughout the facility with the recorder and monitor units located in a secure room. The multiplex transfer equipment and approximately 2500 tapes are stored in a separate secure room. The jail is required to maintain the tapes for a period of three years, which necessitates the purchase of 800 new tapes a year. This dated recording system is no longer manufactured and it is difficult to find qualified technicians to repair the system when it fails.
2. The soundproofing of the attorney/inmate interview rooms is inadequate. Individuals in the area can hear conversations outside the attorney's section of the rooms.

## **RECOMMENDATIONS**

1. It is recommended that the Sheriff replace the VHS recording system with a digital system capable of recording the same locations presently being monitored.
2. The Sheriff should install additional soundproofing material to protect attorney/client privilege in the attorney/inmate interview rooms.

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado Superior Court





## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Juvenile Hall Placerville**

Case No. GJ-08-029

### **REASON FOR REPORT**

The California Penal Code §919(a) and §919(b) requires the Grand Jury to annually inspect any jail or prison within the county. This includes juvenile correctional facilities.

### **BACKGROUND**

The Placerville Juvenile Hall was built in 1971. The facility houses a maximum of 40 male and female minors. The El Dorado County Probation Department is responsible for the care of the minors, as well as the facility and personnel, while the El Dorado County Office of Education is responsible for the education of the minors. The relationship between the two departments is integral to the success of both programs. Children who are sent to juvenile hall become temporary wards of the court pending adjudication. During this time, a minor's health, safety and education are protected by Welfare and Institution Codes, California Code of Regulations - Title 15 and Title 24, and federal and state educational codes.

Programs are in place to educate and support youthful offenders and their families in effective rehabilitation information and strategies. These programs include counseling programs, mental health programs and many vocational programs. Providing an education to youthful offenders who have been detained for errors in judgment and unlawful behavior allows the young person the opportunity to stay abreast of or catch up on his/her school work. Graduating a youthful offender from high school furthers the potential to re-enter the community ready to become a productive member of society.

## **METHODOLOGY**

Members of the Grand Jury visited the Placerville Juvenile Treatment Center October 22, 2008.

People Interviewed:

- Superintendant – Juvenile Hall
- Staff Members - Juvenile Hall
- Juvenile Wards

Documents Reviewed:

- California Code of Regulations, Title 15, §1029, Policy and Procedures Manual
- California Code of Regulations, Title 15, §1280, Facility Sanitation, Safety and Maintenance
- California Code of Regulations, Title 17, §6000-6075
- California Education Code 49068 & 49403
- Health and Safety Code, §120325-120380

Website:

- Department of Education - [www.edc.ca.gov](http://www.edc.ca.gov)

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The facility appears to be in excellent condition. There is a plan to update the security monitoring system and to expand the facility. Both of these items are in the current capital improvement program.

## **RESPONSES**

Response to Findings in this report is required in accordance with California Penal Code §933.05.

Address response to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court

## **COMMENDATION**

The Grand Jury commends the El Dorado County Probation Department and the Office of Education for their outstanding advocacy and rehabilitation programs for at-risk youth.



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **Growlersburg Conservation Camp Georgetown**

Case No. GJ-08-030



#### **REASON FOR REPORT**

The El Dorado County Grand Jury is charged with inspecting correctional institutions in El Dorado County each year per §919(a) and §919(b) of the California Penal Code.

#### **BACKGROUND**

Growlersburg Conservation Camp (Growlersburg) was built in 1967. Originally built as an 80-bed camp, it has increased to accommodate 132 inmates. The primary mission of Growlersburg is fighting fires throughout California. It is operated and managed by two entities: California Department of Corrections and Rehabilitation (CDCR) and California Department of Forestry and Fire Protection (Cal Fire). The staff of 34 consists of 10 correctional officers, 14 Cal Fire staff and 10 CDCR staff. Inmates assigned to Growlersburg have a low risk level classification. Growlersburg provides training in fire fighting, emergency response, woodworking and other disciplines.

## **METHODOLOGY**

Members of the Grand Jury inspected Growlersburg on October 9, 2008. Inspections of the facility included living quarters, day rooms, kitchen, mess hall, woodworking shop, and garden.

### People Interviewed:

- Cal Fire Officers
- CDCR Officers
- Inmates

### Documents Reviewed:

- California Code of Regulations, Title 15, §290, Policy and Procedures Manual
- California Code of Regulations, Title 15, §280, Facility Sanitation, Safety and Maintenance
- Grand Jury Reports 2005 through 2008
- Jails and Prisons Inspection Checklist Forms

## **RESULTS OF INVESTIGATION**

Of particular note are the extensive work hours performed annually for community service projects such as maintenance for school districts, El Dorado Irrigation District, cemeteries, state parks, and Sheriff's Office. There are additional hours of emergency response work performed with agencies such as Office of Emergency Services. The Growlersburg inmates also maintain a garden that saves an estimated \$12,000 a year in food costs for the institution.

Some parts of the institution showed its age. The condition of the buildings appeared to be generally good and the grounds are attractive and well maintained; however, the facility is due for renovation. Some repairs are needed. Renovation of the facility is scheduled to be completed by 2012.

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The kitchen hood that was first identified as out of compliance in the 1999-2000 Grand Jury Report has been replaced and now meets fire code requirements (Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations – National Fire Protection Agency).

2. The facility, built in 1967, fails to be in full compliance with the American Disabilities Act (ADA). However, all visitor areas are in compliance. The State-approved renovation contract that was funded in July 2007 will provide ADA access to all areas of the facility.
3. The panels in the false ceiling of the multipurpose room are warped and slipping out of the metal framing that holds them in place.

## **RECOMMENDATION**

1. Inspect roof and interior ceiling to determine what is causing the damage and replace damaged panels.

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court

## **COMMENDATION**

The 2008-2009 El Dorado County Grand Jury commends Growlersburg Conservation Camp. The excellent training provided by Growlersburg gives the inmates the opportunity upon release to lead productive lives and become solid members of society. As a result of the training programs, the inmates exhibit skills of qualified professionals in the fields of fire fighting, emergency response and woodworking.

The Grand Jury commends Growlersburg for their exceptional community service.

Growlersburg is commended for savings incurred by the maintenance of their produce garden.



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado Senior Day Care Center**

Case No. GJ-08-007



### **REASON FOR REPORT**

The Grand Jury selected the Senior Day Care Center in Placerville as one of its general reviews and to observe implementation of Grand Jury recommendations of 2002-2003.

### **BACKGROUND**

The Senior Day Care Program provides a stimulating environment for seniors and the disabled over age 18 to receive physical therapy, support services, recreational activities and a nutritional lunch as a daily respite for caregivers. Generally, 30 to 44 persons attend daily. Transportation to and from the facility may also be provided as needed.

## **METHODOLOGY**

A review of the Grand Jury recommendations of 2002-2003 was made prior to the visit. Those recommendations included painting the building, repairing the parking area, and painting directional arrows in the driveway. Grand Jury members conducted an unannounced visit on August 26, 2008, and a tour of the facility was provided by the Program Supervisor.

### **People Interviewed:**

- Day Care clients
- El Dorado County Fire Marshall
- Kitchen attendant
- Member of State of California Department of Aging
- Program supervisor

### **Documents Reviewed:**

- Achievement Awards
- California Department of Social Services License (September 1993)
- Department of Aging Survey, 1999 (most current)
- El Dorado County Fire Protection District inspections of September 2002 and October 2008
- Grand Jury Report 2002-2003
- Policy and Procedure Manual for Senior Day Care Facility
- State of California Health and Human Services Survey (September 2004)

## **RESULTS OF INVESTIGATION**

The recommendations from the 2002–2003 report have been implemented. The building was recently painted and parking was paved with directional arrows applied. Parking remains limited. There were quiet rooms with recliners and blankets for rest periods. Additionally, activity rooms, craft rooms and a physical therapy room were available for activities and treatment. The high degree of motivation of the Senior Day Care Center staff should be recognized. The staff is focused on enriching the daily lives of vulnerable adults and senior members of our community.

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The general appearance of the facility was clean, neat and well landscaped.
2. The staff demonstrated respect and courtesy to clients.
3. Personal care was given to clients in a safe and private manner.



4. The entire facility was wheelchair accessible.
5. The emergency exits were marked and there were smoke detectors in all rooms.
6. An aluminum can recycle bin was overflowing at the time of visit.
7. The emergency exit on north end of the building does not have a permanent alarm, allowing unsecured quiet exit of clients.
8. It is difficult to access the fire alarm on the patio. An access code is needed. Without an access code, the gate will open only if the arm is activated from inside the building.
9. The code for the patio's keyless exit lock is reversed and is in a location that is difficult for untrained persons and visitors to see.
10. Concerns over the safety of wandering clients are addressed by a non-automated exit alarm at the main entry.
11. The most recent Fire Marshall inspection prior to our initial visit was conducted 6½ years ago. After a Grand Jury inquiry, a Fire Marshall inspection was accomplished in October 2008.

## **RECOMMENDATIONS**

1. We recommend that a permanent egress alarm system be installed on the exit door of the north end of building to protect against unsupervised exits by confused clients.
2. The recycling area should be monitored to ensure that recycled cans are picked up or stored so that there is no overflow.
3. We recommend that the emergency fire alarm currently located outside the patio be moved so that it is inside the patio for ease of access.
4. The exit release code on the patio exit should be placed in a clear spot so that visitors and untrained persons can exit by that gate.
5. We recommend that a video monitoring system be installed to ensure client safety.
6. The facility should not rely on the El Dorado County Fire Marshall to schedule fire inspections on a timely basis, but should request inspection on a more frequent basis to decrease fire danger to vulnerable adults.

## **RESPONSES**

Response(s) to both the Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address response to: The Honorable Suzanne N. Kingsbury, Presiding Judge, El Dorado County Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **Placerville Airport - Placerville**

Case No. GJ-08-009



### **REASON FOR REPORT**

The El Dorado County Grand Jury conducts inspections of county, city and special district facilities owned or leased within El Dorado County Per California Penal Codes §925, §925(a) and §928. The focus of the inspection is health and safety conditions and operation according to law and regulations.

### **BACKGROUND**

Placerville Airport (KPVF) is owned and operated by El Dorado County. Funding for operation of the airport has come from a combination of Federal, State and County funds as well as funds from airport operations consisting of the sale of aviation gasoline and jet fuel and the leasing of space for hangers and businesses on the airport property.

The runway consists of one 4,200 foot asphalt surface runway on headings of 230 and 50 degrees. The runway services general aviation aircraft as well as fire fighting aircraft. The runway can accept aircraft weighing up to 12,500 lbs on a routine basis. During emergency operations, this weight limitation may be removed or changed as circumstances and public safety require. The airport is available for both instrument and visual landings.

Demand exists to expand the availability of hangers to store aircraft; however the project has been interrupted until such time as the issue of a need for a fire sprinkler system in the aircraft storage areas has been resolved. The Department of Transportation and the El Dorado County Fire Marshall have begun discussions on this issue.

The airport services approximately 180 aircraft per day. Usage patterns are approximately 53% transient aircraft, 45% local general aviation aircraft, 2% military and 2% air taxi. The airport provides fuel sales for general aviation as well as jet fuel for turbine operations. The airport serves as a refueling location for rotary wing air fire operations during fire season.

This past year, the administrative responsibility for the airport has shifted from El Dorado County Department of General Services to El Dorado County Department of Transportation.

## **METHODOLOGY**

The grand jury gathered data from sources including: the state government, cities and agencies that have similar airports, and technical sources listed below. Additionally, the grand jury visited the site and interviewed persons associated with the Airport

People Interviewed:

- Managers within the El Dorado County Department of Transportation
- Personnel working at the Placerville Airport
- Personnel within the El Dorado County Fire Marshall's office
- Personnel within the El Dorado County Sheriff's Department.

Documents Reviewed:

- The most recent El Dorado County Disaster Response Plan

Websites:

- AIRNAV <http://www.airnav.com/airport/KPVF>

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The airport is well managed and constitutes an important hub for air operations within El Dorado County.

2. The sale of aviation fuels with marketing to flight crews is being used as an opportunity to recover some of the costs associated with the airport.
3. A demand for additional hanger space exists but is not met. The County Fire Marshall has communicated a requirement for sprinklers, which has halted construction due to the prohibitive cost.
4. Use of the airport is not addressed in the El Dorado County Disaster Response Plan.

## **RECOMMENDATIONS**

1. Efforts to sell additional aviation fuel by marketing to flight crews should be expanded. This program should be continued and evaluated to determine if it can be made even more attractive to aircrews.
2. Discussions between Department of Transportation and the County Fire Marshall should continue. If they are not productive, other avenues to resolve the sprinkler issue should be taken to resolve the impasse.

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Psychiatric Health Facility Placerville**

Case No. GJ-08-011



### **REASON FOR REPORT**

The El Dorado County Grand Jury selected the Psychiatric Health Facility as one of its general reviews. This review is also a follow up on recommendations made by the Grand Jury of 2002-2003.

## **BACKGROUND**

The Psychiatric Health Facility (PHF) provides inpatient services for persons over the age of eighteen requiring intensive, 24-hour psychiatric care. Some patients require involuntary hospitalization. The patients are generally referred by the family or law enforcement to this facility. The average length of stay is six days. Patient treatment includes a focus on discharge planning to assure discharge to a safe and appropriate situation.

The mission of the PHF is “to promote mental health and public safety, prevent mental illness, serve persons with mental illness, and severe emotional disorders in the most cost efficient and least restrictive manner possible”. This is the only facility of its kind in El Dorado County.

This building was built in the 1960’s and has been used as the Psychiatric Health Facility since the early 1980’s. It has the capacity for 16 patients admitted for acute short-term stays. The facility provides twenty-four hour care. The facility care givers are licensed psychiatric staff: mental health workers, one RN, LVNs, licensed clinical psychiatric aides, licensed clinical social workers, and psychiatrists.

## **METHODOLOGY**

Members of the Grand Jury made an announced visit to the facility on December 2, 2008. A tour of the facility was given by the Program Manager. A brief description of the functions of the facility was given by the Program Manager and the Interim Manager.

### People Interviewed:

- Director of Health Services
- Interim Program Manager
- Program Deputy Director
- Psychiatric Health Facility Program Manager

### Documents Reviewed:

- California State Department of Mental Health Annual Evaluation dated June, 2008
- El Dorado County Environment Management Inspection Report
- El Dorado County Fire District Inspection dated October, 16, 2008
- El Dorado County Psychiatric Health Facility Permit dated January, 2008
- Grand Jury Report 2002/2003

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury inspected the El Dorado Center facility, which has arrived at the following findings:

1. The laundry room is cluttered.
2. There is a lack of storage area in the entire facility.
3. Stronger exhaust fans are needed in showers.
4. Air filters throughout the facility are dirty.
5. Floors in the isolation rooms are peeling and stained.
6. Shower doors need to be installed in the new residential area.
7. The lock on the stall door in the ladies restroom in the patient hallway is broken.
8. The urinal in the patient hallway men's restroom leaks.
9. There is an unidentified outlet hanging from the wall in the RN's office.
10. The RN has an office used for supply storage, so there is insufficient room for her to function.
11. There are stained ceiling tiles in the patient room hallway and RN's office.
12. The facility has its own kitchen which appears neat, orderly and clean.

## **RECOMMENDATIONS**

1. The Grand Jury recommends that the deficiencies noted in the above findings be addressed and/or repaired.

## **RESPONSES**

Response(s) to Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado Superior Court





## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado High School Placerville**

Case No. GJ-08-012



### **REASON FOR REPORT**

The 2007-2008 Grand Jury conducted a facilities inspection of El Dorado High School in the fall of 2007. A number of deficiencies were found and reported in the final report from last year's Grand Jury. The response from the school district regarding that inspection report effectively denied that most of the reported problems existed. For that reason, this year's Grand Jury made an unannounced visit to the campus on November 12, 2008 to determine if any facility issues exist now.

### **BACKGROUND**

El Dorado High School was built in 1937, and has undergone many repairs and renovations. The school is comprised of 22 buildings, including 67 classrooms. This school has been named a California Distinguished School with an Academic Performance Index of 764. It offers many special educational and social programs such as Safe School Ambassadors, and Cyber High (a class to assist students with poor grades).

## **RESULTS OF INVESTIGATION**

The conditions at the El Dorado High School campus on November 12, 2008 revealed many of the deficient conditions discovered during last year's inspection. Our findings will outline them. We do recognize that portions of this campus are quite old (circa 1930's). We continue to be impressed with the number of, and nature of, on-campus programs that assist the students at this high school.

The response to last year's inspection effectively denied the existence of many of the problems. This year's inspection team took many digital photos, so that any concern regarding the accuracy of this year's findings can be verified if so required by the responding parties.

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. Student safety as well as California Law require that an eye wash station be present in areas/classrooms where hazardous materials are present. The auto shop did not have such a station.
2. A substantial amount of debris was found in many areas of the campus.
3. Evacuation maps and maximum occupancy signs were missing in the gym and café.
4. The restrooms were generally clean and properly supplied.
5. Ceiling tiles were either missing or stained in rooms 100, 102 and 119.

## **RECOMMENDATIONS**

1. Install an eye wash station in the auto shop.
2. Consider the formation of a "pride program" to help minimize the debris around campus.
3. Replace missing or stained ceiling tiles (last year's response indicated that they would be done over this last summer).

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **South Lake Tahoe Administration Facility El Dorado Center COMMUNITY SERVICES DIVISION Case No. GJ-08-013**



### **REASON FOR REPORT**

The El Dorado County Grand Jury conducts inspections of county, city and special district facilities owned or leased within El Dorado County per California Penal Codes §925, §925(a) and §928. The focus of the inspection is health and safety conditions.

### **BACKGROUND**

One of the county's buildings in South Lake Tahoe, known as El Dorado Center, was inspected by the Grand Jury on November 17, 2008. This facility was built in 1968 as a commercial bank and was purchased by the county in May of 1991. The inspection was limited to the Community Services Division located in Suite #202. This office handles several programs including, Women, Infant, Children (WIC), Energy Assistance Programs, Special Needs Transportation, Housing Choice Vouchers (Section 8), miscellaneous Senior Programs and Information and Referral. There are two full time employees, seven part time employees and numerous volunteers.

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury inspected the El Dorado Center facility, which has arrived at the following findings:

1. The annual elevator Permit to Operate expired on July 21, 2007.
2. Ceiling tiles in the reception area are dirty and stained from a previous leak.
3. Temperature control throughout the building is inconsistent. The individual offices have no way to control and maintain an acceptable office temperature.
4. The individual offices are small and cramped. When meeting with clients, the conversations can be overheard from other areas, creating privacy issues.

## **RECOMMENDATIONS**

1. The elevator service company under contract for this facility should be contacted to address the expired permit.
2. Replace stained ceiling tiles in the reception area.
3. Correct the deficiency to maintaining acceptable office temperatures in individual offices.
4. Office should be evaluated for privacy issues and, if required, install additional soundproofing material.

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **LAKE TAHOE AIRPORT SOUTH LAKE TAHOE, CALIFORNIA Case No. GJ-08-015**



#### **REASON FOR REPORT**

The El Dorado County Grand Jury conducts inspections of county, city and special district facilities owned or leased within El Dorado County per California Penal Codes §925, §925(a) and §928. The focus of this investigation is a periodic inspection for health and safety.

#### **BACKGROUND**

The Lake Tahoe Airport, located in the South Lake Tahoe Basin, broke ground for construction in 1958 and opened in August of 1959. The airport has a single runway, 8,544 feet long, or approximately one and a half miles. Elevation is approximately 6,300 feet above sea level. The airport, at this time, handles only private and emergency aircraft and was commended for its extensive use and cooperation during the Angora fire operations in 2007. The airport is seeking FAA approval for commercial operations. It has a control tower, but it is not in use. Recently, the runway was completely resurfaced and is now able to handle much larger and heavier aircraft. The airport is owned and operated by the City of South Lake Tahoe.

## **METHODOLOGY**

Members of the Grand Jury made an announced visit to the facility on November 17, 2008.

People Interviewed:

- Assistant City Manager
- Airport Safety & Security Coordinator

## **FINDING**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The response(s) are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following finding:

1. The main terminal apron is in disrepair.

## **RECOMMENDATION**

1. The Grand Jury recommends that repair be implemented to enhance the commercial use of the airport.

## **RESPONSES**

Response(s) to both Finding and the Recommendation in this report are required in accordance with California Penal Code §933.05.

Address response(s) to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court

## **COMMENDATION**

The City of South Lake Tahoe has meticulously maintained the airport and its operation. Of special interest, it has installed coyote decoys along the runway to deter birds and animals from being a hazard to aircraft. This is an exemplary solution to wildlife hazards at the airport and should be shared with other airports.



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **EL DORADO COUNTY HEALTH SERVICES DEPARTMENT PLACERVILLE**

Case No. GJ-08-017

#### **REASON FOR REPORT**

The El Dorado County Grand Jury conducts inspections of county, city and special district facilities owned or leased within El Dorado County per California Penal Codes §925, §925(a) and §928. The focus of this investigation is a periodic inspection for health and safety.

#### **BACKGROUND**

El Dorado County Health Services (formerly EDC Public Health) is located at 929 Spring Street in Placerville. It is a two level building with access in back for disabled persons. Accessibly impaired parking is available. The lower level is only used by the staff as it is not in full compliance with the American Disabilities Act (ADA).

#### **METHODOLOGY**

Members of the Grand Jury made an announced visit to the facility on December 9, 2008. A tour of the facility and a description of its functions were given by the Health Program Manager.

People Interviewed:

- Director of Health Services
- Health Program Manager
- Executive Assistant to the Director of Health Services

## Documents Reviewed:

- Health and Safety Binder
- EDC Public Health Department Health and Safety Log
- Bragg and Associates Safety Report/Site Inspection
- El Dorado County Fire District Inspection of 11-08

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The response(s) are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The appearance of the building was neat and clean with mature landscaping.
2. The parking lot is adequate and directional arrows have been applied to the pavement.
3. A security door is in place for privacy and staff safety.
4. Refrigerators are locked and have backup generators available for medication requirements.
5. Restrooms were clean, well supplied and ADA compliant.
6. The facility is equipped with an intercom system.
7. Emergency exits were marked and evacuation signs posted in hallways.
8. There was a broken light in the ceiling of office five.
9. Office supplies and equipment cluttered the hallway near office five creating a potential emergency evacuation hazard.

## **RECOMMENDATIONS**

1. We recommend the broken light in office five be replaced.
2. Hallways need to be cleared of office equipment and supplies for safety/emergency issues.



## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05. Address response(s) to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Branch Library El Dorado Hills Case No. GJ-08-014**



### **REASON FOR REPORT**

The El Dorado County Grand Jury selected the El Dorado Hills Branch Library as one of its general reviews of The Grand Jury of 2008-2009.

### **BACKGROUND**

Construction of the El Dorado Hills Library began in September 2004 with a grand opening in February 2006. Some of the services offered include adult literacy tutoring, used book sales, childrens special programs and the use of community meeting rooms. A library card is issued free of charge to any California resident. Access to computers and the internet is available. The library is funded through a combination of the County General Fund and Library Assessment Zones, community donations and assistance from The Friends of the Library of El Dorado County and The Literacy Action Council of El Dorado County.

## **METHODOLOGY**

The Grand Jury made an announced visit to the facility on January 6, 2009. A tour of the library and a brief description of the functions, inventory and procedures were given by the Branch Manager.

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court:

1. The overall facility is exemplary in both style and function.
2. The library staff is efficient and pleasant.
3. Routine maintenance of equipment used at the Library has posed special challenges for the Library and for the County. The machinery used for the automated book sort process requires routine maintenance of a specialized nature. Only one company has been identified as being capable of doing this required maintenance.

Title 5, El Dorado County Ordinance Code requires businesses transacting business in the unincorporated areas of the County to obtain, for a fee, an annual County Business License.

Unfortunately, the potential vendor declines to obtain a business license. This has resulted in breakdowns of this equipment due to lack of routine maintenance with increased costs associated with repairing the equipment. This seems to be an unintended consequence of the County Business License requirement. Note that had the same piece of County property be physically located in Placerville, or South Lake Tahoe, no license would be required to service the same piece of property.

4. The carpeting seams in the main room are separating, creating a potential safety issue. There is a dispute over responsibility for this problem. The building contractor and the carpet installer each attributes the problem to the other and declines to fix the carpet. This has resulted in the problem not being corrected.
5. While the stacks and the children's areas are well lit, lighting in the center library area is too dim and needs to be increased.

## **RECOMMENDATIONS**

1. The Board of Supervisors should consider amendments to the existing ordinance to mitigate this type of unintended consequence identified in finding # 3 above.

2. The solution to the carpeting problem needs to be resolved between affected contractors within 90 days. The Board of Supervisors should pursue litigation to resolve the matter if the problem is not resolved in this period.
3. The lighting in the main room needs to be reassessed to determine if lighting is adequate and meets building code.

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado Superior Court