

**2014-2015**



**FINAL REPORT**

**JUNE 2015**

# 2014 – 2015 EL DORADO COUNTY GRAND JURY



BACK ROW (L-R) **ALAN CLARKE, DANNY CHEETHAM, C. DAVID HALL, KEN STEERS**  
MIDDLE ROW (L-R) **MICHAEL MCGEE, EDMOND JACOBY, PETER MARTY, RICHARD COFFIN, FOREMAN JIM KERN**  
FRONT ROW (L-R) **TOM SIMPSON, CATHERINE CLOSE, LYNN MANCHESTER, COLLEEN YOUNG, JANET SAWYER,**  
**MARY ANNE MINNICK, ROBERT EVANS**  
NOT PICTURED **KATIE SMITH**





# EL DORADO COUNTY GRAND JURY 2014 - 2015

**FINAL REPORT**  
JUNE 2015

## **JURORS**

JAMES KERN, FOREMAN  
DANNY CHEETHAM  
ALAN CLARKE  
CATHERINE CLOSE  
RICHARD COFFIN  
ROBERT EVANS  
C. DAVID HALL  
EDMOND JACOBY  
LYNN MANCHESTER  
PETER MARTY  
MICHAEL MCGEE  
MARY ANNE MINNICK  
JANET GALLAWAY SAWYER  
TOM SIMPSON  
KATIE SMITH  
KEN STEERS  
COLLEEN YOUNG

**EL DORADO COUNTY GRAND JURY**  
**2014-2015**  
**FINAL REPORTS**

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

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Placerville, California 95667  
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[Grand.jury@edcgov.us](mailto:Grand.jury@edcgov.us)



June, 2015

To: Citizens of El Dorado County

Re: Final Report of the 2014- 15 El Dorado County Grand Jury

Dear Fellow Citizens:

This year's Grand Jury was highly productive due to the dedication of its members. Some of our reports were positive about the operation of county agencies and special districts while others were more critical. The role of the Grand Jury is to inform; this year we were successful in fulfilling that responsibility.

El Dorado County government has an acute need to be reformed. Our report *THE EL DORADO COUNTY CHARTER: TIME TO ADMIT & CORRECT A MISTAKE* details the history of the Charter and our recommended courses of action.

The Grand Jury is not political. El Dorado County citizenry are cynical about government. That cynicism touches on the constitution and operation of the Grand Jury. There is no doubt that county officials, both elected and appointed, have tried to manipulate and influence Grand Jury investigations and reports. Fortunately, that approach did not work for them this year. The Grand Jury is a completely independent government watchdog – we jealously guard that independence.

A pattern has emerged whereby El Dorado County government agencies *whitewash* our reports. Explanations vary from *risk management* concerns to obfuscation of the clear intent of the report's message. This approach by government is contemptuous, lacks transparency and has to stop. County officials, acting through the Grand Jury, owe citizens forthright communication when addressing their concerns.

A special thanks goes to the District Attorney for aiding the Grand Jury to exercise its responsibilities.

Respectfully,

James Kern  
Foreperson, 2014/15 Grand Jury



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

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## NOTICE TO RESPONDENTS

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. You are advised to carefully read the pertinent provisions below and prepare your official response accordingly. Please pay particular attention to required explanations and time frames. Incomplete or inadequate responses are likely to prompt further investigative inquiries by the grand jury and/or the court.

### RESPONSE TO FINDINGS

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

The respondent agrees with the finding.

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

#### *IMPORTANT NOTE ABOUT GRAND JURY FINDINGS*

*Grand Jury Findings are derived from testimony and evidence. All testimony and evidence given to the Grand Jury is confidential by law, and it is the Grand Jury's responsibility to keep it that way. California Penal Code §929 provides "... the name of any person, or facts that lead to the identity of any person who provided information to the grand jury, shall not be released." Further, 86 Ops. Cal. Atty. Gen. 101 (2003) prohibits grand jury witnesses from disclosing anything learned during their appearance including testimony given. This is to ensure the anonymity of witnesses and to encourage open and honest testimony.*

### RESPONSE TO RECOMMENDATIONS

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

The recommendation has been implemented, with a summary regarding the Implemented action.

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation. It is the expectation of the grand jury that the timeframe be specific and reasonable.

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 the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

## **RESPONSE TIMES**

The California Penal Code specifies differing response times.

### *PUBLIC AGENCIES*

The governing body of any public agency (also referring to a department) must respond within 90 days from the release of the report to the public. The response must be addressed to the Presiding Judge of the El Dorado County Superior Court as indicated in the Response Section of each report.

### *ELECTIVE OFFICERS OR AGENCY HEAD*

All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public. Responses must be sent to the Presiding Judge of the El Dorado County Superior Court, as specified in the Response Section of each report, with a copy to the El Dorado County Board of Supervisors.

## **FAILURE TO RESPOND**

Failure to respond as required to a grand jury report is in violation of California Penal Code Section 933.05 and is subject to further action. Such action is likely to include further investigation on the subject matter of the report by the grand jury.

The current Presiding Judge of the El Dorado County Superior Court:

Honorable Suzanne N. Kingsbury  
Presiding Judge of the El Dorado County Superior Court  
1354 Johnson Blvd, Suite 2  
South Lake Tahoe CA 96150

The Presiding Judge of the El Dorado County Superior Court requests that responses be sent electronically as a *Word* or *PDF* file to facilitate economical and timely distribution. Please email responses to the El Dorado County Grand Jury at:  
[courtadmin@eldoradocourt.org](mailto:courtadmin@eldoradocourt.org)