



**EL DORADO COUNTY
GRAND JURY
2009 - 2010**

FINAL REPORT

Cover photo: "Crystal Range with Foothill Fall Colors" by Charles R. Lee

**EL DORADO COUNTY GRAND JURY
2009-2010**

FINAL REPORT



June, 2010

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

EL DORADO COUNTY GRAND JURY 2009-2010

Mission Statement

*The Grand Jury acts as the citizen oversight for
El Dorado County*

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**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



June, 2010

To: The citizens of El Dorado County

Re: El Dorado County Grand Jury 2009-2010 Report

Dear fellow citizen,

In June of every year the El Dorado County Civil Grand Jury, which consists of 19 citizen volunteers from all backgrounds, puts out a report based on investigations completed during their 12-month term. This year is no different! However, during this Grand Jury session we focused on the economics of county government and the savings which could be achieved. We discovered many areas where cost savings could be realized.

An area of concern as reported in this report is the governmental functions of the City of South Lake Tahoe. This Grand Jury did extensive investigations into the operational functions of that city and found many areas of concern. Many departments need renewed focus, energy and direction. We strongly urge the residents of the Tahoe basin to read the report and become involved in their city government.

Despite the poor economy we are experiencing in El Dorado County, our county government compared to other counties in the state, is doing a remarkable job of conserving funds. The Board of Supervisors, the County Administrative Office and many other departments have made many necessary changes and hard decisions to make El Dorado County economically viable. However, citizen involvement is critical to the success of all governments and El Dorado County is no exception. Become a Grand Jury member and contribute to the success of your county, city and district.

The Grand Jury appreciates the support and guidance from Supervising Judge Steven Bailey, assistance from Judicial Secretary Holly Warren, County Counsel Lou Green and Chief Assistant County Counsel Ed Knapp, Auditor/Controller Joe Ham and his assistant Keely Gonzales and Senior Administrative Assistant Mike Applegarth from the CAO

Respectfully,

A handwritten signature in black ink, appearing to read "Rene (Ray) Van Asten", is written over a faint, larger version of the same signature.

Rene (Ray) Van Asten
Foreman, 2009-2010
El Dorado County Grand Jury



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

495 Main Street
Placerville, California 95667

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

June 8, 2010

Dear Grand Jury Members:

As Supervising Judge of the *2009/2010* Grand Jury, and on behalf of the El Dorado County Superior Court, I wish to thank you for your service. You are to be commended for your hard work, dedication, and accomplishments.

Grand Jurors always assume a great deal of responsibility whenever they agree to be a part of a year's panel. They willingly do this as volunteers without any purpose together than to insure that governmental agencies and individuals are properly performing their duties. Your hard work has helped fulfill the Grand Jury's goal of better government for all the citizens of El Dorado County.

Special thanks to Mr. Ray Van Asten, Foreperson of the *2009/2010* Grand Jury. It is due largely to his leadership skills that your work was conducted harmoniously and well.

In closing, I applaud each member of this Grand Jury and congratulate you on your *2009/2010* Grand Jury service.

STEVEN C. BAILEY
Judge of the Superior Court

Very truly yours,



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 2009-2010

From row left to right: Wendy Hagel, Rita Clayton, Guadalupe Rangel, Donna Bergmeister, Clyde Needham, Jane Newman, Barbara Bailey, Thomas Fleming, Kenneth Harper - Pro Tem, Valerie Stevens, Steve Baker, Edward Bernhoft, Bud Brown, Brian Katz, David Keneller
Back row left to right: Donald Williams, Robert Johnston, Ray Van Asten – Foreman, (not in picture Joseph Salerno)



EL DORADO COUNTY GRAND JURY 2009-2010

ENERGY CONSERVATION AND COST SAVINGS

Case No. GJ 09-003

REASON FOR REPORT

The Grand Jury received a citizen complaint that El Dorado County, California, Board of Supervisors Policy Number A-I8, Energy Conservation Policy, is not being enforced.

BACKGROUND

Board of Supervisors Policy Number A-I8 was adopted on June 5, 2001. Policy A-I8's stated purpose is to identify conservation and cost saving measures related to energy consumption as well as outline procedures in the event of sustained and/or rotating electrical outages. Policy A-I8 sets heating and cooling practice such that all mechanical equipment in County-owned buildings or leased space will be set to provide a maximum of 68 degrees for heating and a minimum of 78 degrees for cooling. Policy A-I8 also provides that temperatures in Juvenile Hall, Mental Health inpatient/outpatient facilities, or other identified facilities may be set at 73 degrees cooling.

BOS Policy A-I8 may be referenced at: www.co.el-dorado.ca.us/BOSPolicies/pdf/A-I8.pdf

METHODOLOGY

The Grand Jury inspected County-owned buildings and County-leased spaces. The Grand Jury interviewed staff members, supervisors, and department heads. The Grand Jury requested and reviewed documents related to this investigation.

The 2009-2010 EI Dorado County Grand Jury has arrived at the following findings:

1. EI Dorado County spends more than \$2 million annually for heating, air-conditioning, and lighting in County-owned and leased buildings.
2. Board of Supervisors (BOS) Policy A-18 does not designate a specific department or official to ensure that the County complies with, nor has the BOS enforced compliance with this Policy.
3. Centralized computer systems permit Department of Transportation (DOT) personnel to set minimum and maximum temperatures at multiple County-owned buildings from a single location. The remaining County-owned buildings, and the County-leased buildings, do not have centralized computer management systems and therefore, temperatures are set on an individual basis.
4. BOS Policy A-18 directs that mechanical equipment in County-owned buildings or leased space will be set to provide a maximum of 68 degrees for heating and a minimum of 78 degrees for cooling.
5. Some County-owned buildings have old and outdated HV AC units and, when combined with changes in inside office configurations, these conditions make it difficult to keep all employees comfortable through the different seasons. Notwithstanding the old and outdated equipment and changed interior configurations, DOT personnel do have the capability to set mechanical equipment in County-owned buildings or leased space to provide a maximum of 68 degrees for heating and a minimum of 78 degrees for cooling.
6. The DOT has not required personnel to comply with BOS Policy A-18. DOT personnel do not maintain equipment in County-owned buildings or leased space in accordance with BOS Policy A-18. This is a deliberate decision motivated by a good-faith desire to keep County employees more comfortable.
7. The County does not have a detailed master plan to identify, replace, and update old and inefficient heating and air-conditioning units. The County has deferred replacement of old and inefficient HV AC units with the result that units break and no replacement parts are available, and/or other units are cannibalized for parts.
8. The County does not have a capital reserve set aside to replace and update old and inefficient HV AC units.
9. The California Energy Commission has estimated that raising the thermostat in the summer from 73 degrees to 78 degrees can save 15 percent in energy costs, and that lowering the thermostat in the winter from 73 degrees to 68 degrees could save 25 percent in energy costs. If it is assumed that 40 percent

Of the County's energy bill is for HV AC, then these two changes could save the County as much as \$160,000 annually.

RECOMMENDATIONS

1. The Board of Supervisors should appropriate funds for a capital improvement account to replace old and inefficient heating and air-conditioning equipment.
2. The Department of Transportation should prepare a detailed plan for replacing old and inefficient heating and air-conditioning equipment.
3. The Board of Supervisors, through the CAO, should direct the Department of Transportation to take all steps necessary to ensure that personnel within his/her Department set mechanical equipment in County-owned buildings or leased space to provide a maximum of 68 degrees for heating and a minimum of 78 degrees for cooling.
4. The Department of Transportation should educate El Dorado County employees about the costs-savings benefits in complying with BOS Policy A-18, and should encourage County Employees to dress appropriately to be comfortable in these temperature ranges.
5. Each County Department should designate a supervisor as the point of contact for employee complaints of uncomfortable temperatures, so that the supervisor can determine whether BOS Policy A-18 is being complied with, and if not, communicate the problem to appropriate maintenance personnel.

RESPONSES

Responses to both numbered findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

ACKNOWLEDGEMENT

The County Department of Transportation should be recognized for applying for the \$812,423 Energy Efficiency and Conservation Block Grant program which is funded through the American Recovery and Reinvestment Act (Federal stimulus dollars).

Facilities Inspected:

- Boiler Room, Building B, El Dorado County Government Center, Placerville, California
- Control Room, Building 3, 2850 Fairlane Court, Placerville, California
- County-leased facility at 3057 Briw Road, Placerville, California
- El Dorado County Library, Placerville, California

Interviews Conducted:

- Building Maintenance personnel
- Building Operations Supervisor
- Capital Group, Executive
- Citizen complainant
- Deputy Director, Facilities Engineering, DOT

Documents Reviewed:

- California Energy Commission letter dated August 3, 2009, to the El Dorado County Supervisors inviting the County to apply for \$812,423 in federal stimulus dollars (American Recovery and Reinvestment Act money)
- Department of Transportation's Response to Grand Jury Inquiry of November 30, 2009, containing:
 - a. Description of all energy audits that have been performed within the past five years;
 - b. Description of all plans for replacing inefficient heating, ventilation, air conditioning (HV AC) and lighting equipment;
 - c. Description of County Master Plan, Capital Improvement Fund, etc.;
 - d. Reports of power consumption by each El Dorado County facility;
 - e. Report of all funds received from the Federal and State Governments for increasing energy efficiencies;
 - f. Report of all plans for spending federal and state monies for increased energy efficiencies;
 - g. Information on the annual expenses for electricity, propane and natural gas for HV AC and lighting for all facilities under the jurisdiction of the County government.
- El Dorado County Board of Supervisors Agenda Item dated August 11, 2009, approving letter for support for the Lake Tahoe Green Energy District.

FINDINGS

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



EL DORADO COUNTY GRAND JURY 2009-2010

VOTE BY MAIL

Case No. GJ 09-004

REASON FOR REPORT

Upon receiving a citizen's inquiry, the Grand Jury initiated an investigation of the El Dorado County's ballot procedure for elections. The Grand Jury was asked whether El Dorado County could save money and improve voter turnout by implementing a Vote by Mail (VBM) program. This report is the result of the Grand Jury's investigation.

BACKGROUND

Currently, El Dorado County permits individual voters to vote by mail in all elections. However, countywide precinct polling sites must still be staffed, equipped and operated for those voters who prefer to vote in person.

The majority of this County's eligible voters currently vote by mail. In the November 2008 general election, 57 percent of the registered voters chose to vote by mail. Of the registered voters who voted by mail, 88 percent returned their ballot. Only 40 percent of those residents who chose to vote at a precinct actually voted. Therefore, polling places were opened countywide to service only 17.2 percent of registered voters.

The State of Oregon adopted a successful VBM program for local elections in 1981, and in 1998 implemented a statewide VBM requirement for all elections. According to Oregon's Secretary of State, in the November 2008 election, 85.64 percent of the eligible voters voted by mail.

The Sacramento County 2008-2009 Grand Jury recommended adoption of the VBM process for their county and projected a savings of \$1 million per election.

METHODOLOGY

Several members of the El Dorado County Grand Jury visited the El Dorado County Elections Office during the November 3, 2009 local election to observe and review County election procedures.

Interviews were conducted with the Registrar of Voters. Substantial data and information was received and reviewed. The Grand Jury also reviewed materials from the State of Oregon and several counties in Washington State, all of which have actually authorized a VBM program. The Sacramento County 2008-2009 Grand Jury Report, which recommended adopting a VBM program, was also reviewed.

FINDINGS

Voter turnout is substantially higher with those who vote by mail when compared to those who vote at a polling place. Additionally, the cost is substantially lower for those voting by mail than when voting in person.

For example, if there had been a VBM program in place in EI Dorado County for the special election held in February 2008, \$96,863 would have been saved. Most of these savings would have been from polling place operations and salary expense reductions.

Some concerns have been voiced regarding a greater likelihood of fraud with a VBM program than with ballots received at the polling places. The EI Dorado County Registrar of Voters has established major fraud prevention procedures, such as:

- Signatures on all mail-in ballots are now verified; first electronically and if uncertainty exists, those signatures are verified by senior staff. If necessary, staff will call the voter in question.
- Mail ballot procedures currently generate a paper trail for ready review should questions need to be resolved.

In accordance with the California Penal Code §933 and §933.05, each numbered finding and recommendation 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 2009-2010 EI Dorado County Grand Jury has arrived at the following findings:

1. A Vote by Mail program will save EI Dorado County significant amounts of budget funds each year.
2. A Vote by Mail program will likely increase the voter turnout in the county.
3. A Vote by Mail program will not increase the likelihood of voter fraud.

RECOMMENDATIONS

1. That the Board of Supervisors adopt a resolution to have all elections in EI Dorado County conducted by mail-in ballots pursuant to California Election Code §§4000-4108.
2. The Board of Supervisors should adopt a resolution to the State of California Legislature to initiate a Vote by Mail process for all special and general elections in the State of California.

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 EI Dorado County Superior Court, 1354 Johnson Boulevard, South Lake Tahoe, CA 96150.

COMMENDATION

The 2009-2010 EI Dorado County Grand Jury commends the EI Dorado County Registrar of Voters for his plans to save County budget funds and to take action to secure the accuracy of all ballots cast.



EL DORADO COUNTY GRAND JURY 2009-2010

CITY OF SOUTH LAKE TAHOE CITY COUNCIL

Case No. GJ 09-008

REASON FOR REPORT

A Grand Jury investigation originated from a complaint by a local union official that there had been violations of California State law including the Ralph M. Brown Act, and local City and county ordinances. It was alleged that the violations had been committed by a member or members of the City Council of the City of South Lake Tahoe. The complaint related to the release of confidential personnel information. Specifically, during the hiring process for a new City Attorney, local news media outlets reported that two members of the City Attorney's staff had not passed the California State Bar examination. The information was believed to have come from members of the City Council, and possibly from closed sessions of City Council meetings. As the investigation into the violations progressed, the Grand Jury became aware of additional issues. It was stated that breaches of confidentiality affected the conduct and fiduciary functions of the City Council, compromising its ability to govern.

BACKGROUND

The City of South Lake Tahoe is a "general law" City incorporated in 1965. The City Council of five members acts as the legislative body and elects a Mayor each fiscal year from among its members. Council members who are elected by the citizens of the City of South Lake Tahoe serve a term of four years. The members of the City Council, when their four-year term has expired, may run for re-election. There are no term limits for City Council members. The City Clerk and the City Treasurer are the other elected officers. There is no term limit for these positions. The governance of the City is vested in the City Council, a City Manager (who is hired and appointed by the City Council), a City Clerk, a City Treasurer, and such subordinate officers or employees as are provided for by law, and deemed necessary by the City Council for the proper administration of the municipal government.

METHODOLOGY

The Grand Jury interviewed several officials and staff of the City government. Additionally, members of the media were interviewed and comments from the public were collected. The Grand Jury reviewed documents, watched internet videos of the City Council, and attended various Council meetings.

Interviews conducted:

- Elected City officials
- Appointed City staff
- City employees
- Local media personnel
- A trainer of municipal officers and employees

Documentation reviewed:

- Emails (inside City government and outside sources)
- Handwritten notes from City officials
- Hard copies of online media reports
- Hard copies of public responses published online
- Memoranda authored by various City officers and employees
- Paid warrants and the procedures for the issuance of warrants
- Published media reports (newspapers)
- Sections of City policy and procedures manuals

FINDINGS

In accordance with the California Penal Code §933 and §933.05, each numbered finding and recommendation 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 El Dorado County Grand Jury arrived at the following findings:

1. The Grand Jury investigation revealed that many factors have contributed to impaired functioning of the City's government at multiple levels.
 - a. Constant hostility and bickering among members of the City Council and their unprofessional conduct has resulted in a consistent 3/2 split vote creating two "camps" of Council members. The voting often appears to be the result of Council members pursuing personal agendas rather than operating in the best interests of the City. The bickering and nitpicking

between Council members during meetings, combined with hostile comments to media outlets and behind the scenes “back biting” has resulted in the failure to address routine and important business entrusted to the Council by the citizens of the City of South Lake Tahoe.

- b. Council members and senior staff are unwilling or afraid to address and deal with the existing hostile work environment. In a matter that involved an inappropriate written poem (involving sexual comments from one Council member to another), the City Manager and the City Council failed to take action until questioned by the Grand Jury.
2. The City Council, when facing controversial issues or after threat of litigation, routinely drops issues, even if addressing the issue would improve the function of government or service to the public.
 - a. When a City Attorney recommended that the City Finance Director be placed under the direct control of the City Council, rather than the City Manager, the Finance Director expressed strong opposition. This action came after the City Attorney had challenged the Finance Director about the propriety and amounts of an expenditure made by the City. This move for the Finance Director to be placed under City Council control was a suggestion that had been made by a City Council member in prior years. The City Manager, fearing loss of supervisory control of the Finance Director, advised the City Council that the Finance Director would probably file an official complaint against the City Attorney and the City charging them with harassment if the move took place. This statement was viewed by some employees as a threat by the City Manager.
 - b. During a contentious June 30, 2009 City Council meeting it was suggested that the City Manager should resign. Testimony received indicated the City Manager later threatened to file a Workers Compensation claim, hire outside counsel, and sue the City.
 - c. The City Manager used intimidation to retain control over parts of government. The City Manager attempted to keep the Finance Director under his direct control. He informed the City Attorney that he could make the Finance Director’s complaints against the City Attorney “go away” if the City Attorney dropped the suggestion to move the Finance Director under direct control of the City Council as an “at will” employee.
 - d. Based on testimony received by the Grand Jury the public impression is that the City of South Lake Tahoe has a “bush league” City Council, which is incapable of maintaining confidences, operates in an atmosphere of intimidation, and is frequently distracted from important City business by personal feuds. The Council operates at an inconsistent and barely functional level.

3. Some City officials engaged in avoidance and obstruction during the Grand Jury investigation. Despite assurances from the City Council that City officers and employees would cooperate with the Grand Jury in its attempts to analyze City government, actions by senior City officials were engineered in an attempt to keep the Grand Jury from getting the information it requested.
 - a. The Grand Jury submitted a written request to the Mayor asking for introduction of an agenda item to have the City Council waive the attorney-client privilege so that the City Attorneys could be free to give complete answers to all inquiries. The Mayor, through the City Attorney, responded by stating that the request had been improperly addressed to the Mayor and not to the City Council. Therefore, it could not be placed on the City Council agenda. This information was subsequently contradicted by the City Manager advising the Grand Jury that the Mayor can place items for City Council discussion on the agenda. According to other testimony, Council members can only place items on the agenda when at least three out of five members agree. According to the City Manager, both he and the City Attorney can place items on the agenda at their discretion.
 - b. Prior to being interviewed by the Grand Jury, some employees were counseled by the City Attorney on how to testify in a manner that was designed to limit the information that the Grand Jury would receive. City employees who had been subpoenaed to testify before the Grand Jury, were instructed by memo that they should not volunteer any information, and they should not attempt to refresh their memories when asked about specific events or topics. The memorandum and the counseling go beyond normal and acceptable witness preparation for testimony in Grand Jury proceedings.
4. The City's government employs a notable number of married couples and family members among its employees, commission members, and elected officials. Some of the related employees are in positions of significant influence. Although the policy relating to nepotism does not seem to have been violated, the existence of these close relationships has resulted in an atmosphere where many employees are afraid to discuss operational problems in the City. They are concerned that their observations might be viewed as criticism of family members. In testimony received, there is "angst" by City employees who believe, that employees who have spoken about problems within City government have ended up on "layoff lists". This fear is so pervasive that some witnesses requested assurance, when they appeared before the Grand Jury, that members of the Grand Jury were not related to officers and employees of the South Lake Tahoe City government before they testified.

5. City Council members and City officials have varying degrees of understanding and openly disagree with the Brown Act. Although bound by the laws of the State of California to obey the same, some violate them on a regular basis. For example:
 - a. More than one Council member or City staff member erroneously has reported Brown Act violations by City officials.
 - b. One Council member has publicly and frequently expressed disdain for the Brown Act and has often been identified as the source of improper disclosures about confidential matters within City government. This Council member also disclosed information which was discussed in closed session by the City Council.
 - c. Closed sessions are reserved for discussions of confidential and sensitive information. Disclosures of information from closed sessions could have detrimental consequences for the City. When information about this disclosure was obtained by the other members of the City Council, they failed to take the appropriate corrective action by censuring or officially reprimanding the offending City Council member.
 - d. The instructor selected by the City of South Lake Tahoe gave ethics training to Council members with only cursory information about the Brown Act, and appeared to have limited knowledge about the Act.
6. A City Council member filed a complaint with the Grand Jury that the City Manager was operating without authority and not doing his job. The Council member also made these remarks in public. The Grand Jury received testimony and found these accusations without merit and misleading. The City Council hires and supervises the City Manager and apparently was unwilling to conduct its own investigation to address these accusations. Instead, the Council attempted to use the Grand Jury as its tool to correct a situation that was completely within their jurisdiction.
7. Testimony supports that City officers and employees at times operate using accepted historical practices that conflict with official written policy. This has resulted in misunderstandings, contentious City Council meetings, and a public impression that the City's government operates outside the law. These misconceptions could expose the City to lawsuits.
 - a. A member of the City Council requested reimbursement for legal fees paid to an outside law firm. The legal advice consisted of a legal opinion and preparation of a letter to the Fair Political Practices Commission. No contract had been signed and the City Council had not approved the expenditure in advance. The City Manager stated

that he gave verbal approval for the expenditure. California State Law clearly states that government contracts for payment may not be backdated. All unusual expenditures should be approved in open session. The City's Purchasing Policy and Procedure Manual calls for the presence of written contracts when professional services are sought, and makes no provision for payment and reimbursement absent the presence of a contract.

RECOMMENDATIONS

The 2009-2010 El Dorado County Grand Jury makes the following recommendations:

1. The City Council should develop a code of conduct, a code of ethics, practice professionalism, and receive training in conflict resolution. Council members should be able to express concerns about City issues without being exposed to ridicule by their fellow Council members.
2. The City Council must be more assertive in dealing with inappropriate conduct by Council members. This should include securing opinions from the City Attorney, the El Dorado County District Attorney, the California League of Cities, or other appropriate agencies.
3. The City Council should review the current practice that requires three Council members agree before they can put items on meeting agendas. The procedure for placing items on the agenda should be adopted as written policy.
4. City Council members, elected City officers, and senior appointed City officers should receive mandatory training, on a regular basis, in the duties and responsibilities of their positions.
5. The City should review its written policies on nepotism and job relationships between family members and domestic partners. The policies should be changed as necessary to assure that these relationships do not interfere with City operations, and promote an atmosphere of cooperation.
6. City employees, starting with City Council members and senior City officials, should receive mandatory training in ethics, sexual harassment, and confidentiality, with emphasis on the Brown Act. The City should consider training from sources other than those used in the past.
7. City officials must find a way to assure that the City adheres to written policies and procedures, and does not allow itself to "cut corners" by using historically accepted practices that violate written policies. Senior City officials and Council members should receive mandatory annual training on

policies and procedures. Enforcing adherence to this might require establishment of an Ombudsman or Inspector General position.

CONCLUSION

The City Council, in its reports, procedures and by evidence received by the Grand Jury, points to a severely handicapped organization that needs major changes. The 2009-2010 Grand Jury has recommended to the County Supervisor for District V, that the City of South Lake Tahoe needs a “Management and Procedural Review” to be conducted by an independent consultant. The consultant should make their report to the District Attorney for possible legal action. This Grand Jury is of the opinion that an accusation for malfeasance or nonfeasance by this City Council may be appropriate after the study is concluded. The Grand Jury only touched the “tip of the iceberg” in its investigation and recommends that the citizens of South Lake Tahoe get involved with their City government. It is up to the citizens to establish the kind of governance they desire, to exercise their democratic right to vote, and get a City government that works for the common good and in an efficient manner for its citizens.

RESPONSES

Responses to both findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.



EL DORADO COUNTY GRAND JURY 2009-2010

EL DORADO COUNTY JUVENILE HALL

Case No. GJ 09-009

REASON FOR REPORT

California Penal Code §919(a) and §919(b) require that grand juries annually inspect any jail, prison, or juvenile detention facility within their respective counties.

BACKGROUND

The El Dorado County Juvenile Hall, Placerville, was built in 1971. Since original construction, the facility has been expanded and now houses a maximum of 40 male and female juveniles. These juveniles become temporary wards of the court pending adjudication. The El Dorado County Probation Department is responsible for the care of the wards as well as the facility and personnel. The El Dorado County Office of Education is responsible for their education. A good relationship between these two departments is necessary for the success of both programs. The wards' health, safety and education are governed by Welfare and Institution Code, California Code of Regulations and Federal and State educational codes.

Programs are in place to educate and support youthful offenders and their families. These programs include counseling, mental health and vocational training. Providing an education to the wards allows them the opportunity to stay abreast of their school work.

METHODOLOGY

The Grand Jury conducted interviews, analyzed documents, and inspected the facility.

Members of this Grand Jury visited the El Dorado County Juvenile Hall, Placerville, on November 11, 2009.

Interviews conducted:

- Superintendent of Juvenile Hall
- Probation Staff and Department of Education Staff
- 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 and §49403
- California Health and Safety Code, §§120325-120380
- California Welfare and Institutions Code, §§850-873
- El Dorado County Health Service Department facility inspection report (2010)
- Title 42 United States Code 5601 §101, Juvenile Justice Delinquency Prevention Act

Web sites reviewed:

- Department of Education www.edc.ca.gov (February 2010)

FINDINGS

The 2009-2010 El Dorado County Grand Jury has arrived at the following findings:

1. The facility has a new digital video security system. Specific time frames can be downloaded if necessary. This is an upgrade that had been recommended by a previous grand jury.
2. Procedures are in place to handle complaints and are posted in common areas. Complaints are resolved in a timely manner.
3. The Department of Education determines the appropriate level of instruction needed for each ward and prepares individual study plans. All educational materials are contemporary and some are tailored to be used in juvenile correctional facilities. Students who successfully complete a high school education program get a full diploma from a high school that cannot be identified as being part of a detention program. Educational staff are appropriately credentialed and accredited for their positions.
4. Medical facilities are efficient and modern.
5. Wards have access to medical professionals at all times.
6. Food is nutritious and prepared on site.

RECOMMENDATIONS

None

RESPONSES

A response to this report is not required.

COMMENDATION

The 2009-2010 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 and for acting on recommended upgrades to the facility in a timely manner.



EL DORADO COUNTY GRAND JURY 2009-2010

PURCHASE OF THE ANIMAL CONTROL SHELTER PROPERTY

Case No. GJ 09-013

REASON FOR REPORT

The Grand Jury received a citizen complaint concerning the County's purchase in 2006 of a 10-acre parcel for the construction of a County Animal Control Shelter. The complaint raised a number of issues:

1. The Board of Supervisors authorized the purchase of a parcel owned by a friend of one Supervisor;
2. The parcel purchased by the County is 10 acres but only about 7 acres are useable;
3. The purchase agreement required the County to build a road and water lines at a cost of approximately \$1.5 million to reach the landlocked 10-acre parcel;
4. The road and water lines will enhance the surrounding privately-owned parcels, but the County will not be reimbursed for any of the cost;
5. The Board of Supervisors insisted on a concrete tilt-up design; however, this is not the most cost effective construction for this location.

BACKGROUND

For approximately twenty years prior to 2007, El Dorado County contracted with the City of Placerville to use Placerville's animal shelter facilities for the Western Slope. On February 25, 2004, the City of Placerville notified El Dorado County that because of the City's expansion of its wastewater treatment plant, El Dorado County could no longer lease the City of Placerville's animal shelter facilities. According to the City of Placerville's letter, the County would be required to vacate the site by the end of the lease, which expired on March 9, 2007.

The Department of General Services, in conjunction with the Public Health Department, conducted a search for a suitable location for the County to build a new Animal Control Shelter to service the Western Slope. In the interim, El Dorado County entered into a "temporary" agreement with the City of Placerville to house animals at the City's 511 Placerville Drive location. That "temporary" facility became operational in December 2007, and is still being used by the County as of the date of this report.

County personnel presented several alternative locations believed to be suitable for the construction of an animal control shelter, including land already owned by the County at Union Mine. However, on April 28, 2006, the Board of Supervisors approved the purchase of a 10-acre parcel located just east of the intersections of Mother Lode Drive and Pleasant Valley Road, near the town of El Dorado. The purchase price was \$450,000.

In September 2006, the Board of Supervisors approved an agreement with a well-known firm in the Bay Area for architectural services for the Western Slope Animal Shelter in the amount not to exceed \$574,400.

On May 3, 2009, the Board of Supervisors directed that \$6 million for the construction of the Animal Control Shelter be placed in the Capital Improvement Budget. The Board of Supervisors also directed that the facilities be redesigned to cost no more than \$6 million.

The County spent about \$400,000 to design and improve the current "temporary" animal shelter on Placerville Drive, and currently spends about \$145,000 per year to lease the "temporary" animal shelter, pay field and administrative staff, and to care for large animals through an outside private foundation.

El Dorado County has not built the Animal Control Shelter on the 10-acre parcel purchased in 2006, and is now looking at alternative locations, some of which already have structures that could be converted for use as an animal control shelter.

METHODOLOGY

The Grand Jury reviewed the Board of Supervisors Minutes and related documents, and the contract for purchase of the 10-acre parcel, interviewed members of the current and past years' Board of Supervisors, and prior heads of the County Departments involved in the purchase of the parcel and design of the Animal Control Shelter, as well as the citizen complainant.

Physical Inspections:

- Proposed site of the Western Slope Animal Shelter, Pleasant Valley Road," Placerville, California

Interviews Conducted:

- Chief Administrative Officer

- Chief Animal Services Officer
- Chief County Counsel
- Citizen Complainant
- County Counsel Staff Attorney
- Former County Architect
- Former Director of Department of General Services
- Past Members, Board of Supervisors
- Present members, Board of Supervisors

Documents Reviewed:

- Board of Supervisor Minutes and related documents:
 - May 9, 2006, Approving the Purchase and Sale Agreement in the amount of \$450,000 for the purchase of Assessor's Parcel Numbers #331-620-01 and #331-620-02
 - September 26, 2006, approving the agreement with the Architectural firm on the Western Slope Animal Shelter for a total amount not to exceed \$574,400.
 - March 3, 2009, Directing the Staff to maintain the Animal Control Shelter funds in the Capital Improvement Budget; Authorizing staff to revise proposal to assure that the total project costs do not exceed \$6 million.
- Letters from City of Placerville to El Dorado County regarding the termination of El Dorado County's use of Placerville's animal shelter facilities:
 - February 25, 2004
 - February 25, 2004 (#2)
 - August 9, 2004
 - September 15, 2005
- Master Report dated January 2, 2009, General Services, update for the West Slope Animal Services
- Purchase and Sale Agreement made by and between JOYCE SHINN, SCOTT LAWRENCE SHINN, THOMAS EDSON SHINN, and LINDA LOU FINE ("Sellers") and the COUNTY OF EL DORADO, a political subdivision of the State of California ("County" or "Buyer"), dated 5-9-06 (See Exhibit A, attached).

FINDINGS

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

The 2009 - 2010 El Dorado County Grand Jury has arrived at the following findings:

1. The Board of Supervisors approved the purchase of the 10-acre parcel near the town of El Dorado without recognizing that only about 7 1/2 acres of the parcel are usable due to a seasonal creek flowing through the property.
2. The Board of Supervisors approved the purchase of the 10-acre parcel near the town of El Dorado without recognizing that the cost of improving access to the parcel and adjoining parcels as specified in the purchase agreement could be as much as \$1.5 million.
3. The Board of Supervisors approved the purchase of the 10-acre parcel near the town of El Dorado without requiring the Sellers to contribute to the costs of the improvements specified in the purchase agreement. Those improvements will greatly benefit the privately-owned parcels adjacent to the required roadway, which are still owned by the Sellers.
4. The Board of Supervisors approved the purchase of the 10-acre parcel near the town of El Dorado without recognizing that they may have obligated the County to build a road, water lines, and a fence, at an estimated cost of \$1 million to \$1.5 million (according to testimony), even if the County does not build the Animal Control Shelter on the 10-acre parcel.
5. The Board of Supervisors insisted that the Animal Control Shelter be built using "tilt-up" construction although the BOS was advised that "tilt-up" construction was not the most cost effective method, and that the next less expensive option, steel frame, could save as much as \$1 million.
6. The Board of Supervisors' involvement in the land selection, purchase, and the method of construction for the Animal Control Shelter was unusually high.
7. The Board of Supervisors has failed for more than four years to construct or otherwise acquire a permanent Animal Control Shelter for the West Slope even though the County purchased the 10-acre parcel in 2006 for \$450,000, and hired an architect, at a cost not to exceed \$574,400, to design the building (a significant portion of which was spent). An additional \$6 million in the Capital Improvement Budget has been set aside for the Animal Control Shelter.
8. The Board of Supervisors' decisions regarding the selection of the location for the Animal Control Shelter and the method of construction were strongly influenced by one Supervisor. According to authoritative sources with direct knowledge, that Supervisor "drove the bus". Nonetheless, all members of the Board of Supervisors share responsibility for approving the purchase.
9. The Board of Supervisors failed to make diligent inquiries into the usability of the entire 10-acre parcel, failed to ask important questions about the costs of improvements specified in the purchase agreement, and failed to negotiate a fair cost-sharing agreement with the Sellers for the costs of the improvements.

10. The Department of General Services, and the CAO, failed to provide the Board of Supervisors with all pertinent information concerning the costs of the improvements to be made by the County as described in the purchase agreement for the 10-acre parcel.
11. The County Counsel's office, who prepared the purchase agreement for the 10-acre parcel, made a glaring omission by neglecting to insert an "escape clause" that would permit the County to avoid making the specified improvements if the Animal Control Shelter were not actually constructed on the 10-acre parcel. Even if the County received a lower price for the 10-acre parcel because it agreed to build the road and make other improvements, any difference in price did not justify the County being left "holding the bag" or having a costly contractual obligation for the required improvements.

RECOMMENDATIONS

1. The Board of Supervisors should require a detailed, written cost analysis for any contract greater than a set dollar amount that it considers for approval.
2. The Board of Supervisors should give appropriate deference to experts, both in and outside the County, in matters of property acquisition and building construction, and should not ignore those recommendations without compelling reasons.
3. The lead County Department in each case, and the CAO, should provide the Board of Supervisors with all pertinent information, including financial cost, for all aspects of a proposed property acquisition and improvements.
4. County Counsel's office should insist that the County is protected in all contracts for foreseeable changes in circumstances and require appropriate protective language in all County contracts.
5. The Board of Supervisors should exercise due diligence by thoroughly reviewing all contracts, asking questions, and insisting on complete answers before approving action.
6. The 2006 Board of Supervisors, in their eagerness to construct the animal control shelter for the County of El Dorado, overstepped their involvement in the details of the negotiation and construction of the structure. The County had staff expertise in the area of real estate acquisition, negotiation and construction. The Board should have deferred to their expertise and taken an impartial posture. Instead, because of their close involvement in the details, an aura of conflict of interest has been created and serious ethical questions have been raised.

This Grand Jury, in light of the testimony received, raises the question that if the Board of Supervisors had not been so closely involved in the "day-to-day" decision making process, would the property that was purchased have been the final selection? The Board of Supervisors is a policy setting and final decision-making board. Decisions should be made based on the expertise and advice of County staff. By being overly involved in the decision-making process, the Board of Supervisors unduly influenced County professional staff to make recommendations that were more agreeable to the County Supervisors. Hence, the process was made much more complicated and controversial by their involvement and not without political overtones. This Grand Jury recommends review by the Board of Supervisors of their decision-making processes, and of the legal requirements that are in place to forestall these kinds of expensive errors incurred at the expense of County taxpayers.

RESPONSES

Responses to both findings and recommendations in this report are required from the Board of Supervisors, the Chief Administrative Officer, and County Counsel in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT ("Agreement") is made by and between **JOYCE SHINN, SCOTT LAWRENCE SHINN, THOMAS EDSON SHINN, and LINDA LOU FINE** ("Sellers") and the **COUNTY OF EL DORADO**, a political subdivision of the State of California ("County" or "Buyer").

RECITALS

WHEREAS, Joyce Shinn, as her sole and separate property, and Scott Lawrence Shinn, as his sole and separate property, each own fifty percent (50%) of that certain real property situated in the County of El Dorado, California, commonly known as APN 331-620-01, and more particularly described in Exhibit 1 hereto;

WHEREAS, Thomas Edson Shinn and Linda Lou Fine, as tenants in common, own all of that certain real property situated in the County of El Dorado, California, commonly known as APN 331-620-02, and more particularly described in Exhibit 2 hereto;

WHEREAS, the County has a need to relocate its existing Animal Control facility in Placerville and has identified portions of the certain real property described above and owned by Sellers in the County of El Dorado as a suitable location for relocation of the County's Animal Control facility;

WHEREAS, the County is in the process of completing required environmental analyses regarding its proposed project to relocate its animal control facility and may not consummate this transaction until completion of those analyses and the occurrence of a public hearing regarding its proposed project conducted after due notice;

WHEREAS, the parties desire to move forward with this purchase and sale to facilitate the County's need to relocate its Animal Control facility to best serve the needs of the citizens of the County; and

WHEREAS, the County wants to acquire multiple properties from separate owners via this single agreement and any contingencies relating to one property shall relate to all properties involved herein.

NOW, THEREFORE, in consideration of payment of compensation and the performance of the mutual promises and agreements herein, and for other valuable consideration, the parties hereto agree as follows:

ARTICLE 1 - PREMISES

1.1 Purchase and Sale. Subject to the terms and conditions herein, Sellers hereby agree to sell to County and County hereby agrees to purchase from Sellers ten (10) acres, more or less, of real property comprised of those portions of that certain real property owned by Sellers and more particularly described in Exhibits 3 and 4 and depicted in Exhibits 3-A and 4-A attached and made a part hereof. Said real property is hereinafter collectively referred to as the "Real Property."

ARTICLE 2 - PURCHASE PRICE

2.1 Purchase Price. The total purchase price for the Real Property shall be Four Hundred Fifty Thousand Dollars (\$450,000.00) (hereinafter, the "Purchase Price"). County shall pay the Purchase Price in cash or other immediately available funds at Close of Escrow (as that term is defined herein), plus the County's share of costs, fees, and expenses to be borne by County pursuant to this Agreement. Sellers and County hereby acknowledge that the Purchase Price represents the fair market value of the Real Property.

2.2 Sellers' Obligations. In exchange for the Purchase Price and in addition to any other obligations specified in this Agreement, Sellers shall do the following: (a) each deliver to County a Grant Deed for the Real Property in which they have an interest; (b) convey an easement to the County for road, public utility, and signage purposes or irrevocably dedicate property for road, public utility, and signage purposes sixty (60) feet in width and as more specifically depicted in Exhibits 5 and 6 hereto; (c) convey an easement to the County for slope purposes as more specifically depicted in Exhibit 6 hereto; and (d) convey an easement to the County for public utility purposes twenty (20) feet in width and as more specifically depicted in Exhibit 5 hereto.

2.3 Buyer's Obligations. In addition to any other obligations specified in this Agreement, County shall do the following: (a) construct, at its sole cost and expense, Roads A and B, as more specifically depicted on Exhibits 5 and 6 hereto, including an encroachment at the intersection of Road A and Pleasant Valley Road, to be constructed in accordance with the standards required by the County's Department of Transportation, and (b) construct, at its sole cost and expense, an eight inch diameter water line within the bounds of Road A and a six inch water line within the bounds of Road B in accordance with the standards required by the El Dorado Irrigation District, and (c) construct, at its sole cost and expense, a field fence as more specifically depicted on Exhibit 7 hereto, in the location as depicted on Exhibit 5 hereto, including a gate at the southerly terminus of Road A. Additionally, though not a condition of performance under this Agreement, County may (a) install underground power and communication conduits within the bounds of Road A. County waives any right to reimbursement from Sellers for Sellers' future use of the water line constructed by County pursuant to the terms of this Agreement.

Additionally, County shall provide Sellers with substitute Certificates of Compliance relating to any parcels that already have Certificates of Compliance and are adjacent to the Real Property and affected by Sellers' transfer of the Real Property to the County. Pursuant to Government Code section 66428(a)(2) and County Code section 16.04.040(D), the County hereby declares that the sale of the Real Property to the County by this Agreement does not constitute a "subdivision" requiring preparation and approval of a tentative map, final map, or parcel map as per the Subdivision Map Act (Government Code section 66410 *et seq.*) or the County's Major Land Divisions Ordinance (County Code section 16.04.010 *et seq.*).

ARTICLE 3 - TITLE, ESCROW PROVISIONS

3.1 Escrow. The purchase and sale of the Real Property shall be consummated through an Escrow to be opened at Placer Title Company (hereinafter referred to as "Escrow Holder"). This Agreement shall, to the extent possible, act as escrow instructions. The parties shall execute all further escrow instructions required by Escrow Holder. All further escrow instructions, however, shall be consistent with this Agreement, which shall control. Sellers and County agree to deposit in escrow all instruments, documents, and writings identified or reasonably required to close escrow. The "Close of Escrow" shall occur on or before October 16, 2006 or such other date as the parties shall mutually agree in writing. During that time, County shall make a good faith effort to expeditiously proceed with its CEQA analysis of the proposed animal control relocation project.

3.2 Escrow and Other Fees. Closing costs, including the following, shall be borne by the County: (a) the Escrow Holder's fees; (b) recording fees; (c) the premium for the policy of title insurance; (d) documentary transfer tax, if any; (e) all costs of executing and delivering the Grant Deed; and (f) all costs of any partial reconveyances of deeds of trust, if any.

3.3 Conditions.

3.3.1 Title. It shall be a condition of Closing, for County's benefit, that Sellers shall cause fee simple title to the Real Property to be conveyed to County by Grant Deed subject only to those exceptions of which County notifies Sellers pursuant to Paragraph 3.3.2 below. Upon the Close of Escrow, Escrow Holder shall cause its underwriter to issue its ALTA standard coverage, owner's policy of title insurance insuring title in County with liability in the amount of the Purchase Price, with such endorsements as County may reasonably require.

3.3.2 Approval of Encumbrances. Within thirty (30) days of the effective date of this Agreement, Buyer will order from Escrow Holder a preliminary title report and legible copies of all documents referred to therein covering the Real Property (collectively, the "Preliminary Report"). Within fifteen (15) days of County's receipt of the Preliminary Report, County shall notify Sellers, in

writing, of any exceptions of the Preliminary Report to which the County objects. With respect to any such title objections, Sellers shall have ten (10) days after delivery of the County's notice of objections to give notice to the County, in writing, stating either (a) the manner in which Sellers will remove or cure the County's title objections or (b) that Sellers shall not remove or cure the County's title objections. If Sellers fail to deliver such notice to the County, Sellers shall be deemed to have elected not to cure the County's title objections. If Sellers elect not to cure or remove one or more of the County's title objections, then the County shall have ten (10) days after delivery of Sellers' notice to deliver written notice to Sellers of the County's election either to (a) proceed with the purchase and waive any title objections that the Sellers elected not to cure or (b) terminate this Agreement.

3.4 Items to be Delivered at Close of Escrow. Sellers shall execute and deliver to Escrow Holder at the Close of Escrow one or more fully executed Grant Deeds for the Real Property. Sellers shall also execute and deliver to Escrow Holder at the Close of Escrow grants of easements evidencing Sellers' satisfaction of its obligations under Section 2.2 of this Agreement.

3.5 Buyer's Contingencies. Buyer's obligation to purchase the Real Property is expressly conditioned on all of the following: (a) Sellers' delivery of the Real Property free and clear of all liens and encumbrances except as otherwise allowed in Paragraph 3.3.2 herein; (b) the County Planning Commission's finding that the County's proposed use of the Real Property is consistent with the County's General Plan; (c) the County's filing of a Notice of Determination for its proposed project in compliance with the California Environmental Quality Act; (d) the County's satisfaction with the results of the property inspection permitted by Paragraph 5.1 herein; and (e) Seller's compliance with any other applicable legal requirements and final decisions of the County's Board of Supervisors relating to the County's proposed project. Additionally, the County reserves, until after completion of the CEQA process and after noticed public hearings regarding the proposed project, its right to make a final decision on whether to acquire the Real Property and to proceed with its proposed project to relocate its animal control facility to the Real Property.

3.6 Termination for Failure of a Contingency. If this Agreement is terminated or deemed to be terminated for failure of a contingency set forth in this Article 3, then immediately on written notice from Buyer, Escrow Holder must refund any deposit to Buyer without offset for any charges or claims. Any cancellation fee or other costs of the Escrow Holder or the Title Company resulting from this termination shall be borne equally by Sellers and Buyer, and each party shall pay its own expenses.

ARTICLE 4 - TAXES AND OTHER ASSESSMENTS

4.1 Taxes. Sellers authorize Escrow Holder to deduct and pay from the Purchase Price any amount necessary to satisfy any delinquent taxes due, together with penalties and interest thereon which shall be cleared from the Real Property prior to Close of Escrow. All real property

taxes shall be prorated in accordance with Revenue and Taxation Code section 4986 as of the Close of Escrow.

4.2 Assessments. It is agreed that Sellers shall be responsible for payment of any assessments, bonds, charges or liens imposed upon the Real Property by any federal, state or local government agency, or utility. Sellers agree to indemnify and hold County harmless from any claim arising therefrom. Sellers authorize Escrow Holder to deduct and pay from the Purchase Price any amount necessary to satisfy any delinquent assessments, bonds charges, or liens, together with penalties and interest thereon, which shall be cleared from the title to the Real Property prior to Close of Escrow.

ARTICLE 5 - RIGHT OF ENTRY

5.1 Property Inspection. County shall have the right to inspect the Real Property pursuant this section. As part of this property inspection, County may, but is not required to, obtain and review such tests and inspections of the Real Property as County shall deem reasonably necessary in order to determine the condition of the Real Property and suitability of the Real Property to County's intended uses. If, on the basis of the foregoing review, County determines, in its sole discretion, that the Real Property is not acceptable, then, prior to the Close of Escrow, Seller shall remedy any unsatisfactory conditions or County may terminate this Agreement, without penalty, by delivering written notice of such termination to Sellers.

ARTICLE 6 - WARRANTIES

6.1 Warranties. Sellers warrant as follows:

- A. Sellers owns the Real Property, free and clear of all liens, licenses, claims, encumbrances, easements, and encroachments on the Real Property from adjacent properties, encroachments by improvements on the Real Property onto adjacent properties, and rights of way of any nature, not disclosed by the public record.
- B. Sellers have no knowledge of any pending litigation involving the Real Property.
- C. Sellers have no knowledge of any violations of, or notices concerning defects or noncompliance with, any applicable code, statute, regulation, or judicial order pertaining to the Real Property.
- D. Sellers have no actual knowledge of any unrecorded or undisclosed legal or equitable interest in the Real Property owned or claimed by anyone other than Sellers. Sellers have no knowledge that anyone will, at the Close of Escrow, have any right to possession of the Real

Property, except as disclosed by this Agreement or otherwise in writing to County.

6.2 Hazardous Materials. Sellers represent and warrant for the benefit of County that, to the best of Sellers' knowledge, there are no Hazardous Materials present on the Real Property and there has been no release, use, generation, discharge, storage, or disposal of any Hazardous Materials on, in, under or otherwise affecting all or any portion of the Real Property. Sellers further represent and warrant that, to the best of Sellers' knowledge, the Real Property is not in violation of any federal, state, or local law, ordinance or regulation relating to the environmental conditions on, under, or about the Real Property, including, but not limited to, soil and groundwater contamination. Sellers know of no fact or circumstance that may give rise to any future civil, criminal, or administrative proceedings against the property or Sellers relating to environmental matters.

6.2.1 Hazardous Materials Defined: As used herein, the term "Hazardous Materials" shall mean any hazardous or toxic substance, material, sewage or waste which is regulated, controlled or prohibited by statute, rule, regulation, decree or order of any governmental authority, the State of California or the United States Government currently in effect. The term "Hazardous Material" includes, without limitation, any material or substance which is (1) defined as a "hazardous waste," "extremely hazardous waste," or "restricted hazardous waste" under Sections 25115, 25117 or 25122.7, or listed pursuant to Section 25140 of the California Health and Safety Code, Division 20, Chapter 6.5, sections 25100, et seq., (Hazardous Waster Control Law), (2) defined as a "hazardous substance" under Section 25316 of the California Health and Safety Code, Division 20, Chapter 6.8 ("CPTHSA Act"), (3) defined as a "hazardous material," "hazardous substance," or "hazardous waste" under Section 25501 of the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory Act), (4) defined as a "hazardous substance" under Section 25821 of the California Health and Safety Code, Division 20, Chapter 6.7 (Underground Storage of Hazardous Substances), (5) petroleum, (6) asbestos, (7) listed under Article 9 or defined as hazardous or extremely hazardous pursuant to Article 11 of Title 22 of the California Administrative Code, Division 4, Chapter 20, (8) designated as a "hazardous substance" pursuant to Section 311 of the Federal Water Pollution Act, 33 U.S.C. Sec 1251 et seq. (33 U.S.C. Sec 1321), (9) defined as a "hazardous waste" pursuant to Section 1004 of the Federal Resource Conservation and Recovery Act, 42 U.S.C. Sec 6901 et seq. (42 U.S.C. Sec. 6903), (10) defined as a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. Sec. 9601 et seq. (42 U.S.C. Sec 9601) ("CERCLA"), or (11) defined as a "waste" under the California Porter-Cologne Water Quality Control Act, section 13050 of the California Water Code.

6.3 Leases. Sellers warrant that there are no oral or written leases on all or any portion of the Real Property exceeding a period of one month.

6.4 Survival. All warranties, covenants, and other obligations described in this Article and elsewhere in this Agreement shall survive delivery of the Grant Deed.

ARTICLE 7 - NOTICES

7.1 Notices. All communications and notices required or permitted by this Agreement shall be in writing and shall be deemed to have been given on the earlier of the date when actually delivered to Sellers or County by the other or three (3) days after being deposited in the United States mail, postage prepaid, return receipt requested, and addressed as follows, unless and until either of such parties notifies the other in accordance with this paragraph of a change of address:

SELLERS: Thomas Shinn
4880 Kingvale Road
El Dorado, CA
95623

COUNTY: County of El Dorado
Board of Supervisors
Attention: Clerk of the Board
330 Fair Lane
Placerville, CA 95667

COPY TO: County of El Dorado
Department of General Services
Attention: Joanne M. Narloch
360 Fair Lane
Placerville, CA 95667

ARTICLE 8 - BROKER OR AGENT

8.1 Broker or Agent. County has not employed a broker or sales agent in connection with the purchase and sale of the Real Property. Sellers have employed a broker or sales agent in connection with the purchase and sale of the Real Property. Sellers are solely responsible for the payment of any commission or other compensation to their broker or sales agent. Sellers shall indemnify, defend and hold County harmless from any action or claim against County to pay any commission or other compensation to any third party in connection with this transaction.

ARTICLE 9 – WAIVER AND RELEASE OF CLAIMS

9.1 This Agreement is full consideration for all claims and damage that Sellers may have relating to the public project for which the Real Property is conveyed and purchased, and Sellers hereby waive any and all claims relating to said project that may exist on the date of this Agreement.

ARTICLE 10 - MISCELLANEOUS PROVISIONS

10.1 No Amendments. No amendment of this Agreement shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein shall be binding on either party hereto.

10.2 Time is of the Essence. The County must vacate its current Animal Control facility, which is located on land owned by the City of Placerville, by Spring 2007. Accordingly, time is of the essence of each term and provision of this Agreement.

10.3 Binding Effect. This Agreement shall bind the parties, their personal representatives, successors, and assigns.

10.4 Invalidity. The invalidity of any provision of this Agreement as determined by a court of competent jurisdiction shall in no way effect the validity of any other provision hereof.

10.5 Warranty of Authority. The parties to this Agreement warrant and represent that the undersigned individuals executing this Agreement on their respective behalf are fully authorized to do so by law or other appropriate instrument and to bind upon said parties the obligations set forth herein.

10.6 Addendum and Exhibits. In the event of conflict between this Agreement and any Addendum or Exhibit attached hereto, the provisions of such Addendum or Exhibit shall control.

10.7 Venue. Any disputes regarding this Agreement and any attachments incorporated herein shall be governed by laws of the State of California and shall be filed in the Superior Court for El Dorado County.

10.8 Administrator. The County Officer or employee with responsibility for administering this Agreement is the Interim Director of General Services, Joanne M. Narloch or successor.

10.9 Execution. The Agreement may be executed and entered into in several

counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

10.10 Prior Agreements. This Agreement supersedes any prior negotiations and agreements and contains the complete, exclusive, and final agreement of the parties with respect to the subject matter hereof. No other agreement, representation, statement or promise made by any party or any employee, officer, or agent of any party that is not expressly set forth in this Agreement shall be binding or impose any liability on a party.

10.11 Captions. The section headings throughout this Agreement are for convenience and reference only and the words contained therein shall not be held to expand, modify, amplify or aid in the interpretation, construction or meaning of this Agreement.

10.12 Survival. Except as otherwise provided herein, the covenants, representations, and warranties contained in this Agreement shall survive the Close of Escrow and shall not be deemed merged in the Grant Deed but shall remain in full force and effect.

10.13 Further Assurances. Sellers and County agree that at any time or from time to time after the execution of this Agreement, whether before or after the Close of Escrow, they will, upon request of the other, execute and deliver such further documents and do such further acts and things as the other party may reasonably request in order to effect fully the purposes of this Agreement.

10.14 Waiver. The waiver by Sellers or County of a breach or failure of a term, covenant, or condition of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach or failure of condition of the same or of another provision hereof.

10.15 Third Party Beneficiaries. No condition, covenant, waiver or release contained herein made or given by Sellers or County is intended to run to the benefit of any person not a party to this Agreement unless otherwise expressly set forth herein.

10.16 Incorporation of Recitals and Exhibits. The Recitals set forth above are true and correct and, together with the Exhibits attached hereto, are incorporated into this Agreement by this reference.

10.17 Attorney's Fees. In any action or proceeding at law or in equity arising out of this Agreement, the prevailing party shall be entitled to all reasonable attorney's fees, costs and expenses incurred in said action or proceeding.

10.18 Effective Date. This Agreement shall be subject to the approval of the County's Board of Supervisors after due notice and in accordance with the provisions of applicable law.

IN WITNESS WHEREOF, the parties hereto have entered into the Agreement as of the day and year last written.

BUYER/ "COUNTY":

Dated: 5-9-06

COUNTY OF EL DORADO

By: James R. Sweeney
James R. Sweeney, Chairman
Board of Supervisors

CINDY KECK
Clerk of the Board of Supervisors

By: [Signature]
Cindy Keck

SELLERS:

Dated: 5-14-06

JOYCE SHINN

[Signature]

Dated: 5-17-06

SCOTT LAWRENCE SHINN

[Signature]

Dated: 05/10/06

THOMAS EDSON SHINN

[Signature]

Dated: 5/13/04

LINDA LOU FINE

[Signature]

PLAN VIEW

SCALE: 1" = 100'

AS SHOWN FROM L.A.M. 11-1-81

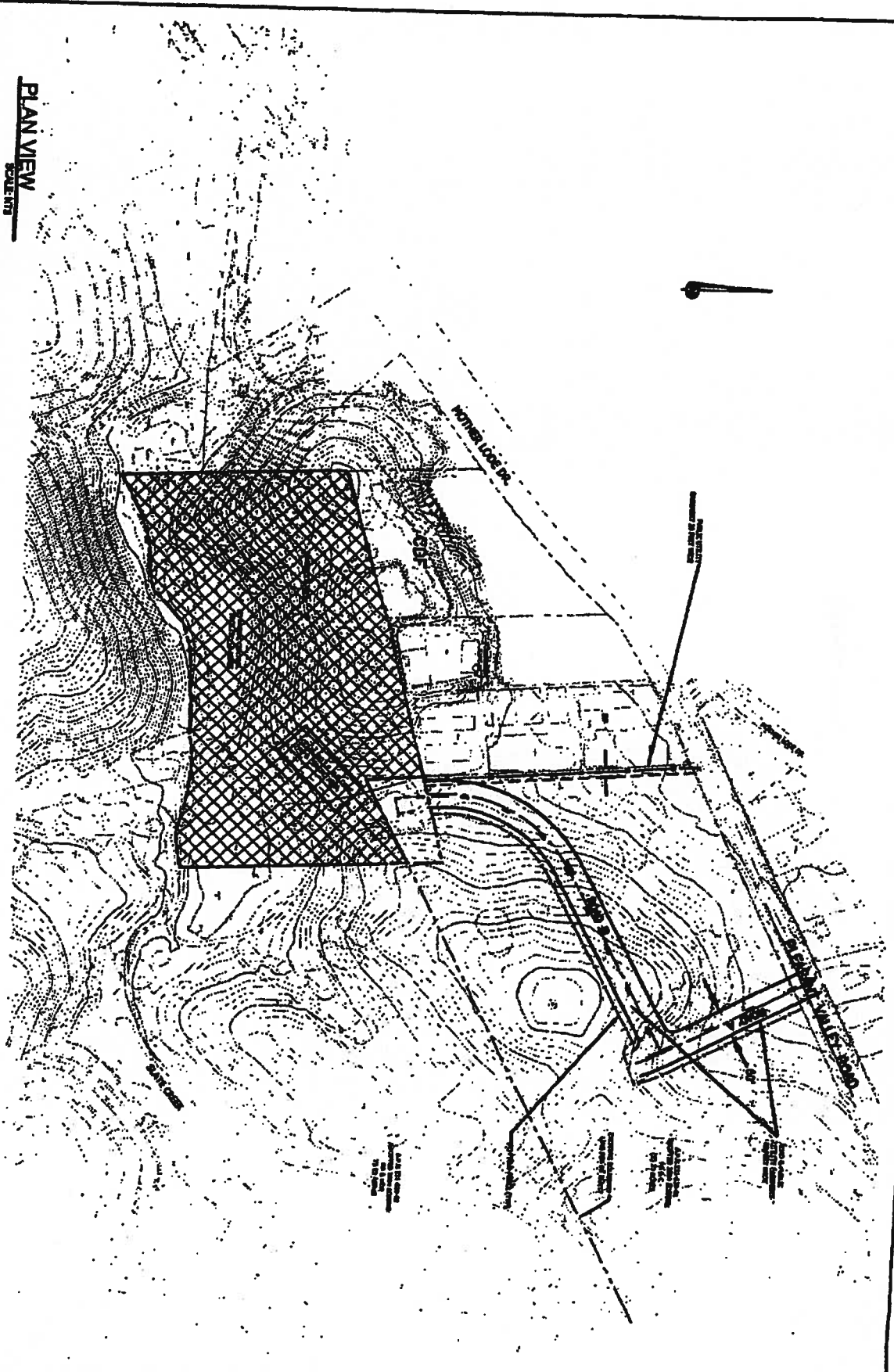








EXHIBIT 4-A

EXHIBIT 4-A PAGE 1 OF 1	PROJECT NO.	 County of El Dorado General Services Department Facility Services Division 3000 Fair Lane Court Placerville, CA 95667 (209) 621-4429	FACILITY SERVICES 3000 FAIRLANE CT. SU #2 PLACERVILLE, CA 95667	DATE	
	DATE			BY	

Legend

-  Project Boundary
-  Building Footprint
-  Main Building
-  Fence
-  Roads and Parking
-  Canals



T:\GIS\GIS_Dorato_County\Map\anline\control_sally\Project_Site.mxd - 7/21/2008 @ 11:40:22 AM

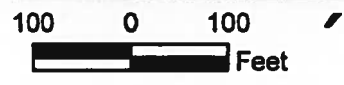


FIGURE 2.3
PROJECT SITE
PMC



EL DORADO COUNTY GRAND JURY 2009-2010

GARDEN VALLEY FIRE PROTECTION DISTRICT

Case No. GJ 09-015

REASON FOR REPORT

Legal fees for the Garden Valley Fire Protection District (GVFPD) have increased dramatically from fiscal year 2006 to fiscal year 2009. The increase in legal fees was a result of administrative actions taken within the District. The GVFPD is primarily funded by District taxpayers, and had been supplemented with El Dorado County "Aid to Fire" funding. This funding was eliminated by the Board of Supervisors in fiscal year 2009-2010.

The Grand Jury was alerted to a potential high-risk activity conducted by the District. The District participates with the United States Forest Service by including personnel who reside outside of the District to staff All Risk Teams (ART) currently known as the Incident Command Management Team (ICMT).

The Grand Jury decided to review the administrative operation of the GVFPD to determine if the expenditure of taxpayer funds has been appropriate, and to assess the short and long term financial viability of the District.

BACKGROUND

The Garden Valley Fire Protection District is a community service district located near the Georgetown Divide in northern El Dorado County. The GVFPD serves a population of approximately 7,500 in an unincorporated area of approximately 60 square miles. It is staffed by a combination of paid and volunteer personnel. The District is governed by a five-member board of directors. The District is overseen operationally and administratively by a Fire Chief also known as the Chief Administrator. The Chief Administrator reports to the GVFPD Board of Directors.

It should be noted that the 2009-2010 El Dorado County Grand Jury was not investigating any pending personnel issues or litigation with the GVFPD, but was reviewing the administrative process by which the District operates. The Grand Jury has not and will not take a position on the merits of pending or past disciplinary cases at the GVFPD.

METHODOLOGY

The Grand Jury collected information from a variety of sources and conducted multiple interviews with those involved in the governance and administration of the GVFPD.

Garden Valley Fire Protection District Interviews:

- Board of Directors
- Fire Chief
- Assistant Fire Chief and Division Chiefs
- District Accountant
- Privately contracted auditor (Certified Public Accountant)
- Privately contracted consultant
- Privately contracted insurance representatives

Outside Agency Interviews:

- El Dorado County Auditor/Controller
- Diamond Springs Fire Chief
- El Dorado County Fire Chief
- El Dorado Hills Fire Chief

Garden Valley Fire Protection District Documents Reviewed:

- Accountant's Audit Report dated January 17, 2010 covering the Fiscal Year End (FYE) June 30, 2008 Special Districts Financial Transactions Report to the California State Controller
- Annual Operating Plan for Cooperative Fire Protection 2009
- ART revenues July 2006 - October 2009
- Bank Statements, January - May 2008
- Board Minutes, October 2006 - March 2007
- Compensation paid to ART July 2007 - October 2009
- Copies of correspondence, including emails, between District personnel and its contracted consultant and the El Dorado County Auditor/Controller
- El Dorado County Agreement for Supplemental Funding of Fire Districts, August 2001

- Financial Documents, 2007 - 2009 (selected periods)
- Fire Chief Employment Contract
- General Ledger Trial Balance as of December 31, 2009
- General Operating Guidelines
- Incident Management Support Division (IMSD) 2009 Memorandum of Understanding
- Payroll Taxes and Workers Compensation paid for ART July 2007 - October 2009
- Personnel Policy Manual
- Quick Books Register
- Reimbursements paid to ART July 2007 - October 2009
- Report of the Office of Administrative Hearings Judge dated January 25, 2010 (OAR Number 2009040771)
- Special Districts Financial Transactions Reports to the California State Controller for FYE June 30, 2008 and FYE June 30, 2009
- Total hours for ART assignments 2006 - 2007
- Unqualified Opinion Audit Report for FYE June 30, 2008, issued by the District's privately contracted Certified Public Accountant

FINDINGS

The 2009-2010 Grand Jury began reviewing the GVFPD administrative operation when it became known that there had been a dramatic increase in legal fees from July 1, 2006 to August 20, 2009. The District's legal fees increased from \$644 to \$196,028 during this period. The legal fees were a result of personnel and disciplinary actions by the GVFPD. These administrative actions were initiated by the Board of Directors and the current Fire Chief.

It was learned the GVFPD was operating a special fire response team known as the All Risk Team (ART). Concern was expressed by government and fire agency officials that ART activities could result in increased financial liability to the District, due to the potentially hazardous nature of the operation. As of this writing, the All Risk Team has been renamed the Incident Command Management Team (ICMT).

The Grand Jury was also informed of possible payroll discrepancies and bookkeeping errors. These errors caused a \$10,000 out-of-balance condition within the District's financial records.

Due to the above areas of concern, the Grand Jury conducted a review of the Garden Valley Fire Protection District's administrative, personnel, and ICMT policies and procedures.

In accordance with the California Penal Code §933 and §933.05, each numbered finding and recommendation 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 2009-2010 Grand Jury made the following findings:

1. The current Fire Chief initiated many changes:
 - Redirecting operating funds to have a fully staffed fire engine available to Garden Valley residents 24/7. This enhanced the District's emergency response from Basic Life Support to Advanced Life Support. This should improve the District's emergency response in the future;
 - The District's finances were returned to the El Dorado County Auditor/ Controller's Office for processing and oversight;
 - Longstanding personnel issues were addressed;
 - Residency requirements for ICMT members were changed. All members are required to live within 100 miles of the District.

2. The Board of Directors and Fire Chief have demonstrated a lack of practical knowledge with respect to human resource matters. It is unclear what background check process the District conducts prior to hiring new employees. There is no standard policy for screening employee candidates.

3. The Grand Jury could not clearly determine when the District's Personnel Policy Manual was last updated. There are critical discrepancies between the Board of Directors written policies and the provisions of the Fire Chiefs contract. The Grand Jury found that the Fire Chief exceeds the authority granted in his contract which is in conflict with the District's written policy.

4. It was determined that the District's Board of Directors, Fire Chief and senior management lack the knowledge of current progressive discipline standards and the provisions of the recently enacted Firefighters Procedural Bill of Rights (California Government Code §§3250-3262).

5. Previous Boards of Directors and Fire Chiefs did not effectively address inappropriate personnel conduct. Presently, there are no clear guidelines for senior management to follow when confronting an employee discipline issue.

6. The personnel disciplinary process at the District, at times, lacks an appropriate check and balance system. Generally, the Fire Chief investigates, recommends discipline, and initiates the disciplinary process up to and including termination. The Personnel Policy Manual states "The District (Board of Directors) reserves the right to hire, transfer, promote, reprimand, suspend, terminate, and maintain the discipline and efficiency of its employees." Currently this authority rests with the Board of Directors and has not been delegated to the Fire Chief.
7. The Garden Valley Fire Protection District operates a special response team initially designated the All Risk Team, which has recently been renamed the Incident Command Management Team (ICMT). Personnel comprising the ICMT are mostly retired U.S. Forest Service firefighters. Upon request from a state or federal authority, the ICMT members respond to disasters or emergencies that are beyond the standard mutual aid agreements. They generally respond to forest fires and serve in an administrative capacity.
8. The Grand Jury found the Fire Chief and an Assistant Fire Chief have been assigned to ICMT emergencies outside of the District at the same time. Their decision to participate in an ICMT response is discretionary. The Fire Chief and Assistant Chief participate in ICMT out of the District without the written approval of the Board of Directors. This causes a conflict of interest and creates an unnecessary risk to the residents of the District.
9. The ICMT members are paid after the District receives reimbursement from the requesting agency. The District receives an administrative fee in addition to the total reimbursement for deploying ICMT personnel. In addition to providing a public safety service, the ICMT generated income is a revenue enhancer for the GVFPD. With the cancellation of El Dorado County's "Aid to Fire" budget augmentation, the ICMT administrative fee revenue has been critical to maintaining the level of emergency services in the District.
10. District compensation discrepancies existed during the period March - November 2007 and July - August 2008 with the salary payments of two command officers. After extensive review by the District's Accountant in the fall of 2009, these discrepancies were resolved. These problems occurred due to ineffective communication between the El Dorado County's Auditor/Controller's Office and the District.

11. The El Dorado County Auditor/Controller advised the Grand Jury of a \$10,000 difference in GVFPD's Special Districts Financial Transactions Report to the California State Controller for FYE June 30, 2008.

- Information was presented, including copies of bank statements, which showed this \$10,000 should not have been recorded as cash on deposit;
- The District's Accountant submitted the State Report for FYE June 30, 2009 showing a \$9,999 Prior Period Adjustment;
- The District's contracted auditor who issued an Unqualified Opinion Audit Report, for the period July 1, 2007 through June 30, 2008, did not disclose this \$10,000 difference in his report. He did not require the District to place corrective adjustments to its accounting records even though he had custody of the Report to the State Controller for the FYE June 30, 2008;
- The District's contracted auditor, who is a California Licensed Certified Public Accountant, failed to fully cooperate with the Grand Jury;
- The District's Accountant completed a detailed audit of the District's accounting records for the FY July 1, 2007 through June 30, 2008, and disclosed several errors and made corrective entries to the District's books to resolve this difference.

12. It was determined that an employee was allowed to reside for years on GVFPD property at no cost and without a written agreement containing health, safety, tax and other appropriate provisions. This presents a potential liability to the District and its taxpayers.

RECOMMENDATIONS

1. The Board of Directors, Fire Chief, and senior management need to focus on updating the District's written policies and procedures. All personnel should become educated on the provisions of the Firefighters Procedural Bill of Rights. The District's practices must be consistent with written policies and procedures.
2. The authority of the Board of Directors and the Fire Chief needs to be clear. The current written authority to hire, fire, suspend, and discipline currently rests with the Board of Directors. The Board may delegate some of these authorities and duties to the Fire Chief.
3. The District should immediately initiate training sessions in Human Resource Management and employee relations for the Board of Directors, Fire Chief, and senior management.

4. Hiring practices need to be consistent and legal to ensure that all employee candidates are properly screened and interviewed prior to an offer of employment.
5. The District's Fire Chief and Assistant Chief should obtain the written approval of the Board of Directors before deploying on an Incident Command Management Team.
6. District employees should not be permitted to reside on District property. This excludes staffing or other fire related duties.
7. The ICMT generated revenue should not be considered a permanent funding source for future budgets.
8. District personnel and the El Dorado County Auditor/Controller's Office should improve their communication on financial issues.

RESPONSES

Response(s) to 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, 1354 Johnson Boulevard, South Lake Tahoe, CA 96150.

CLOSING REMARKS

In recent years, the Garden Valley Fire Protection District has undergone intensive public and legal scrutiny. The Board of Directors cannot publicly comment on ongoing personnel investigations and litigation, so they are an easy target for criticism. The majority of the criticism rests with actions and inactions that had occurred prior to the current Board of Directors and Fire Chief.

The Grand Jury found the Board of Directors, Fire Chief, and senior management to be extremely cooperative with all our requests for documentary evidence and interviews. The current administration has actively dealt with employee issues. They have improved the emergency response for the District from Basic Life Support to Advanced Life Support. The Board of Directors, Fire Chief, and senior management appear to be taking the District in the right direction, but need to keep their momentum moving forward.



EL DORADO COUNTY GRAND JURY 2009-2010

FEE WAIVERS

Case No. GJ 09-019

REASON FOR REPORT

The Grand Jury became aware of significant issues regarding Board of Supervisors Policy B-2 and the fee waiver process (see attachment). There was concern over the potential for significant lost revenue to the County and the equity of notification to all applicants about the availability of fee waivers.

BACKGROUND

In November 1988, the Board of Supervisors (BOS) adopted Policy B-2 to allow for waiver of County fees, permit charges and other administrative costs. This was last revised in February 1989. Per Policy B-2, the Chief Administrative Officer (CAO) and BOS are authorized to grant fee waivers. Further investigation revealed there were significant issues relating to authority, management, lost revenue, and disclosure of the fee waiver process.

METHODOLOGY

The Grand Jury conducted interviews, requested available data and reviewed the BOS Policy B-2 in order to understand the criteria and process for obtaining fee waivers.

Interviews conducted:

- Director, Development Services Department
- Principal Administrative Analyst, Chief Administrative Office

Documents reviewed:

- Board of Supervisors Policy B-2 (11/2/09)
- Fee Waiver Reports from 2006-2009 provided by the Chief Administrative Office and Development Services Department
- Permit Application, Parts 1-3 (Form number PERMAPP6.FRM - 2/2001)
- Plan Review Submittal (no form number or date)

Websites reviewed:

- El Dorado County Board of Supervisors, Building Department and Planning Department links www.co.el-dorado.ca.us (11/09)

FINDINGS

In accordance with the California Penal Code §933 and §933.05, each numbered finding and recommendation 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 2009-2010 El Dorado County Grand Jury has arrived at the following findings:

1. Fee waivers, upon request, may be granted for building permits, encroachment permits, variances, zone reclassifications, administrative permits, and use permits.
2. The Development Services Department does not advise applicants about fee waivers unless requested.
3. The following fee waivers were granted:
 - a. \$101,410 in 2006
 - b. \$10,784 in 2007
 - c. \$26,336 in 2008
 - d. \$14,070 in 2009

These are exclusive of the special waivers granted for victims of the Angora Fire in South Lake Tahoe (\$735,870 from June 2006 to December 2008).

4. Policy B-2 grants authority to the CAO to receive requests for and to grant fee waivers. The criteria for fee waivers are vague and lacking in definition. This provides the CAO with unlimited latitude in granting fee waivers.

5. It is not sufficiently clear that fee waiver authority is limited to the CAO. It was noted that other agencies and departments are granting fee waivers. If the policy is being followed, only the CAO or BOS should be granting fee waivers.
6. All waivers are to be reported to the BOS. While there is indication that reports are made to the BOS, the specific justification for granting a waiver is not noted. The specific reason fees are waived is only included in the letter to the applicant after approval and not entered into the County's computer program for tracking.
7. There is no indication from the CAO's office in their report to the BOS of the identity of the initiating department(s).
8. Reports extracted from the County's computer program neither identify the reason nor which department(s) requested a fee waiver. Once approved, there is nothing in these reports to show what criteria is used to grant approval. Because there is not sufficient data that can be used for tracking purposes, the reports are limited in nature and meaningful information cannot be easily extracted.
9. The Permit Application, Parts 1-3, and Plan Review Submittal Forms given to applicants do not have a form number. The Plan Review Submittal Form also has no date of approval/revision noted.

RECOMMENDATIONS

1. The County should review and update its fee waiver policy to include:
 - a. A description of which fees may be waived and who has authority to grant fee waivers;
 - b. A list of clear, objective standards for fee waivers;
 - c. Documentation of specific reasons for granting fee waivers;
 - d. Clearly state that the general public is eligible;
 - e. Definitive guidelines to all applicants to include a statement that the general public is eligible for fee waivers.
2. Useful information should be easily retrievable from the appropriate County computer program. To that end, the information entered for each application should be consistent. It should include, at a minimum, who the initiating department is and specifically under which criteria outlined in the policy the waiver was approved and by whom.

3. All forms distributed to the public by Development Services Department should have a form number and date of approval/revision printed on all pages.

RESPONSES

Responses to both findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.



COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject: FEE WAIVING	Policy Number B-2	Page Number: 1 of 3
	Date Adopted: 11/08/1988	Revised Date: 02/07/1989

Background:

In September 1981, the Board of Supervisors adopted policies and procedures regarding consideration of requests for waiver of County fees, permit charges, and other administrative costs. The policy is being amended at this time to give special consideration for emergency projects by local public agencies, and for life threatening fire safety needs being addressed for the public by private agencies. The Chief Administrative Officer is authorized to waive fees according to established procedure and report said waivers to the Board.

Policy:

1. County departments and offices shall charge all public agencies and non-profit organizations the same filing fees and other costs as those charged to private citizens, where those fees are levied to offset the County's costs to provide related services.
2. Fees may be waived for building permits, encroachment permits, variances, zone reclassifications, administrative permits, or use permits only if the Chief Administrative Officer makes any one of the affirmative findings as specified below:

The Chief Administrative Officer finds that --

- a. The levying of the fee in question would result in extreme financial hardship to the requesting entity;
- b. The applicant has been delayed due to actions taken by the County;
- c. A facility or project proposed by a non-profit corporation or special district will provide a substantial public benefit;



COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject: FEE WAIVING	Policy Number B-2	Page Number: 2 of 3
	Date Adopted: 11/08/1988	Revised Date: 02/07/1989

- d. There is no actual cost to the County for the expense in question. For example, if the Building Department is required to inspect a structure, the fee related to providing this service will be levied. However, if inspection is not required, the fee may be waived;
 - e. The project is being carried out by a local public agency and is an emergency project;
 - f. The project is being carried out by a private agency primarily to address unresolved life threatening and/or fire safety issues for the public.
3. A fee for appeal of a decision of the approving authority may not be waived.

Procedure:

An entity applying for a fee waiver shall present a request in writing to the department head of the department that charges the fee in question. The request shall contain a description of the project in question along with a statement as to why the applicant believes the fee should be waived. The department head will review the request and present it to the Chief Administrative Officer. The Chief Administrative Officer will approve or disapprove the request for fee waiver in accordance with provisions set forth in this policy and report said waivers to the Board of Supervisors.

Primary Department: Chief Administrative Officer
Community Development
Department of Transportation



COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject: FEE WAIVING	Policy Number B-2	Page Number: 3 of 3
	Date Adopted: 11/08/1988	Revised Date: 02/07/1989

References: None



EL DORADO COUNTY GRAND JURY 2009-2010

ADMINISTRATIVE SERVICES CONSOLIDATION COST SAVINGS AND EFFICIENCIES

Case No. GJ 09-022

REASON FOR REPORT

The Grand Jury investigated the potential for cost savings, decreased administrative overhead, greater efficiencies and accountability, and a higher level of service to the citizens of El Dorado County through further consolidation of administrative services.

BACKGROUND

Though there are signs of recovery, these are difficult economic times. Citizens have lost income and seen their purchasing power decrease. A significant number have lost their job or are underemployed. The El Dorado County General Budget has decreased from \$220,000,000 in 2008 to a projected \$181,000,000 in 2010. County personnel positions have been cut from over 2,000 in 2008 to approximately 1,700 in 2009-2010.

The population of El Dorado County has grown substantially. Whereas the population was 124,000 in 1990, it grew to 153,000 in 2000. It is estimated to be 180,000 in 2010, and projected to increase to more than 218,000 by 2015. While the need for services grows, the capacity of El Dorado County to provide services has substantially diminished.

The growth in population of El Dorado County on the “western slope” (west of Echo Summit), still categorizes it as a medium-sized county. Whereas the recent pace of growth in the State has slowed, El Dorado County still had a population increase higher than the California average.

El Dorado County has largely retained its rural and small government structure. Except for a comparatively recent merger of the former Department of General Services into the larger Department of Transportation, little consequential change has occurred. County government is often referred to as a conglomeration of departments, frequently described as “silos,” loosely functioning under one administrative umbrella, nominally headed by the County Administrative Officer (CAO).

What has grown over time is more like a federation or conglomeration of County departments rather than a more cohesive, coordinated, and systemic mode of governance. The current administrative culture, largely inherited from the past, still substantially prevails, and serves to promote just the opposite of what is needed for efficient and effective administration and governance. Loyalty goes more to the individual department rather than to the County. This style of governance promotes a culture that is more parochial, territorial, and internally-focused. The interest of the individual County department becomes the primary working priority, rather than how to provide services to the public across the County in the most efficient and cost-effective manner.

METHODOLOGY

This investigation centered on administrative services provided by County employees throughout all departments. It was careful not to include staff performing liaison functions between a department and the CAO. It identified administrative services in five basic functional areas. A brief description of these administrative services and primary duties included are as follows:

- Fiscal functions of budgeting or fiscal analysis and management; this includes fiscal administrators or officers, technicians and analysts who basically develop and track financial resources, budget trends and projections;
- Personnel and human resource functions of developing and determining classifications, salary schedules and benefits, and who perform various personnel transactions, recruitment and disciplinary actions;
- Business services functions of acquisitions, purchasing, maintenance, facilities management, contracting and procurement;
- Accounting functions of accounts payable, receivables, revenue, expenditures and reconciliations; and
- Information technology functions which include development, maintenance, and utilization of computerized data systems.

Personnel perform each of these basic administrative service functions in all departments of County government.

The following documentation was referenced:

- California Department of Finance Demographic Unit, “California Population Increases At a Slower Pace According to New State Demographic Report,” December 19, 2007
- California Department of Finance Demographic Unit, “E2, California Population Estimates and Components of Change by Year, 1999-2009”
- Fiscal Year 2009-2010 Mid-Year Budget Status Report, Chief Administrative Office, February 24, 2010

El Dorado County interviewees included:

- El Dorado County Board of Supervisors 2009-2010
- County Administrative Officer, El Dorado County
- Senior Administrative Analyst, County Administrative Office
- District Attorney
- Director, Department of Human Resources
- Director, Department of Information Technologies, El Dorado County
- Director, former Department of General Services, El Dorado County
- Deputy Directors, Department of Transportation, El Dorado County

FINDINGS

In accordance with the California Penal Code §933 and §933.05, each numbered finding and recommendation will be responded to by the government entity to which it is addressed. This report is addressed to both the El Dorado County Board of Supervisors and the County Administrative Officer. The El Dorado County 2009-2010 Grand Jury has arrived at the following findings.

An older administrative structure once workable for a small rural county has simply grown with the passage of time.

1. It can be difficult to obtain objective and reliable information that informs or drives decisions made in the best interests of the County.
2. Cohesion and coordination, accountability and responsiveness are more difficult to achieve.
3. Overall efficiency has been harder to realize.
4. Management remains significantly decentralized. As a result, as one well-placed source testified, “Even the Board of Supervisors is overly dependent on administrative assistants housed in County departments.”
5. This method of operating has made County government difficult to manage and control, with multiple power centers and bureaucratic interests focused on maintaining control over their own domains.

Various well-placed and knowledgeable interviewees have freely acknowledged that there is still a significant amount of duplication of administrative services throughout County government.

6. The County Administrative Officer (CAO) has acknowledged that a comprehensive assessment of administrative services across County

departments, inclusive or exclusive of those departments headed by an elected official, has not been conducted for a very long time, if ever.

7. A comprehensive assessment of the extent to which basic administrative service functions may be duplicated or overlapping is long overdue.

In January 2010, the CAO, at the request of the Grand Jury, conducted an initial identification of administrative services personnel performing typical administrative tasks associated with personnel classifications and transactions, budgeting, accounting, business services, and information technology, which resulted in the identification of some surprising and significant costs as well as a substantial number of positions.

8. The apparent first-of-its-kind preliminary survey resulted in a total of approximately 263 positions encompassing just under \$23 million in salaries and benefits. This is the universe of positions and associated cost of County employees who provide administrative services across County departments.

This is a significant universe indeed. However, it would be unrealistic to expect that it represents what could be saved in terms of positions or costs. Admittedly and realistically, a substantial number of these positions are necessary and probably allocated in an appropriate manner throughout various County offices and departments.

At the same time, it can be reasonably assumed that this universe of personnel and associated cost sets the stage and provides a substantial opportunity for consolidation of administrative services among and between County departments.

9. As one example, even if just 10 percent of such costs could be saved through greater consolidation, it would equate to a cost savings of approximately \$2.3 million, and a reduction of 26 administrative positions. It could result, over time, in not only a leaner and less top-heavy County government, but a more service-oriented one.

It is surprising that a comprehensive assessment of County administrative services has not taken place. Considering the enormous potential for cost savings and greater efficiencies, as well as the elimination of overlapping or duplicative administrative functions, especially in a tough economic climate, such an assessment is critical to reasonably and objectively assure an efficient and effective government operation.

Equally as important, and perhaps even more significant to the County over time, are the economies of scale that could be achieved, as well as the potential for enhanced administrative efficiencies.

10. With a less department-centered administrative structure, better questions could be asked that would elicit more objective answers. More consistent and informed could be provided with which to make decisions more

beneficial to the County as a whole. A better “bang for the buck” would be more likely for the taxpaying public. A wider perspective would be created and less parochial interests served. Thus, less self-interested or narrowly focused decisions could be made.

11. Just as savings from less administrative overhead could be obtained, a greater level of actual service to the public could result. Even with the prospect of minimal cost savings, a reallocation and reorientation of services away from administrative overhead would constitute a better deal for the taxpaying public.

Though there have been some meaningful steps taken toward a greater consolidation of administrative services, the need for an over-arching strategy and greater overall focus of effort toward the identification and implementation of administrative service consolidations still exists.

12. More than one substantial source testified that “There is little real consensus or shared strategic vision in the County government.”

Such a reorientation of administrative services could not only benefit the public, it would also better serve County employees.

13. A more cohesive and better coordinated system of governance for the County could result in a certain number of positions needed to oversee a wider scope of service delivery across all departments. Appropriate promotional opportunities would likely exist to provide a higher level of managerial expertise in administering a more diverse and skilled group of administrative personnel. This would also present more opportunity for cross-training of administrative staff. Rather than maintaining the current non-system of departmental silos, a flatter and more systemic County-wide administrative structure could provide more meaningful opportunities for advancement.

It should be noted that the County has a relatively high proportion of elected officeholders directing a number of County offices or departments. For example, El Dorado County is the only county in California with an elected surveyor. The departments or offices directed by elected officials are often described as relatively independent entities. While these officeholders are certainly accountable to the voters, they can be less responsive to any higher administrative or managerial authority. Still, as was pointed out by a prominent source interviewed for this investigation, “Even elected officials experience financial pressures.”

14. Significant questions need to be asked about just what services and functions are improved by virtue of the fact that these officials are elected. They are, in fact, mostly beholden to fulfillment of mandated

responsibilities under the laws of the State of California, whether elected or not.

Nevertheless, it should be emphasized that recent efforts have been made to diminish administrative overhead and realize a greater level of efficiency. Examples include:

- Though somewhat controversial, a significant consolidation and merger of the former Department of General Services within the larger Department of Transportation. This affected far more than just administrative services personnel and functions;
- There is consideration being given to the formation of a Public Works Department that would include the Departments of Transportation, Environmental Management, and elements of the Office of Surveyor;
- Consideration is being given to the partial consolidation of administrative services of the Sheriff, District Attorney, and Public Defender's Office. A Law and Justice Working Group will likely be assessing just how such a consolidation of services could be implemented;
- A merger of the Veterans Service Office with the County Elections Office/Recorder Clerk has, in fact, recently been implemented;
- There has been a recent consolidation of the Department of Agriculture and Weights and Measures Office;
- It is recognized that considerable potential benefits could be obtained through a greater level of co-location of County offices and diminishment of leased space;
- Other initiatives, perhaps most notably a higher and better utilization of access to online or Internet-based services, is underway. An example includes automated business license functions that provide more convenience to the public at less cost;
- Various other approaches to a greater level of organizational consolidation are being actively considered.

These consolidations, mergers, and generally greater focus on functions serving the public, are clearly centered on identifying and compartmentalizing related or similar services. In the absence of a more directed, purposeful, and cohesive vision of how the County government should be organized and structured to minimize administrative overhead and maximize service to the public, various minor, incremental, and lengthy approaches will prevail. Retirements, for example, generally present challenges to the old way of doing business and can present genuine opportunities for making changes.

Job specifications, those broadly based descriptions that provide enough information to classify positions for rank, pay, and benefits, are generally the first level of documentation referenced to begin to determine what type of work employees perform. Actual job descriptions that include a listing of specific responsibilities and duties performed by an employee are the next level of documentation to be referenced when determining what services are performed by which employees.

Without such current documentation, some sort of job audit must be performed to identify this key information. Lacking such documentation, it becomes virtually impossible to identify and facilitate a consolidation of administrative service duties and responsibilities.

Competent and objective performance evaluations of employees are difficult to complete without current job information describing what job responsibilities and duties exist.

15. This investigation revealed that there is very little centralized knowledge or objective information (meaning first-hand information outside of the department itself) about just what administrative services personnel in County departments actually do in performing their jobs. For example, it was revealed that approximately 15 separate County departments have a significant number of personnel performing information technology jobs. But it is not known "...what these people are doing."
16. Testimony from a number of reliable and knowledgeable sources demonstrated that, while job specifications often existed, current job descriptions in County government are "virtually non-existent."
17. It will, therefore, be necessary to identify what services are performed by administrative services personnel in departments to determine the potential for administrative services consolidation. Specific functions performed and the extent or frequency of workload activity become key determinants of what service functions and personnel may be candidates for greater consolidation efforts. This information is also critical for cross-training purposes.

There are a number of approaches and options to achieve a beneficial consolidation of administrative services.

- County departments can be grouped into broad categories of service functions. These include, for example, Law Enforcement and Justice, Land Use and Developmental Services, Health and Human Services, and General Government agencies. A system of several key agencies, each containing departments with like or similar functions, could be organized. Administrative services for these key agencies could be consolidated. County government could become more manageable, cohesive, and service or mission-oriented.
- Another basic approach could involve identifying those departmental missions and service functions that are the most closely related, and consolidating the administrative services function of those departments or offices. The CAO has, in fact, started this process with respect to the previously mentioned Law and Justice Working Group.
- Administrative services staff could be organized along more functional lines across County departments. For example, those staff performing

personnel classification and/or transactions could become more cohesive and concentrated. Fiscal analysis and management staff could be similarly consolidated or grouped to perform those services.

- Yet another approach worthy of examination could be a greater consolidation of fiscal and budgeting services. This could be accomplished by having a single fiscal officer for each group of closely related departments with similar functions.
- Still another approach would be to establish Assistant or Deputy CAO positions over departments providing like or similar functions or services. Though this would lessen the benefits of potential cost savings, it could easily result in other cost savings achieved through greater coordination, efficiency, and enhancement of service levels.

The effective use of information technologies is at the core of many attempts to develop management information and enhance service levels.

18. During the course of this investigation, it became clear that El Dorado County is in urgent need of updating and modernizing its “legacy systems” of information technology. These key systems are foundational in their critical importance.
19. The three primary information technology systems are dedicated to financial management, personnel payroll, and property tax administration. A prominent County official described the Personnel Payroll System as “antiquated.” The current Property Tax System was described as “homegrown.”
20. The need to update and modernize these foundational systems was often cited as the kind of effort needed to make County administrative services more efficient and cost-effective. The need was cited as yet another example of how County administrative services, and information technology systems in particular, should become more enterprise or functionally-oriented across departments rather than solely devoted to and functioning within individual departments.
21. Cost estimates to modernize these key administrative systems varied from a low of \$6 million to a high of \$30 million. The initial estimate for necessary consulting to affect needed changes ranges upward of \$100,000.
22. These three key legacy systems, now over twenty years old (numerous generations in the information technology field), are now so dated that it is fast becoming difficult to find people with the expertise to operate them.

With an increasing number of impending retirements of qualified personnel, and with maintenance of such systems becoming a very real issue, the County will have to make some key decisions in the very near future. One of those decisions should be whether some type of financial reserve or enterprise fund might be advisable to help cushion the now unavoidable financial impact of converting to more cost-efficient and workable systems.

The need to update these key administrative service and information technology systems is very real and becoming quite urgent. Such an effort is integral to the needed modernization of County government. It will not be sufficient to rely on modernizing these systems alone to make the necessary improvements in how administrative services are provided in El Dorado County.

This investigation made abundantly clear that there is a wealth of opportunity in further pursuing the consolidation of administrative services throughout County government.

RECOMMENDATIONS

1. **A long overdue comprehensive assessment of administrative services is needed.** Rather than using the current tough economy as an excuse to avoid a comprehensive assessment of administrative services, now may be precisely the time to conduct such a review. A smarter assessment of cost saving opportunities, rather than across the board cuts, is needed.
 - a. Such an effort did not take place when economic conditions were relatively flush. When revenues consistently rose, there was little motivation or need to upset the traditional and prevailing County culture of governance. **If tough economic times calling for leaner, smarter government do not provide a sufficient stimulus toward this end, then what time would be better?**
 - b. The undeniable challenges presented by a tough economy should not be permitted to serve as an excuse to avoid making the minimal investment necessary to reform and restructure County government. **It should be used as an opportunity to transition and modernize County government.**
2. **The County Administrative Office should be strengthened and its focus on administrative services consolidation should be supported by the Board of Supervisors.** There should be funding approved for either a major or a series of more focused consulting contracts. These would be necessary to identify and implement administrative service consolidations to achieve greater cost savings and efficiencies throughout County

departments. Such efforts should not exclude consideration of County departments headed by elected officials.

3. **County government should be restructured.** It needs to be more functionally-related and service-oriented. If this was done, a further and natural consolidation of administrative service functions would follow.
4. **A senior management level position in the Office of the CAO should be created to help identify opportunities for implementing administrative service consolidations.** This position would also be charged with identifying opportunities for administrative management and operational efficiencies.
 - a. This position would be more accountable to the CAO and better enable what should be a key responsibility of that office. Its responsibility would be to identify and enable improved administrative management and operations throughout the County. The position could easily complement the services currently provided by the Auditor/Controller, an office more focused on financial administration.
5. **The Board of Supervisors, in coordination with the Information Technology Steering Committee and CAO, should establish a reserve fund to help pay for an increasingly urgent need to modernize outdated information technology legacy systems.**
6. **The Board of Supervisors, in coordination with the CAO, should focus attention toward creation of a more cohesive, coordinated, and manageable County government.** Development and adoption of a shared strategic vision would be a substantial step toward this necessary effort.

RESPONSES

Responses to both numbered findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Both the County Board of Supervisors and the County Administrative Officer are expected to respond. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

COMMENDATION

The current CAO and staff are to be commended for efforts taken to-date toward greater consolidation of administrative service functions throughout County government.



EL DORADO COUNTY GRAND JURY 2009-2010

REVIEW OF PUBLIC GUARDIAN AND PUBLIC ADMINISTRATOR

Case No. GJ 09-023

REASON FOR REPORT

The Orange County Grand Jury requested assistance from this Grand Jury securing legislation that would require all county grand juries to conduct an annual review of the offices of Public Administrator and Public Guardian. Specifically, they requested we review their report and send letters requesting passage of this legislation to our state senator and assemblyman.

BACKGROUND

The 2008-2009 Orange County Grand Jury conducted an extensive investigation into the workings of both the Orange County Public Guardian and Orange County Public Administrator. The resultant report entitled "Guardian of Last Resort" described many areas of both departments that were not in compliance with county policy. They described poor management practices, unnecessary exposure of employees to multiple contacts with hazardous waste, and a failure to deliver on a promise to save Orange County taxpayers' money. The report also stated that upper management was bloated; creating a situation where line staff were overworked and morale was low. Finally, the Orange County Grand Jury concluded a move combining the Public Administrator and Public Guardian in 2005 had not provided the cost savings anticipated. The report did not address why the anticipated cost savings never materialized.

Currently, the El Dorado County Public Guardian reports to the Human Services Director. The Public Guardian provides services to indigent people who are unable to care for themselves and have no immediate family capable of providing care. The Public Guardian has five deputies, one program manager and two program assistants. They currently manage 285 cases, some dating back 20 years. Breakdown of cases:

- Child with estate 2
- LPS (mental health) 41
- Open referrals 11
- Probate 138
- Represented payee (manage social security funds) 76
- Trust only 17

In the case of a conservator, a public defender is appointed to represent the indigent person. When a client of the Public Guardian passes away, the property is referred to the Public Administrator for disposition.

The El Dorado County Sheriff is currently the Public Administrator. An employee of the Support Services Division, Coroner's Office, is assigned halftime to perform the Public Administrator duties. The Public Administrator handles the estate liquidation of cases where:

- No legal disputes exist;
- No will or next of kin can be located;
- Value of the estate is under \$30,000.

The Public Administrator currently has 11 active cases.

METHODOLOGY

In 2004, the El Dorado County Grand Jury investigated the Public Guardian's Office. The investigation was based on a complaint regarding perceived mistreatment of a neighbor who was under guardianship. They interviewed six people and reviewed four active cases. This investigation found no errors or wrongdoing and, in fact, ended in a commendation for the Public Guardian's Office.

The 2009-2010 El Dorado County Grand Jury interviewed personnel of the offices of the Public Guardian and Public Administrator. Documents forwarded to us by the 2008-2009 Orange County Grand Jury and the report of the 2004 El Dorado County Grand Jury were reviewed. The El Dorado County District Attorney's Office was contacted regarding any possible complaints against either the Public Administrator or the Public Guardian.

FINDINGS

The Orange County Grand Jury report identified seven items that needed attention:

- Antiquated computer system
- Chain of evidence not followed
- Failure to follow existing written procedures
- In the absence of a public guardian, no one is designated to make life and death decisions for those under a conservator
- No clear organizational chart
- Poor case management
- Unnecessary exposure of employees to hazardous waste

The El Dorado County Grand Jury found none of these conditions to exist in either the Public Administrator or Public Guardian Offices of El Dorado County.

No recorded active complaints were found in either office. The District Attorney's Office advised they had received no complaints during the last two years. Therefore, this Grand Jury sees no grounds to support Orange County's request for yearly audits of these offices.

In the opinion of the El Dorado County Grand Jury, combining the Public Guardian and Public Administrator under one department might benefit both offices and the County.

RECOMMENDATIONS

None

RESPONSES

A response to this report is not required.



EL DORADO COUNTY GRAND JURY 2009-2010

EL DORADO COUNTY JAIL

PLACERVILLE

Case No. GJ 09-024

REASON FOR REPORT

The California Penal Code §919(a) and §919(b) requires the Grand Jury to annually inspect all correctional facilities within the County.

BACKGROUND

The El Dorado County Jail located in Placerville was built in 1988. It is a Type II facility which holds detainees pending arraignment, during trial, and upon sentencing. The maximum capacity is 303 inmates. The jail population at the time of the Grand Jury's inspection was 243 inmates.

METHODOLOGY

Members of the Grand Jury inspected this facility on November 3, 2009. The inspection commenced at Prisoner Intake and moved through Special Holding, Medical, Kitchen, Laundry, Control Centers, Gang Monitoring Office, Inmate Living Areas including Dayrooms, Training Rooms, and Exercise Areas. The inspection concluded at the Prisoner Discharge and Out-Transportation Area.

A follow up inspection of the Jail's attorney/inmate interview booths was conducted on May 4, 2010.

People interviewed:

- Commander of El Dorado County Jail, Placerville
- Assistant Commander
- Chief of the Gang Monitoring Office
- Correctional Staff

Documents reviewed:

- Corrections Standards Authority (CSA) 2008-2010 Biennial Inspection Report dated October 22, 2009;
- El Dorado County Environmental Management Department Annual Inspection Report dated February 3, 2010;
- Grand Jury Report with responses to the Recommendations 2008-2009.

FINDINGS

Jail Commander reported:

- Staffing at the jail is adequate. There are eight correctional officers during each shift plus medical, transportation, and other support personnel;
- Staff and inmates have positive interaction;
- During the past year, 35 inmates received their GED.

The building and grounds inspection found neat and well-maintained training and day rooms for inmates.

The Grand Jury reviewed the El Dorado County Environmental Management Department Report dated February 3, 2010 and noted there were no problems or concerns.

The Grand Jury reviewed the Corrections Standards Authority (CSA) Report dated October 22, 2009 which contained several key findings:

- Fire clearance was granted despite notice of minor deficiencies (9/18/07);
- Medical, environmental and nutritional inspections were conducted and no significant issues were noted;
- Corrections Officer, Jail Supervisory and Jail Management training were all found to be in substantial compliance;
- Records pertaining to inmates confined to special cells, such as Safety and Sobering Cells, were reviewed and CSA determined that the applicable procedures and regulations were consistently being followed;
- A majority of inmate grievances filed during the CSA inspection cycle were reviewed. Each one was resolved during prescribed time limits with appropriate Lieutenant and higher level review;
- A representative sample of inmate discipline events was examined. In all cases reviewed, discipline was proportional to the offense in accord with written policy. Management oversight existed in all cases.

In accordance with the California Penal Code §933 and §933.05, each finding and recommendation below 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 2009-2010 El Dorado County Grand Jury has arrived at the following findings:

1. The facility continues to use a VHS recording system to monitor selected locations in the jail. As reported in the 2008-2009 Grand Jury Report, this system is outdated and can be expensive to operate and maintain.
2. The attorney/inmate interview booths, on both the secure and general floors of the jail, are not properly sound proofed. Voices coming from both the attorney and the inmate sides of a booth can be heard by people standing outside the booth even when the booth doors are closed. Further, voices from both sides of an interview booth can be heard in an adjoining interview booth.

RECOMMENDATIONS

The 2009-2010 El Dorado County Grand Jury has arrived at the following recommendations:

1. The Sheriff should pursue all possible sources of funding to enable the Department to replace the VHS recording system with a digital system capable of recording the same locations in the jail presently being monitored.
2. The Sheriff should determine that all attorney/inmate interview booths are properly sound proofed so that attorney/client communications are not violated.

RESPONSES

A response to the findings and recommendations 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, 1354 Johnson Boulevard, South Lake Tahoe, CA 96150.



EL DORADO COUNTY GRAND JURY 2009-2010

SOUTH LAKE TAHOE JAIL

Case No. GJ 09-025

REASON FOR REPORT

The California Penal Code §919(a) and §919(b) charges the Grand Jury to annually inspect correctional institutions that operate within the County.

BACKGROUND

The South Lake Tahoe Jail was constructed in 1973 and was partially renovated in 1991. The facility has a rated capacity of 158 inmates. It is classified as a Type II facility, meaning it is an adult medium security jail. Inmates typically spend more than 24 hours but less than one year in the facility.

The Lieutenant is the only sworn officer at the jail.

METHODOLOGY

Members of the Grand Jury inspected the South Lake Tahoe Jail on October 19, 2009.

Interviews included:

- Kitchen supervisor
- Officer in charge of the facility
- Officer in charge of the Control Room

Documents reviewed:

- El Dorado County Grand Jury Report of 2008-2009
- Environmental Health Evaluation Report for the inspection dated 12/19/09
- Fire and Life Safety Report dated 2/11/09
- Health Nutritional Report dated 9/12/08

- Inspection reports performed between July 1, 2008 and November 6, 2009 including the State Corrections Standards Authority Report of October 22, 2009 (inspection dated May 13-14, 2009)
- Medical/Mental Health Evaluation Report performed 10/16/08

FINDINGS

The Lieutenant in charge utilizes progressive administrative and management techniques and involvement of staff in the development of the proposed budget. This officer also provides instruction in ethics for Peace Officers Standards and Training (POST). Failure to report ethics violations by staff is considered a major offense. Inmates are allowed direct access to the Lieutenant twice weekly which has significantly diminished inmate complaints.

As of May 2009, staffing for the jail consisted of seven management/supervisory positions, 30 custodial positions and 13 support positions for a total of 50 positions. As of October 2009 staffing had been reduced to 32 positions. A female officer must be on duty at all times. As Custodial Officer positions become vacant the hope is to fill them with female officers, up to a total of eight positions.

The Lieutenant is responsible for five separate budgets totaling approximately \$7,000,000.

In addition to its continuing responsibilities, the South Lake Tahoe Jail quickly accommodated Mono County's request for temporary housing of inmates during the recent flooding of their facility. The jail also contracts with Alpine County for housing inmates.

The grievance procedure allows for four levels of review. If an intermediate solution is not reached within 20 days, a final review is scheduled with a Captain.

A major and important task is the proper classification and screening of inmates which must be resolved in order to protect their health and safety. Inmates are typically provided with one hour outside their cells for exercise each 24 hour period.

A number of programs administered through the jail are designed to enhance inmate skills as contributing members of society. Though reduced in number and type from prior years, these include:

- Church Services
- Culinary Arts (a major and very successful program)
- Day Reporting
- Drug and Alcohol Counseling
- English as a Second Language
- GED Program (position open as of inspection)

- Health Education and Recovery Through Self-Responsibility (H.E.A.R.T.S.)
- Mental Health Court – An inmate with mental health problems is directed to Mental Health Court for screening of their case. After review, the inmate is either directed to mental health programs or to continuation of their sentencing. .
- Women’s Health

Entries by participants in the Culinary Arts program have won many awards in recent years, and a top prize at the County Fair. The program has been certified by the Lake Tahoe Community College as a “Certificate of Culinary Arts” program. Participants have nearly a zero rate of recidivism.

In accordance with the California Penal Code §933 and 933.05 each numbered finding and recommendation will be responded to by the government entity to which it is addressed.

The 2009-2010 Grand Jury made the following findings:

1. The present system of the security and surveillance cameras does not adequately cover all areas of the jail.
2. The recorder cameras are obsolete and parts are no longer available. The Sheriff has approved a request for improvement and expansion of the number of recorders. This request is pending the approval of the Board of Supervisors.
3. The entire facility is constructed with a flat roof design which may have contributed to frequent leaks and repairs.
4. The interior cinder block wall on the east side of the jail that separated B and C pods has a history of cracks. A County facility inspection was done in July 2009 and a completed analysis is set for December. As of December 21, 2009 the contractor had been selected and a contract is being prepared.

RECOMMENDATIONS

1. An analysis of the surveillance camera system should be evaluated with implementation of recommendations.
2. The request by the Sheriff for additional recorders should be approved by the Board of Supervisors.
3. A structural engineer should determine the cause(s) of leakage in the facility and recommend the appropriate correction and repair.
4. The contract for repairs to the cinder block wall has been approved. The Grand Jury needs to be notified upon completion.

RESPONSE

Responses to findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd, South Lake Tahoe, CA 96150.

COMMENDATION

The 2009-2010 El Dorado County Grand Jury commends the South Lake Tahoe Jail administration and staff for their dedication in providing a safe and secure custodial environment. The number and variety of available programs, especially the Culinary Arts program, have a proven record of success.



EL DORADO COUNTY GRAND JURY 2009-2010

SOUTH LAKE TAHOE JUVENILE TREATMENT CENTER

Case No. GJ 09-026

REASON FOR REPORT

The California Penal Code §919(a) and §919(b) charges the Grand Jury to annually inspect correctional institutions that operate within the county.

BACKGROUND

The South Lake Tahoe Juvenile Treatment Center is located at 1041 Al Tahoe Boulevard. It is approximately four years old and houses a maximum of 40 male and female juveniles. The average occupancy is 24 to 25 wards.

The El Dorado County Probation Department is responsible for maintaining the facility. The El Dorado County Office of Education is responsible for providing education to the wards. Juveniles sent to the Treatment Center become temporary wards of the court pending adjudication. The health, safety and education of the wards is governed by federal and state education codes and the California Code of Regulations, Title 15 and Title 24.

The El Dorado Juvenile Treatment Center is a critical element in the overall justice system.

METHODOLOGY

Members of the 2009-2010 Grand Jury inspected the South Lake Tahoe Treatment Center on October 19, 2009.

The Deputy Chief Probation Officer was interviewed and conducted the tour. Staff from the kitchen and control room were also interviewed.

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 and §49403
- Fire/Life and Safety Inspection Report dated 9/3/09
- Fire Alarm Inspection Report dated 9/29/09
- Health and Safety Code §§120325-120380
- Juvenile Facility Health Inspection Report, Health and Safety Code §101045 dated 9/9/09
- State Fire Marshal AES1/AES2 Inspection Report of Automatic Sprinkler System dated 9/25/09

Web sites reviewed:

- Department of Education www.edc.ca.gov (February 2010)

FINDINGS

None

RECOMMENDATIONS

None

RESPONSES

No response required.

COMMENDATION

The 2009-2010 El Dorado Grand Jury commends the staff of the South Lake Tahoe Juvenile Treatment Center, the El Dorado Probation Department, and the El Dorado Office of Education for their outstanding advocacy and rehabilitation programs for at-risk youth.



EL DORADO COUNTY GRAND JURY 2009-2010

HAPPY HOMESTEAD CEMETERY DISTRICT PAYMENT FOR TEMPORARY PERSONNEL

Case No. GJ 09-028

REASON FOR REPORT

A complaint was received from the El Dorado County Auditor/Controller concerning claims submitted by the Happy Homestead Cemetery District (HHCD) for temporary employment services. Two issues were presented by the complainant. The first issue involves a retroactive charge in the amount of \$2,272 for a temporary office worker. The second issue concerns a \$3,000 settlement agreement proposed by the employment agency to settle potential legal claims.

BACKGROUND

The HHCD has used the same employment agency for many years. When a need for temporary office help arose, the employment agency deployed a worker to the District office. Eight months after the temporary worker started working, the co-owner of the agency sent a new contract to the HHCD. This contract provided that the new rate was \$1,200 per month – an increase of \$284 per month and a total difference of \$2,272. The contract further stated that the pay increase was to apply not only prospectively, but also retroactively since the commencement of employment for the temporary worker.

The settlement agreement for \$3,000 appeared as an item on a monthly voucher sent to the El Dorado County Auditor/Controller for payment. The Auditor/Controller was told it was for a "Release of Responsibility". The settlement proposed by the employment agency provided for a payment of \$3,000 in order to satisfy the current claim, as well as to prevent any further legal action.

The Auditor/Controller Department pays the bills for the HHCD Special District. The Auditor/Controller advised the HHCD that the proposed settlement agreement could not be paid without a proper claim. In a letter dated 9/02/09 to the HHCD the Auditor/Controller stated that payment would be held pending consultation with County Counsel.

As of the date of this report, no claim has been received, and no payment has been made.

The co-owner of the employment agency is married to the former Chairperson of the HHCD Board of Directors. Upon the advice of the HHCD legal counsel, a Board member other than the HHCD Board Chair endorsed the new contract with its prospective and retroactive pay increase.

The El Dorado County Counsel's Office rendered an informal verbal opinion that the Board Chair could be married to a contract supplier for the District, provided that same Board member be excused from consideration of any business with or decision involving that same contractor.

METHODOLOGY

Interviews conducted:

- Chief Assistant County Counsel
- El Dorado County Auditor/Controller
- Happy Homestead Cemetery District Board of Directors

Documents reviewed:

- "Agreement for Services as Clerk of the Board for Happy Homestead Cemetery District" signed 08/12/09 by the HHCD Chairperson and on 8/13/09 by the co-owner of the employment agency
- "Agreement for Services as Bookkeeper for HHCD" signed 8/12/09
- "Settlement Agreement and Mutual Release of Claims" signed 8/12/09 and 8/13/09
- California Constitution, Article 11, Section 10(a)
- California Government Code §1090 and §1099
- District Payable Vouchers (5/22/09 and 8/26/09)
- Itemized billings from employment agency to HHCD (4/04/09-1/31/10)
- Memoranda between the HHCD and Auditor/Controller (6/01/09-2/26/10)
- Minutes of HHCD board meetings (1983-2007)

FINDINGS

The Grand Jury conducted a group interview of all members of the current HHCD Board of Directors on April 22, 2010. The Board was interviewed at some length concerning the issues presented by the demand for a retroactive pay increase and the settlement agreement proposed by the employment agency.

Only one of the original members is still on the Board. The rest of the Board is relatively new, including the Chairperson.

A subsequent voucher was received from the HHCD for \$2,272, the difference between \$916 and \$1,200 for eight months (the period of employment for which a retroactive pay increase/charge is sought). This payment is in contention and has not been paid by the Auditor/Controller.

The HHCD position with respect to these issues was received in a letter sent after the Board was interviewed by the Grand Jury. The HHCD letter cites two obscure court precedents in support of the contention that a retroactive pay increase should be permitted and that the settlement agreement should be paid.

1. There are two governing California Government Code (CGC) Sections that address these issues and the inherent potential for significant conflicts of interest. CGC §1090 provides in pertinent part that:

“Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.”

California Government Code §1099 (a) further provides that:

“(a) A public officer, including, but not limited to, an appointed or elected member of a governmental board, commission, committee, or other body, shall not simultaneously hold two public offices that are incompatible. Offices are incompatible when any of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law...(2) Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.”

However, retroactive claims that increase compensation are considered unconstitutional.

2. According to the California Constitution, Article 11, Section 10 (a):

“A local government may not grant extra allowance to a public officer, public employee, or contractor after service has been rendered.”

During the Grand Jury group interview with the HHCD Board of Directors, it was suggested that they renegotiate the contract with the employment agency to correct the retroactive pay increase portion. The Board was also requested to ask the employment agency for a claim, as required by law, for the \$3,000 for Release of Responsibility (Settlement Agreement).

Later that week the Board Chairperson sent a package of documents to the Grand Jury. The cover letter essentially ignored the advice of the Grand Jury and stated that they would continue to pursue their original goal of trying to convince the County to pay for the Settlement Agreement and the retroactive pay increase.

3. The HHCD entered into retroactive contracts increasing the compensation rate for temporary workers. The California Constitution prohibits retroactive contracts that increase compensation because they are considered to be a gift of public funds;
4. The HHCD signed the Agreement dated 8/12/09 which would pay the employment agency \$3,000 to settle all claims. A copy of the claim which resulted in the signing of the Release of Responsibility was requested by the Grand Jury but never received;
5. According to testimony received, both of the above actions were encouraged by the HHCD legal counsel;
6. The HHCD continues to seek compensation for the employment agency.

In a letter dated April 20, 2010 and signed by the Foreman of the Grand Jury, the HHCD was specifically asked for:

- “A copy of the claim form which resulted in your agreement for services as clerk of the board for Happy Homestead Cemetery District;
- A copy of the contract with [the employment agency] which was in effect on February 9, 2009; and
- A copy of a letter from County Counsel re: [the former Board Chairperson’s] position on the board of directors, as recorded in your minutes of Dec. 11, 2003.”

The Grand Jury also specifically asked the HHCD to phone the Grand Jury if any of these requested documents did not exist. No phone communication was received. The HHCD Board of Directors also did not respond to the April 20, 2010 Grand Jury letter.

The HHCD Board of Directors failed to respond to the Grand Jury.

RECOMMENDATIONS

The El Dorado County 2009-2010 Grand Jury recommends the following:

1. The HHCD must show why the claim for a retroactive charge for temporary employment services is legal and does not constitute a gift of public funds.
2. The HHCD must show why the payment for the proposed Settlement Agreement is legally justified.
3. The HHCD must explain why payment of either claim is **not** in direct violation of California Government Code §1090 and §1099, as well as the California Constitution, Article 11, Section 10(a).
4. The El Dorado County Auditor/Controller should not pay either the retroactive charge or proposed settlement amount until or unless the HHCD meets the requirements stated in the recommendations above. This should be determined by both the County Counsel's Office and the Auditor/Controller.

RESPONSES

Responses to both numbered findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

Responses are required from the Happy Homestead Cemetery District Board of Directors, the El Dorado County Counsel's Office, and the El Dorado County Auditor/Controller.



EL DORADO COUNTY GRAND JURY 2009-2010

GRADING AND ENCROACHMENT SECURITIES

Case No. GJ 09-030

REASON FOR REPORT

The El Dorado County Controller's Office received a request from the El Dorado County Development Services Department to expand the current use of the trust account Grading and Encroachment Securities. The expansion of this trust account would facilitate the collection of security deposits from South Lake Tahoe homeowners who have properties requiring compliance with specific Tahoe Regional Planning Agency (TRPA) water run-off regulations. Presently, Certificates of Deposit, savings passbooks and bonds are being held as security deposits pending final County inspection of properties. Many of these deposits are old, outdated and with the possibility of little value. The intent of the request for change was to convert to collection of cash deposits only, thus eliminating management and storage of non cash security deposits. Also envisioned was a charge of \$152 fee for the collection, administration and release of a security deposit.

Because of the foregoing, the Grand Jury investigated the procedure for collection and dispersal of security deposits from South Lake Tahoe homeowners who are attempting to meet TRPA regulations regarding water run-off from their property into the street and ultimately into the lake.

BACKGROUND

The Tahoe Regional Planning Agency (TRPA) is a joint agency between California and Nevada which was authorized in 1992 by the U.S. Congress. It is required by the Tahoe Regional Planning Compact to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. Its main mission is to preserve Lake Tahoe's water clarity. A requirement of TRPA is that all homeowners pave their driveways and maintain water run-off within the immediate property.

In a Memo of Understanding (MOU) dated 12/08/92, the County and TRPA entered into an agreement that the County shall review construction of new single and multiple family structures (four units or less) and additions/modifications to existing single and multiple family dwellings to be constructed within the County limits of El Dorado County. This review is to include all applicable TRPA regulations for residential construction projects subject to TRPA review.

The Development Services Department administers the program which includes the awarding of building permits. Security deposits are obtained to ensure compliance with regulations and final inspection of the property upon completion of the project. Approximately 150 new building permits are granted each year. Any modifications to existing structures must be approved if the roof line or structure base is altered. To assure appropriate containment of run-off water from properties, a security deposit is retained in the Grading and Encroachment Securities account until completion and inspection of the project.

In 1993, the County imposed an assessment on Lake Tahoe homeowners to assure TRPA regulations were met. The usual amount of the assessment is the estimated cost of completion of required work by a County approved contractor. It does not prevent the homeowner from performing the work himself or from obtaining another contractor as long as TRPA requirements are fulfilled.

After conclusion of the project the County should be notified for a final inspection. If the project meets all requirements, the security deposit should be returned to the project applicant.

METHODOLOGY

The Development Services Department provided the Grand Jury a status report of properties to be inspected in the Lake Tahoe Basin which contained some 520 line items of residential addresses. This document showed the source of security deposit, amounts deposited, and some had a project completion date noted. As of the writing of this report, there were 359 addresses open without a completion date. Fifty-five owners of these properties have requested inspections, which have not been completed by the County.

Interviews were conducted with the following:

- El Dorado County Auditor/Controller
- Director of Development Services Department
- Deputy Director of Development Services Department
- Deputy Director of Engineering, Department of Transportation
- Supervising Civil Engineer

Documents Reviewed:

- MOU dated Dec. 8, 1992, between Tahoe Regional Planning Agency and the County of El Dorado
- Memos between the County Auditor/Controller Office and the Development Services Department dated July 7, 2009, July 28, 2009, and Sept. 21, 2009.

FINDINGS

In accordance with the California Penal Code §933 and §933.05, each finding and recommendation will be responded to by the government entity to which it is addressed.

1. The County has been negligent in its duty and responsibility in administering the MOU between the County and TRPA.
2. The administration of the program has been lacking in several areas. Current inspections must be done on listed properties to determine the status of projects.
 - a. Awareness of completed/incomplete security deposits:
 - Projects may have been completed but owner did not request the security deposit;
 - The project may not have been completed;
 - The owner sold the property which required inspection and the present owner is not aware of the requirements.
 - b. Efficient management of the security deposit:
 - Many securities need review to determine the viability of the security deposit;
 - There may be legal complications concerning ownership of some deposits.
 - c. Timely inspection response:
 - There is one inspector assigned to the Lake Tahoe area. There are 359 addresses still open without a completion date.
 - d. Return of the security deposit:
 - At last review, 55 properties were awaiting final inspection and return of the security deposit.
3. The list of properties to be inspected has its own stand alone data base, and is not incorporated into the County's current financial management system.

4. The MOU has not been updated since 1992, and some provisions may be outdated.

RECOMMENDATIONS

1. The Development Services Department should develop and implement an action plan that would enable it to carry out its obligations under the MOU.
2. The Department Director should consult and work with Information Technology Systems to integrate the Department's stand alone data base system into the County's data base system.
3. The Department Director should integrate the financial aspects of the Department's program into the County's current financial management system.
4. The County Counsel's Office should review and amend the present MOU between the County and TRPA as necessary.
5. The Department Director should report to the County Administrative Officer to review progress on the conversion of the computer programs.

RESPONSES

Responses to both findings and recommendations in this report are required in accordance with California Penal §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.



EL DORADO COUNTY GRAND JURY 2009-2010

SPECIAL DISTRICT WEBSITES

Case No. GJ 09-032

REASON FOR REPORT

Although special districts constitute the greatest number of government entities in El Dorado County, very little is known about who runs them, what they do, how much they cost, and how they impact our lives. In the belief that an informed citizenry is the best defense against a government that may serve its citizens poorly, the Grand Jury investigated the availability of key information about the governance and operations of special districts. The focus of this investigation was the accessibility and adequacy of basic information provided and its availability on Internet websites.

BACKGROUND

Special districts are a unique form of local government. They are often described as independent authorities. According to the Local Agency Formation Commission of El Dorado County (LAFCO), there are 54 special districts operating within the County.

The grand total of all special district budgets operating in El Dorado County is approximately \$145,000,000. This is more than 80 percent of the entire General Fund budget of roughly \$180,000,000 for El Dorado County.

Special districts were typically created to serve a specific function or to provide a narrow range of services. They include community services, irrigation and water, fire protection, public utility, cemetery, resource conservation, improvement, service area, and airport districts.

It has often been stated that our democracy works best when people are informed about the governments that have been created to serve them. The citizens of El Dorado County, every one of whom lives in and is a member of a special district, even though they may not realize it, fund district operations through various fees, levies, assessments, and tax dollars.

All too often the day-to-day business of special districts is conducted far from the limelight, participation or scrutiny of the very people who pay for their functions. Special districts are often the subject of Grand Jury investigations, and are sometimes the subject of controversial reports.

Some of the key principles designed to help assure an adequate level of governance include making sure that governmental actions are transparent, and that citizens enjoy reasonable access to basic kinds of information about what their government is doing and how it is doing it, and that government officials are thereby held accountable.

Prior to the end of the 20th century people, were primarily informed about their government through paper publications. In the 21st century, one of the most available and easily accessible methods for citizens to learn about their government is through increasing use of Internet websites. We live in an age where almost every entity and interest in our lives; every business, even individuals, have their own website.

Broadband infrastructure is being expanded to provide Internet access throughout the country. Major federal and state initiatives and stimulus funds are being used to expand and improve the availability of Internet access. The California Broadband Task Force was commissioned to, among other charges, “remove barriers to broadband access..., and to pay particular attention to how broadband can be used to substantially benefit educational and healthcare institutions, community based organizations, and governmental institutions.” Its final report, issued in January 2008, provided important guidance for directing stimulus dollars and projects, especially to underserved and more rural areas of California. Among the major reasons cited for improving high-speed connectivity to the Internet were:

- Raising the levels of civic engagement and governmental transparency;
- Building economic capital;
- Strengthening public safety resources;
- Improving living standards; and
- Fostering a greater civic discourse.

METHODOLOGY

The Grand Jury interviewed various El Dorado County officials, reviewed documentation, and conducted an extensive survey of special district, LAFCO, city and county websites to compile this report.

Interviews conducted:

- County Administrative Officer and staff
- Director and Interim Director, Department of Information Technologies
- Executive Officer, Local Agency Formation Commission (LAFCO)
- Surveyor’s Office staff

Documentation reviewed:

- California Broadband Task Force Report, “The State of Connectivity” (January 2008)
- Fiscal Year 2009-2010 El Dorado County Mid-year Budget Status Report (02/24/10)
- Special District websites linked to the LAFCO website (for all 54 special districts in El Dorado County)
- “What’s So Special About Special Districts? A Citizen’s Guide to Special Districts in California” Third Edition; Kimia Mizany and April Manatt (February 2002)

Websites referenced:

- El Dorado County website www.co.el-dorado.ca.us (01/31/10)
- Local Agency Formation Commission (LAFCO) website www.lafco.ca.us (01/31/10)
- Placerville and City of South Lake Tahoe websites www.placerville.ca.us (01/31/10), and www.cityofslt.us (01/31/10)

FINDINGS

The Grand Jury initially investigated the advisability of suggesting that all special districts be required to establish and maintain websites containing key information about their governance and operations. It became clear, however, that many of the citizens of El Dorado County do not have good access to the Internet. Though access is expected to continue to significantly improve, and most of the County’s citizens enjoy such access and use, a requirement for all special districts to establish and maintain websites is impractical at this time.

- Over 96 percent of California residences have access to broadband;
- Over 1.4 million Californians lack access to broadband Internet at any speed;
- Over 52 percent of the households in El Dorado County have good to excellent Internet access;
- Approximately 39 percent of El Dorado County households have fair to good Internet access;
- About 5 percent of El Dorado County households have poor to fair Internet access;
- About 4 percent of El Dorado County households have no access to the Internet.

The Grand Jury conducted a survey to establish a baseline for what percentages of special districts above a certain population and budget size in the County had websites, and the extent to which those websites contained basic information about district governance and operations. The LAFCO website contains a tab called "Directory" which, when accessed, provides a listing of all the special districts in El Dorado County.

During this survey it also became apparent there is a wide variance in district populations and budgets, perhaps the two most critical measures. For the purpose of the survey, a minimum population of 2,500 people and budget of at least \$250,000 were established as thresholds above which a special district was included.

In accordance with the California Penal Code §933 and §933.05, each numbered finding and recommendation 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 2009-2010 El Dorado County Grand Jury has arrived at the following findings:

1. An initial survey of websites established ten categories of information that were especially important to reveal critical data concerning governance and operations. These categories of information include:
 - The purpose or mission of the district
 - Location and address
 - Geographic boundaries of the district
 - Contact person and means to contact them
 - Board members and how to contact them
 - Board member terms of office
 - District budget
 - Meeting dates
 - Meeting agendas, and
 - Minutes of the meeting.

2. Results of a survey conducted in mid-February 2010 revealed the following information about the special districts above the established minimum population and budgetary thresholds:
 - 34 percent of these special districts had no website;
 - 34 percent did not publish any usable information about meeting dates;
 - 57 percent did not publish a meeting agenda;
 - 71 percent did not publish the minutes of any meeting;
 - 48 percent published no meaningful information about the budget for the district;

- 43 percent did not publish any information about individual board member terms of office.
3. There is currently no law requiring special districts to establish or maintain websites containing minimal types of information about the district, even in areas where Internet access is not an issue. Investigation revealed there would need to be a state law to require any level of published data on the Internet by special districts.
 4. LAFCO in El Dorado County is not required to annually survey and publish what information it voluntarily provides through its own website. Interviews with LAFCO revealed dissatisfaction with the level and currency of information provided by some special districts through the voluntary process now in place. During our investigation it was suggested that special districts should publish where information is posted in local communities and when and where meetings are held. It became clear that websites also have more “ownership” for the provider, causing them to be more concerned about the accuracy and currency of published information.
 5. This investigation conclusively revealed that the Department of Information Technologies of El Dorado County has assisted various special districts to establish and maintain their websites. More recent examples of such special districts include: LAFCO, the El Dorado Irrigation District, and the local Transportation Commission. Even the County Chamber of Commerce has utilized the services provided by the El Dorado County Department of Information Technologies. Services are initiated through a contractual agreement or memorandum of understanding. The minimal cost of such services is billed to the client.
 6. It is estimated that eight to sixteen hours is needed to develop and publish a website containing the minimum types of information in this survey, in addition to further types of information the special district may choose to publish. This equates to an approximate cost of \$1,000.
 7. The Grand Jury considered objections to any requirement being imposed on special districts to publish key information about governance and operations on the Internet. Those objections were lack of time, budget, cost of establishing and maintaining a website, and the alleged lack of citizen use.

Every citizen should have the means to access information about their government and hold public officials accountable.

RECOMMENDATIONS

In accordance with the California Penal Code §933 and §933.05, each numbered recommendation 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 2009-2010 El Dorado County Grand Jury has arrived at the following recommendations:

1. Each special district should carefully consider creating and maintaining a website for the benefit of their constituents, especially those districts like those surveyed with populations of 2,500 or more and annual budget of at least \$250,000.

Websites would be a considerably more accessible and useful tool for the average citizen than the “summary sheets” for special districts currently posted on the LAFCO website and partially updated on an annual basis. Websites also have more “ownership” for the provider, causing them to be more concerned about the accuracy and currency of published information.

2. Special districts should include the categories of information referenced in Finding number one and surveyed in this report on their websites.
3. The El Dorado County Director of Information Technologies should actively encourage the development and improvement of Internet access throughout the County, especially to areas where such access is poor or non-existent.
4. Special districts and the County should establish links on the El Dorado County website and/or on other websites more commonly known to and accessed by citizens of the County.

RESPONSES

Responses to both Findings and Recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

The following entities must respond to the Findings and Recommendations in this report:

- Each special district operating in El Dorado County as shown on the LAFCO website directory as of February 2010, with a population of 2,500 or more, and an annual budget of at least \$250,000;
- The Local Agency Formation Commission (LAFCO) for El Dorado County; and
- The Director of the El Dorado County Department of Information Technologies
- All Special Districts in El Dorado County are invited to respond to the findings and recommendations contained in this report. Some basic information about certain Special Districts, such as population and annual budget size, are unreported or unknown. Only those Special Districts above a known population and annual budget are required to respond. According to the most recent information posted on the Directory for Special Districts on the LAFCO website, the following districts in El Dorado County have a population of at least 2,500 and a budget of at least \$250,000 and therefore are expected to respond to the findings and recommendations contained in this report:

Cemetery Districts

- Happy Homestead Cemetery District

County Service Areas

- County Service Area No. 7
- County Service Area No. 10

Community Service Districts

- Cameron Park
- El Dorado Hills

Fire Protection Districts

- Diamond Springs/El Dorado
- El Dorado County
- El Dorado Hills County Water
- Garden Valley
- Georgetown
- Lake Valley
- Meeks Bay
- Mosquito
- Pioneer
- Rescue

Irrigation District

- El Dorado Irrigation (EID)

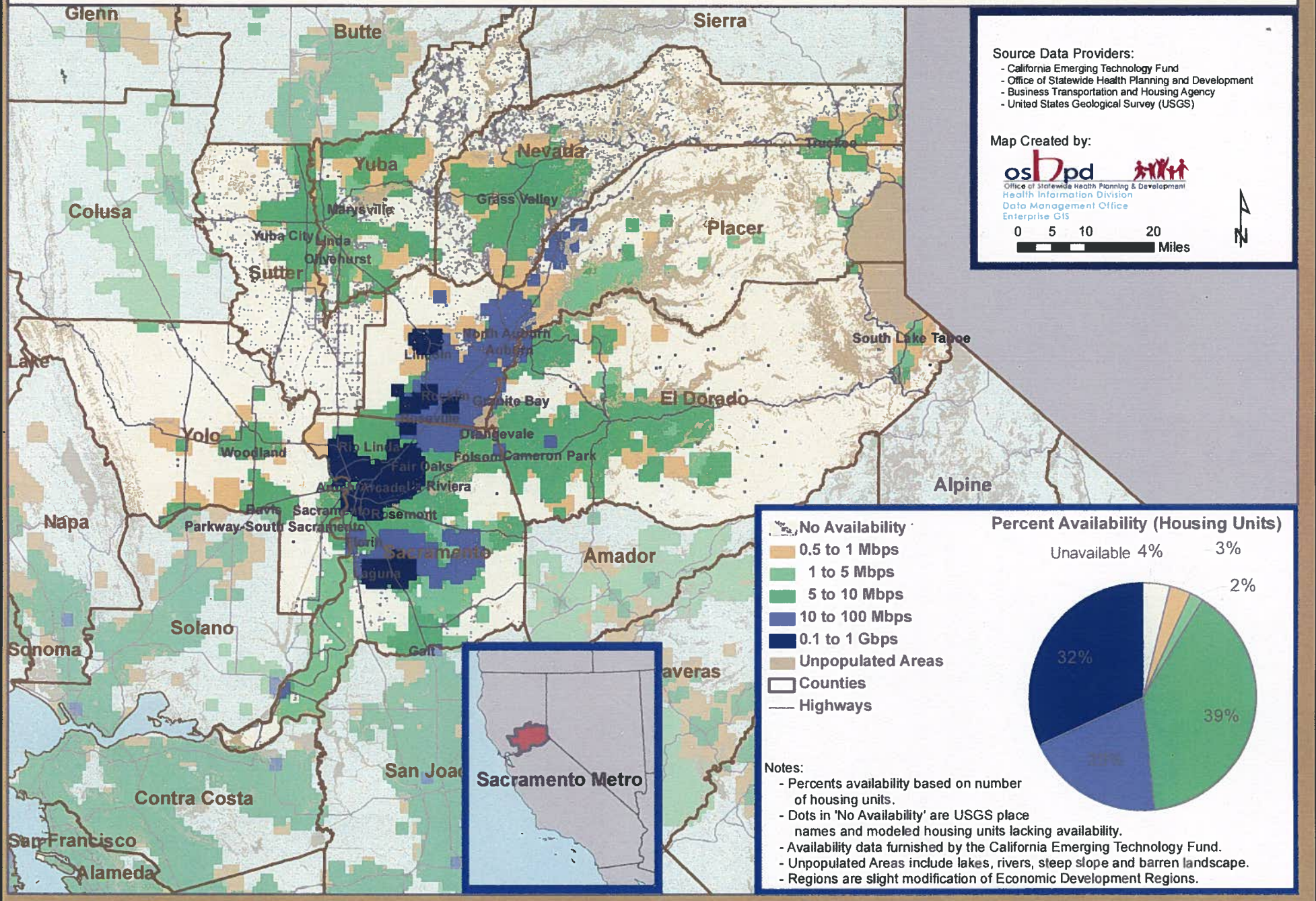
Public Utility District

- Georgetown Divide
- Kirkwood Meadows (Under Alpine County jurisdiction)
- South Tahoe PUD
- Tahoe City (Under Placer County jurisdiction)

Resource Conservation District

- El Dorado County
- Tahoe

Wireline Broadband Availability - Sacramento Metropolitan



Source Data Providers:

- California Emerging Technology Fund
- Office of Statewide Health Planning and Development
- Business Transportation and Housing Agency
- United States Geological Survey (USGS)

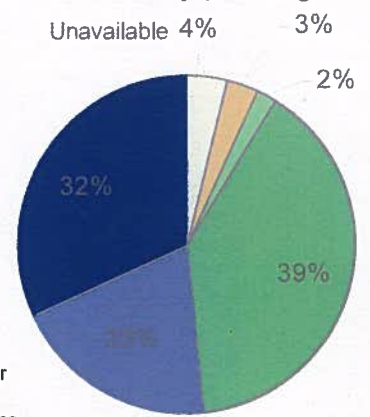
Map Created by:

osbpd
 Office of Statewide Health Planning & Development
 Health Information Division
 Data Management Office
 Enterprise GIS

0 5 10 20 Miles

- No Availability
- 0.5 to 1 Mbps
- 1 to 5 Mbps
- 5 to 10 Mbps
- 10 to 100 Mbps
- 0.1 to 1 Gbps
- Unpopulated Areas
- Counties
- Highways

Percent Availability (Housing Units)



Notes:

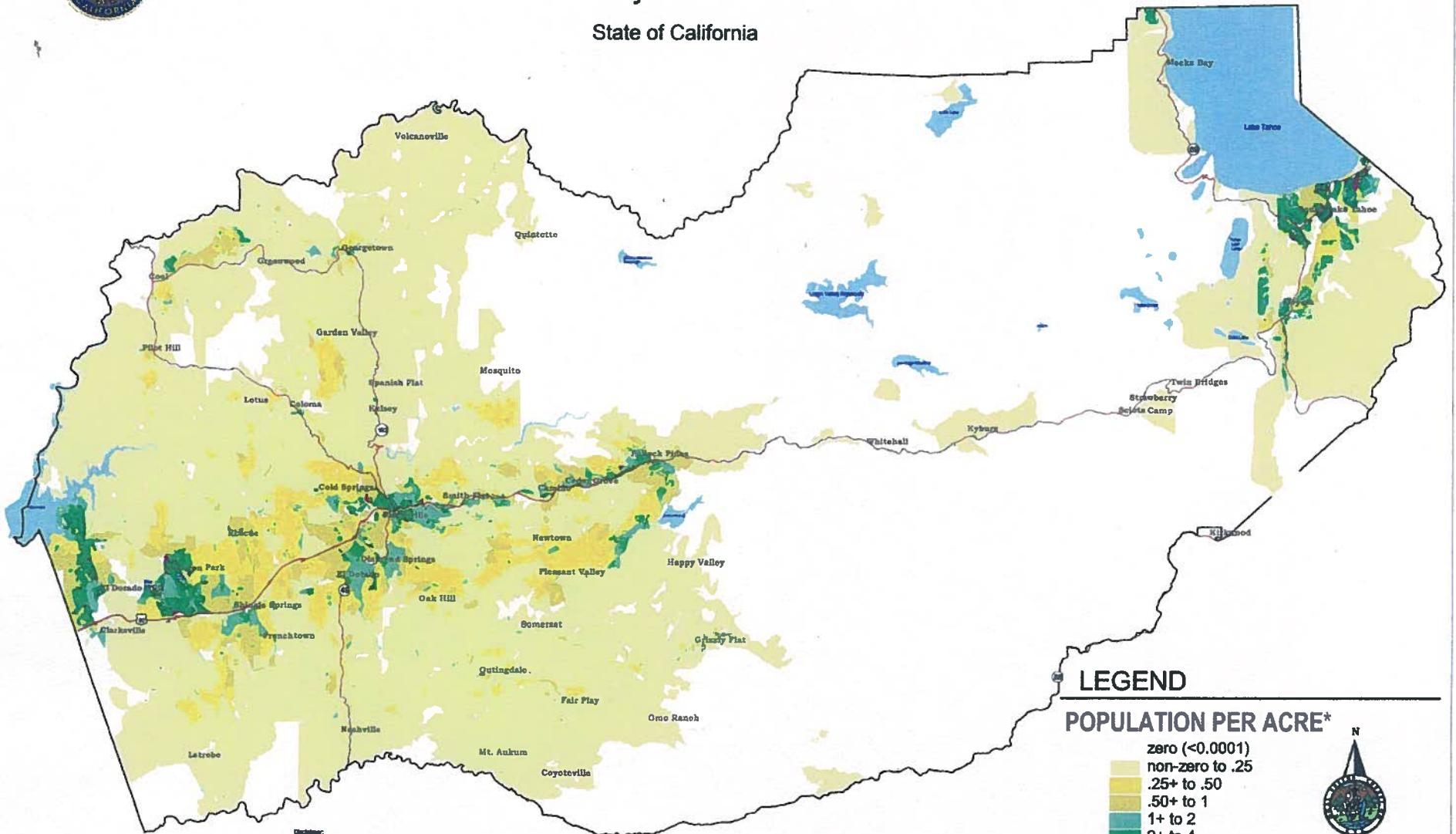
- Percents availability based on number of housing units.
- Dots in 'No Availability' are USGS place names and modeled housing units lacking availability.
- Availability data furnished by the California Emerging Technology Fund.
- Unpopulated Areas include lakes, rivers, steep slope and barren landscape.
- Regions are slight modification of Economic Development Regions.



POPULATION DENSITIES

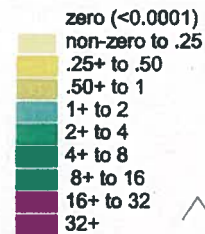
County of El Dorado

State of California



LEGEND

POPULATION PER ACRE*



HIGHWAY Lakes

*computed densities based on census block data
U.S. Census Bureau 2000



Disclaimer:

This map was compiled from copyrighted public and private sources and is descriptive only. No responsibility is taken as to the accuracy of that information and users may be advised. Therefore users make use of that information at their own risk.

Note:

Layer information may cover additional areas outside of the displayed area.

All layers based on information available on Sept. 03, 2002. (subject to future revision).

Map prepared at the request of: Coal Area Office for County GIS/IS, Date: Sept. 03, 2002

Map prepared by: "Coal" Consortium, Date: Sept. 13, 2002.

GIS Project ID: 1886. Planned report no.

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Phone: 925-421-4511 Fax: 925-428-4321 email: curren@el-dorado.ca.gov



EL DORADO COUNTY GRAND JURY 2009-2010

MUNICIPAL INCORPORATION PROCESSES AND THE ALLOCATION OF COSTS

Case No. GJ-09-035

REASON FOR REPORT

Municipal incorporation in California is an expensive and time-consuming process. Even before a local community in California or, in particular, El Dorado County gets the opportunity to vote on becoming a city or municipal corporation; it has to complete a lengthy and costly process.

The Grand Jury investigated how the power to allocate the cost of incorporation has been exercised in El Dorado County.

BACKGROUND

In 2004-2005 El Dorado Hills, with over twenty percent of the total county population, attempted to incorporate as a city. Had the effort been successful, it would have become the third community in El Dorado County to become a city.

The incorporation effort was contentious and controversial. The local incorporation committee was charged substantial fees even prior to the campaign for the ballot measure. A lawsuit was initiated to clarify the incorporation process and lay down milestones. The campaign was clouded by accusations of varying credibility.

Cities obtain and exercise local authority over at least three key services: law enforcement, planning, and public works (streets and roads). Communities that are not cities are described as unincorporated. Public services are provided by the county government in unincorporated areas. Various special districts may also provide governmental services within both incorporated and unincorporated communities.

New cities capture and retain more revenues in the local community than do unincorporated areas. Cities are funded through sales tax, a share of property tax, vehicle license fees, and other revenue sources.

Local communities become cities for a variety of reasons. Key rationales for incorporation often include:

- Local control over the provision of basic governmental services;
- Keeping locally generated tax dollars closer to home;
- More accountability and greater responsiveness of local government officials more familiar with the community;
- Convenience for local residents in dealing with and engaging in governmental processes;
- Fostering greater civic identity, visibility, and representation with regional governmental and quasi-governmental entities; and
- To better identify, protect, and promote the interests of the community.

It is invariably the belief that the community will be enhanced and the lives of its residents improved that motivates a successful drive for city hood.

There is an extended process requirement for municipal incorporations in California. The three most significant events in the process are the required Comprehensive Financial Analysis (or Financial Feasibility Study) to determine whether a new city is financially viable; a California Environmental Quality Act (CEQA) study and report to determine whether there are significant adverse environmental impacts caused by a new city (such a determination is inherently speculative); and ultimately whether the whole incorporation issue qualifies or meets the threshold requirements for the ballot and a vote of all the registered voters within the proposed boundaries of the new city.

A group of local citizens typically spearheads an effort to become a city. While some efforts may be well financed and enjoy the support of local businesses and/or civic associations, prominent individuals or groups, others may consist of a small group of relatively inexperienced volunteers with meager financial resources. At the same time, local incorporation drives have to run through a gauntlet of costs for consultants, legal counsel, required studies, application fees and deposits, petition drives, advertising and promotion efforts. These costs can easily overwhelm a local incorporation effort. Most incorporation efforts fail due to insufficient planning, volunteers, inadequate campaigns, and ultimately a lack of funds. There is little opportunity to control necessary expenditures. The cost of meeting all the requirements of an incorporation process can easily deplete financial resources, even before incurring the substantial costs of a campaign on a ballot measure.

While the demand for county governments to provide services is lessened by a new city takeover, revenues to the county are also lessened. "Revenue neutrality" requirements have been implemented in California in recent years requiring a new city to negotiate an agreement, assuring that an acceptable level of revenue still flows from the new city to the county government over an extended period of time (typically 15 to 25 years). In this way, there is no significant fiscal impact for the county as a result of a municipal incorporation. While such agreements shield the county government from adverse fiscal

consequences caused by a new city, they correspondingly decrease the fiscal advantages of becoming a city.

Local Agency Formation Commissions (LAFCO) essentially oversee or govern the incorporation process through which a community becomes a city. Over recent years it has become more difficult for any local community to incorporate. Laws have been changed making the process more expensive, time-consuming, and difficult. Therefore the creation of new cities has considerably slowed.

LAFCO exists in every county of California. LAFCO in El Dorado County, a powerful but little known agency, is authorized by the State of California to determine if any local community within the county will ever be able to actually vote on incorporating or becoming a city. This enormous power is exercised in a variety of ways. One of the key levers of power is a LAFCO decision about how required costs of incorporation are to be shared among the major stakeholders within the county. LAFCO can literally make or break any local community effort to achieve a greater degree of local control over functions like law enforcement, planning, and public works within their new city. It can do so by allocating the significant costs incurred during an incorporation process. This can be done in a balanced manner among all stakeholders, or by assessing a disproportionate share of all such costs to the community group seeking to incorporate.

Local Agency Formation Commissions are independent and not a part of county government. Each commissioner is independent when weighing and reviewing information and when making determinations (Attorney General Opinion 98.802). The mission of the El Dorado County LAFCO is to act by implementing the Cortese-Knox-Hertzberg Act (California Government Code [CGC] §56001 and §56381).

El Dorado County LAFCO is a seven member body comprised of two commissioners from cities within the County, two members of the County Board of Supervisors, two special district members, and one public member.

LAFCO coordinates logical and timely changes in local governmental boundaries (CGC §56001); conducts special studies which review ways to reorganize, simplify and streamline governmental structures (CGC §56031); and prepares spheres of influence for each city and special district within the County (CGC §56425). The Commission promotes the provision of efficient and economical services while encouraging protection of agricultural and open space lands (CGC §56001 and §56300). Further efforts include discouraging urban sprawl and encouraging orderly formation and development of local agencies based upon local conditions and circumstances (CGC §56301).

METHODOLOGY

The key focus of this investigation was how costs for municipal incorporations in El Dorado County are allocated and why. In an effort to better understand the entire incorporation process, various parties were interviewed and documentation referenced.

Interviews included:

- Executive Officer, El Dorado County LAFCO
- Institute of Governmental Affairs, UC Davis, public policy specialist and faculty member
- Member, El Dorado County Board of Supervisors, District One
- President, PMC, Rancho Cordova, CA; a municipal services consulting corporation
- Principals of the El Dorado Hills Incorporation Committee

Documentation included:

- California Department of Finance Population Estimates, 2009;
- California Government Code §§57375-57385 dealing with municipal incorporations;
- California Government Code §§56650-56668.5 dealing with petitions before LAFCO for change in organization or reorganization;
- El Dorado LAFCO Policies and Guidelines, adopted November 7, 1988 and last revised July 22, 2009;
- Impartial Analysis of Measure P El Dorado Hills Incorporation Ballot from Local Agency Formation Commission (LAFCO), November 8, 2005 election;
- Local Agency Formation Commission staff, Sacramento County, email communications March 4-11, 2010.

FINDINGS

The population of El Dorado County grew from 123,900 in 1990 to 156,300 in 2000. That was an increase of over 20 percent in ten years. El Dorado County had an estimated population in 2010 of over 180,000. Various population projections estimate the County population will exceed 218,000 by 2015.

The County has only two cities, South Lake Tahoe and Placerville. Placerville, which as of the 2000 Census had a population of 9,610, became a city in 1854 and became the county seat in 1857. As of the 2000 Census, South Lake Tahoe had a population of 23,609, and became a city in 1965. The County had only one city for over 155 years, and has had just two cities over the last 45 years.

There are various population centers in El Dorado County beyond the cities of Placerville and South Lake Tahoe, and the community of El Dorado Hills. The Cameron Park/Shingle Springs area is estimated to have a population approaching 20,000. The Georgetown Divide (412 square miles) had an estimated population of approximately 13,400 as of the 2000 Census. The Pollock Pines community population is estimated at approximately 5,000.

There are communities in El Dorado County of a reasonable size and population currently governed by a Community Services District (CSD). A CSD is the closest form of government to a municipal corporation. A CSD is less powerful than a municipal corporation because it provides a relatively limited range of services and has fewer revenue sources. The larger communities of El Dorado Hills and Cameron Park have a local CSD.

Two of the most recently incorporated cities in Northern California are in adjoining Sacramento County. The City of Elk Grove, incorporated in 2000, is the second largest city in Sacramento County with a population of over 136,000. Rancho Cordova more recently became a city in 2003, and has an estimated population of approximately 60,000.

Within the past thirteen years, neighboring Sacramento County experienced three successful incorporations: Citrus Heights, Elk Grove, and Rancho Cordova. As of this writing, an incorporation effort for Arden Arcade is in process.

A closer look at how costs of incorporation were shared in these incorporations clearly demonstrates that there are various approaches that can work based on defensible rationales. The following recent and nearby examples are from County of Sacramento LAFCO staff:

- The Citrus Heights incorporation was litigated to require that LAFCO had to prepare the Environmental Impact Report (EIR). The settlement agreement for this litigation resulted in a split of costs for the EIR between LAFCO and the incorporation committee. LAFCO prepared the required Financial Feasibility Study using their staff. The incorporation proponents were not required to reimburse LAFCO for its staff time or legal counsel.
- The Elk Grove incorporation process differed, in that LAFCO paid for the Financial Feasibility Study while incorporation proponents were required to pay for the EIR. LAFCO was not reimbursed for its staff time or legal counsel.
- The Rancho Cordova incorporation represented yet another method of cost sharing. LAFCO paid for the Financial Feasibility Study. City hood proponents were required to pay for the EIR. LAFCO was not reimbursed for its staff time or legal counsel.
- Finally, with the current Arden Arcade incorporation effort, LAFCO has agreed to contribute \$100,000 toward the Financial Feasibility Study, EIR, and other related costs. In this instance, incorporation proponents are being required to pay for LAFCO staff time and legal counsel. However, LAFCO agreed to waive reimbursements for staff time in the event that the incorporation effort was successful. If a City

of Arden Arcade results, the new city will reimburse LAFCO for staff time.

El Dorado County LAFCO has taken the position it is appropriate to require that virtually all local incorporation costs be borne by the local incorporation committee. It charges for all staff time and consultants involved or devoted to the incorporation effort.

The local incorporation committee for the most recent attempt at city hood for El Dorado Hills was assessed costs by LAFCO during the period 2003-2005 that exceeded \$440,000. This represented all but incidental costs associated with the potential impacts of incorporation, even before it was permitted to come to a vote.

There are significant arguments against the assumption that the cost of any staff time devoted to a local incorporation effort should solely be incurred at the expense of a local incorporation committee. LAFCO staff would continue to incur costs even if there was no incorporation effort. In this respect, such costs can be viewed, at least to a certain degree, as a cost of simply being operational.

There is also the concept of “displacement costs” which argues that LAFCO staff time spent on an incorporation effort could not be devoted to all other responsibilities of a LAFCO.

Required studies accrue to the benefit of more than just a local incorporation group. This type of work constitutes “the meat and potatoes” of why a LAFCO exists in the first place. There would seem to be more at work here, a wider scope of benefit and service, than just working for the benefit of a small group of would-be local incorporators.

While the potentially substantial costs of incorporation are certainly instigated by a local community’s application and petition to incorporate, there are many relevant factors to consider when undertaking a competent review or analysis of such an effort. California Government Code §56668 requires various factors to be considered by LAFCO. These factors include such issues as:

- Population and population density; land area and land use; per capita assessed valuation; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

- The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Government Code §56377 (which concerns guiding development away from prime agricultural lands).
- The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The competent study of substantial factors required to be assessed accrues to the benefit of many other agencies of government rather than just those that may be part of a newly incorporated city. Important determinations, professionally researched and investigated, inform not just a local community group wishing to incorporate, but all affected agencies. These studies provide useful information about financial impacts and how the distribution of services may be affected. This argues for a more balanced and equitable allocation of cost burdens associated with incorporation efforts.

RECOMMENDATIONS

1. It is recommended that LAFCO reconsider its present governing philosophy and policy regarding cost sharing among the major stakeholders in an incorporation process. A more balanced approach is recommended that recognizes required studies benefit many groups and governmental entities and are not the exclusive domain of local incorporation groups.
2. LAFCO, especially in light of revenue neutrality requirements in State law, should consider the possibility of greater retroactive cost sharing in the event that required studies demonstrate that a local community would indeed be financially feasible or succeed in incorporating.

RESPONSES

Responses to findings and numbered recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Responses should be addressed to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.



EL DORADO COUNTY GRAND JURY 2009-2010

GROWLERSBURG CONSERVATION CAMP

Georgetown

Case No. GJ 09-036

REASON FOR REPORT

The California Penal Code §919(a) and §919(b) requires the Grand Jury to annually inspect all correctional facilities within the County.

BACKGROUND

Growlersburg Conservation Camp (Growlersburg) was built in 1967. It includes numerous facilities on 80 acres near Georgetown, CA. Originally built as an 80-bed facility, it has been expanded and now accommodates 132 beds. Currently the inmate population is 115, but that number can change weekly.

Growlersburg provides training in firefighting, emergency response, woodworking and other disciplines. A key mission of Growlersburg is fighting forest fires throughout California. Additionally, the inmates provide maintenance services to local public entities such as school districts, cemetery districts, state parks, the County Sheriff's Office and the El Dorado Irrigation District.

The facility is managed and operated by two entities: California Department of Forestry and Fire Protection (CAL FIRE) and California Department of Corrections and Rehabilitation (CDCR). CAL FIRE owns the site and manages the firefighting and other duties performed by the inmates. CDCR is responsible for the security of the camp and the feeding, housing, custody, and care of the inmates. The staff of 24 consists of 10 correctional officers and 14 CAL FIRE personnel.

METHODOLOGY

Members of the Grand Jury inspected the facility on March 25, 2010. Inspections were made of the living quarters, day rooms, weight/exercise room, kitchen, mess hall, laundry, woodworking shop, saw mill, outdoor exercise/game areas, and garden.

People Interviewed:

- CAL FIRE Camp Division Chief
- CDCR Camp Commander
- CDCR Sergeant

Documents Reviewed:

- Grand Jury Report for 2008-2009
- Conservation Camp Management Survey, by Deputy Chief Operations, CAL FIRE Northern Region Operations Center and Facilities Captain, CDCR Camps Program, conducted at Growlersburg Camp on April 15-16, 2009, with its transmittal memorandum dated April 23, 2009
- Growlersburg CC#33 Action Plan dated January 1, 2010 completed by CAL FIRE Camp Division Chief and CDCR Camp Commander

FINDINGS

The Growlersburg command staff of CAL FIRE and CDCR informed the Grand Jury of the following:

- Growlersburg is one of 44 Conservation Camps in California, which house about 3,800 minimum security inmates;
- Three camps, all in Southern California, are for female inmates only. All of the other camps are male only;
- The average term remaining of an inmate's sentence is two years. No inmate will be sent to Growlersburg with a remaining term exceeding seven years;
- The average age of inmates is 30 years;
- The average annual cost for inmates in a state prison is \$38,000 - \$48,000, whereas at Growlersburg the cost is \$14,000 - \$18,000. Keeping inmates at Growlersburg and the other camps produce a substantial savings for the State of California budget;
- Five firefighting strike teams, containing up to 17 inmates each, are maintained at Growlersburg. Each strike team is managed by a CAL FIRE Captain. One strike team is always retained at the camp;
- Growlersburg is a staging area for other firefighting strike teams which may be brought into this area when needed.

The inmates receive extensive firefighting training. Included in this training is the proper use of equipment, including tools such as chain saws and the effective maintenance of motorized equipment. Other useful training is provided in woodworking, gardening, sawmill operations and cooking/baking.

The Grand Jury noted the facility was well maintained. Several inmates were busy cleaning walkways and other exterior areas. Interior areas inspected were found to be neat and clean. The quality of food, some of which was grown on-site, was found to be excellent. The camp's facilities were generally in good repair, but some deterioration due to age was noted. The Grand Jury was informed that a remodel project has been approved, including funding, and should be completed in 2012 or 2013.

The April 2009 Growlersburg Camp Management Survey was conducted jointly by senior representatives of CAL FIRE Northern Region and CDCR Camps Program. They reported that every item listed on the analysis work papers to be in partial or full compliance.

The Growlersburg CC#33 Action Plan dated January 1, 2010 reported all outstanding action issues have been completed, including filling two CAL FIRE vacancies and correcting vehicle maintenance records.

RECOMMENDATIONS

None

RESPONSES

No response is required.

COMMENDATION

The 2009-2010 El Dorado County Grand Jury commends the Growlersburg Conservation Camp and its leadership teams for providing:

- Excellent inmate training in firefighting;
- Significant assistance in fighting forest fires throughout California;
- Meaningful maintenance assistance to local districts and agencies;
- Working and living conditions for inmates to improve themselves and return to productive lives.