

CALAVERAS COUNTY
2015-2016
GRAND JURY FINAL REPORT



On the front Cover

Butte Fire devastated part of Calaveras County

This picture was taken during the fire

Jesus Maria Rd 9-15-15

Photographed by: Don Seeman

On the back Cover

Butte firefighting efforts taken on 9-16-15

Photographed by: Don Seeman

FILED

MAY 18 2016

Clerk of the Court
Superior Court of California
County of Calaveras
By *[Signature]* Deputy

Calaveras County Grand Jury

2015-2016 FINAL REPORT

The 2015-2016 Calaveras County Grand Jury approved the Final Report

S/: *[Signature]*
Darwin Boblet, Foreperson

Date: May 11, 2016

I accept this Grand Jury report for the year 2015-2016 for filing and certify that it
complies with Title V of the California Penal Code.

S/: *[Signature]*
The Honorable Grant Barrett
Presiding Judge of the Superior Court

May 11, 2016
The Honorable Grant Barrett
California County Superior Court
400 Government Center Drive
San Andreas, California 95249-9794

The 2015-2016 Grand Jury submits its final report in accordance with Penal Code 933a. This year we had a high turnover of jurist as several of the original paneled jurors had to depart mid-session due to personal reasons. Their positions were filled by alternate jurors. One alternate was serving on the Grand Jury for the 3rd time over a period of decades and added valuable experience to our investigations.

The purpose of the Grand Jury is, ultimately, to make improvements to government. Judge Barrett has quite accurately described the Grand Jury as having the ultimate backstage pass to County government. As a body, we can look into all aspects of government within the County, and if we find nothing, then the County is doing a good job for its residents. One could always hope the day will come when the grand jury inspects, interviews, investigates and at the end, has nothing to put in its final report.

Finding out wrongdoing by an elected official may seem like the dream scenario of every Hollywood drama scriptwriter, and might make for an exciting plot, but in reality, most public officials take pride in doing a job well. What the Grand Jury usually finds are flaws in the procedures of government, or mistakes made in following the procedures they are hired or elected to perform. Finding these mistakes and making recommendations for improvement results in a government that we want to have govern, and not one that we fear to be governed by.

This year we looked at, in addition to areas of government mandated by Penal Code, certain areas that though not specifically called out by public complaints, were ancillary to complaints received. Several complaints were received which were outside the scope allowed in the code for investigation or were being alternately resolved through litigation and several complaints were looked into but not the subject of investigation. However we found questions raised even in those complaints which merited further inquiry.

Being on the Grand Jury should never be taken lightly as it represents hundreds of hours of individual dedication over the span of one year, and a commitment to look into aspects of government seldom seen by the general public. This commitment can be both exciting and at times tedious. I want commend all members of the jury for their hard work and dedication. I would also like to thank Superior Court Judge Barrett and County Counsel Megan Stedtfeld for their invaluable guidance and for their help in interpreting the penal code.

Respectfully,

Darwin Boblet, Foreperson

Table of Contents

GRAND JURY INFORMATION	6
CALAVERAS COUNTY GRAND JURY	7
FINAL REPORT	8
GRAND JURY CITIZEN COMPLAINT FORM	10
INSTRUCTIONS FOR PREPARING THE CITIZEN COMPLAINT FORMS	11
ANIMAL CONTROL SERVICES	13
CALAVERAS COUNTY JAIL	19
CALAVERAS COUNTY JAIL MEDICAL SERVICES	23
VALLECITO CONSERVATION CAMP #1	29
CALAVERAS COUNTY SHERIFF’S OFFICE COMPLAINT PROCESS	35
PUBLIC WORKS DEPARTMENT – WASTE MANAGEMENT	43
RESPONSES TO THE 2014-2015 GRAND JURY REPORT	
EXPLANATION	48
FROM CALAVERAS LAFCO	51
FROM CALAVERAS COUNTY BOARD OF SUPERVISORS	53
FROM CALAVERAS COUNTY WATER DISTRICT	64
FROM CALAVERAS PUBLIC UTILITY DISTRICT	74
FROM CALAVERAS COUNTY OFFICE OF THE SHERIFF	76
FROM COUNTY OF CALAVERAS COUNTY ADMINISTRATION	81
FROM UNION PUBLIC UTILITY DISTRICT	90
FROM CALAVERAS HUMANE SOCIETY	96
FROM FOCAS	99

GRAND JURY INFORMATION

WHAT IS A GRAND JURY?

A Grand Jury is a judicial body composed of a set number of citizens. Ancient Greece exhibited the earliest concepts of the Grand Jury System. Another reference can be found during the Norman conquest of England in 1066. There is evidence that the courts of that time summoned a body of sworn neighbors to present crimes which had come to their knowledge. In 1066 the Assize of Clarendon appears to be the beginning of the true Grand Jury system. At that time juries were established in two types: Civil and Criminal. Toward the end of the United States Colonial Period, the Grand Jury became an important adjunct of government: Proposing new laws, protesting abuses in government, and influencing authority in their power to determine who should and should not face trial. Originally, the Constitution of the United States made no provisions for a Grand Jury. The Fifth Amendment, ratified in 1791, added this protection.

THE GRAND JURY IN CALIFORNIA

The California Constitution, Article 1, Section 23, states, "One or more Grand Juries shall be drawn and summoned once a year in each County." In California every county has a civil Grand Jury. Criminal Grand Juries are seated as necessary.

A civil Grand Jury's function is to inquire into and review the conduct of county government and special districts. The Grand Jury system in California is unusual in that Federal and County Grand Juries in most states are concerned solely with criminal indictments and have no civil responsibilities.

Grand Jurors are citizens of all ages and different walks of life bringing their unique personalities and abilities. Grand Jurors are selected from the Department of Motor Vehicles and Voter Registration files. In some counties citizens may request to be on the Grand Jury. Jurors spend many hours researching; reading, and attending meetings to monitor county government, special districts, and overseeing appointed and elected officials.

A final report is created after many hours of fact-finding investigations conducted by the Grand Jury. This report can disclose inefficiency, unfairness, wrongdoings, and violations of public law and regulations in local governments. The report can also recognize positive aspects of local government and provide information to the public. The Grand Jury makes recommendations for change, requests responses, and follows up on responses to ensure more efficient and lawful operation of government.

CALAVERAS COUNTY GRAND JURY

The Calaveras County Grand Jury is a judicial body sanctioned by the Superior Court to act as an extension of the Court and the conscience of the community. The Grand Jury is a civil investigative body created for the protection of society and enforcement of its laws. The conduct of the Grand Jury is delineated in California Penal Code, Section 888 through Section 945.

Grand Jurors are officers of the Superior Court but function as an independent body. One provision of the Grand Jury is its power, through the Superior Court, to aid in the prosecution of an agency or individual they have determined to be guilty of an offense against the people.

RESPONSIBILITIES OF THE GRAND JURY

The major function of the Calaveras County Grand Jury is to examine County and City Government and special districts to ensure their duties are being lawfully carried out. The Grand Jury reviews and evaluates procedures, methods, and systems utilized by these agencies to determine if more efficient and economical programs may be used for the betterment of the County's citizens. It is authorized to inquire into charges of willful misconduct or negligence by public officials or the employees of public agencies. The Grand Jury is mandated to investigate the conditions of jails and detention centers.

The Grand Jury is authorized to inspect and audit the books, records, and financial expenditures of all agencies and departments under its jurisdiction, including special districts and non-profit agencies, to ensure funds are properly accounted for and legally spent. In Calaveras County the Grand Jury must recommend an independent Certified Public Accountant to audit the financial condition of the County.

RESPONSE TO CITIZEN COMPLAINTS

The Grand Jury receives formal complaints from citizens who allege government inefficiencies, mistreatment by officials, and who voice suspicions of misconduct. Anyone may ask that the Jury conduct an investigation on agencies or departments within the Grand Jury's jurisdiction. All such requests and investigations are kept confidential.

The Grand Jury investigates the operations of governmental agencies, charges of wrongdoing within public agencies, and the performance of unlawful acts by public officials. The Grand Jury cannot investigate disputes between private parties nor any matters in litigation.

Neither official request nor public outcry can force the Grand Jury to undertake an inquiry it deems unnecessary or frivolous.

FINAL REPORT

The Final Report includes the findings and recommendations of the Grand Jury and is released to the Superior Court Judge by July 1 of each year. It is made available to the new Grand Jury, the media, the public, and government officials. It will also be available on the Calaveras County Grand Jury website: <http://calaverasgov.us/Departments/AG/GrandJury.aspx>

HOW TO CONTACT THE GRAND JURY

Those who wish to contact the Grand Jury may do so by writing to:

Calaveras County Grand Jury

P.O. Box 1414

San Andreas, CA 95249

A Citizen's Complaint Form may be requested by calling 209-754-5860. The form is also available at all county libraries and for download on the Grand Jury website at

<http://calaverasgov.us/Departments/AG/GrandJury.aspx>

Completed forms may be mailed to the above address or faxed to the Grand Jury at 209-754-9047.

MEMBERS OF THE 2015-2016 CALAVERAS COUNTY GRAND JURY

Darwin Boblet, Foreperson
Robert Macias, Foreperson Pro Tem
B.J. Bramlett , Recording Secretary
Trina Cachero, Correspondence Secretary
Garry Evans, Sergeant-at-Arms

Karen Anderson	Larry Hunn	Terri Marcellino
Joanie Bennett	Christine Kane	Lavonna Mechling
Bill Boos, Jr.	Christine King	Linda Munroe
Eryn Cervantes	Jay Lange	Zack Ribeiro
Larry Green	Sam Matyas	

**GRAND JURY
CITIZEN COMPLAINT FORM**

Calaveras County Grand Jury
P.O. Box 1414
San Andreas, CA 95249

Date _____

1. THIS COMPLAINT IS AGAINST:

2. MY COMPLAINT AGAINST THE ABOVE IS:

3. BEFORE FILLING OUT THIS FORM I HAVE CONTACTED:

4. COMPLAINANT:

Name: _____

Address: _____

Phone: _____

5. I REQUEST THE FOLLOWING:

The information in this form is true, correct and complete to the best of my knowledge

Signature

**Instructions for preparing the Citizen Complaint Form
Calaveras County Grand Jury**

- I. The Grand Jury Citizen Complaint Form should be prepared after all attempts to correct a situation have been explored and were unsuccessful.
- II. Instructions for preparing the Citizen Complaint Form:

1. This Complaint is Against:

- a. Include the name of the individual or organization the complaint is against. Ensure correct spelling of the name(s).
- b. If the complaint is against an individual in an organization, include the individual's title or position in the organization.
- c. Provide the street address (not a P.O. Box), city, state and zip code.
- d. The telephone number of the organization or individual cited should be included on the last line of this block.

2. My Complaint Against the Above is:

- a. Describe the problem in your own words.
- b. Be as concise as possible, providing dates, times and names of individuals involved.
- c. Cite specific instances as opposed to broad statements.
- d. Attach any available photographs, correspondence or documentation which supports the complaint.
- e. If more room is required, attach extra sheets, and include their number on the last line of the first sheet (i.e. 3 additional sheets attached).
- f. Include your name, street address, city, state, zip code and telephone number (area code also).
- g. Mail this complaint form to the address shown on the front.
- h. Please sign this complaint. (You may file an anonymous complaint if you desire; however, this may make it much more difficult for the Grand Jury to investigate the allegations.)

The Grand Jury will respond to your complaint to advise you it has been received.

The Grand Jury may contact you in the event of an investigation.

ANIMAL CONTROL SERVICES

ANIMAL CONTROL SERVICES (ACS)

REASON FOR INVESTIGATION

The Grand Jury's decision to investigate Animal Control Services was to follow up on numerous complaints regarding response times and to review procedures for handling domestic animals during the Butte Fire.

BACKGROUND

Calaveras County Animal Control Services (ACS) has been under the direction of the Environmental Management Agency since October 2012. ACS is funded primarily by the Calaveras County General Fund. ACS is charged with responding to domestic animal related calls and concerns from the community. In addition, the department is responsible for animal shelter operations, dog licensing, tracking rabies vaccinations, spay and neuter of adopted animals, and ensuring that basic care services are provided for animals within the county.

Currently the staff is comprised of one full-time animal control officer, one office technician, two animal shelter assistants, a manager, and a number of volunteers. The shelter facility has been expanded due to the efforts of staff interacting with the community to obtain donations and support.

PROCEDURE

The Grand Jury took a guided tour of the ACS facility, located in San Andreas, interviewed staff, and spoke with volunteers.

INVESTIGATION

The facility receives an average of a hundred calls a day with only one office technician to field these calls; most calls go to voice mail and are evaluated later. Many of the calls are inquiries and are returned when possible.

All calls are logged and nuisance calls (strays, barking dogs, etc.) are put on an activity list. Depending on availability of the field officer, low priority calls may never be acted upon. Due to inadequate staffing, only high priority calls, such as dog bites or where public safety is an issue, are handled as soon as possible.

We were informed by ACS personnel that it was difficult to find qualified individuals who were willing to accept the position at the current salary. Salary for Animal Control Officers ranges from \$27,000~\$33,000 to \$38,000~\$47,000 for step I to step III respectively.

The focus of ACS has been more on the care of animals than on enforcement of animal laws. The level of compliance in obtaining licenses for dogs is estimated to be twenty-percent which is a decrease from the estimated fifty-percent reported last year.

ACS staff and volunteers housed hundreds of displaced animals during the Butte Fire, which they attempted to reunite with their owners or rehome. Ninety-three percent of dogs and seventy-six percent of cats were claimed or sent to other facilities, more importantly, not euthanized. During the height of the incident, ACS constructed a tent city at the government center and the fair grounds to house animals which included domestic as well as livestock.

ACS is working with the humane society and local community outreach programs to construct better housing for the animals. The dog kennels have increased to twenty-one in addition to one exercise pen for individual animal evaluation and two for general use. The cat facilities have been expanded to include approximately fifty cages, four community rooms, an isolation room, a kitten room, and a pet evaluation room. There are three corrals for holding livestock.

Many upgrades have been accomplished by efforts of the community and a fundraiser is currently being organized to help expand the facilities.

RESULTS OF INVESTIGATION

FINDING 1:

A majority of calls go to voice mail to be evaluated at a later time.

RECOMMENDATION 1:

Utilize volunteers in office operations when available.

RESPONSE REQUESTED:

Animal Control Services

RECOMMENDATION 2:

An additional office technician is needed.

RESPONSE REQUESTED:

Board of Supervisors
Animal Control Services

FINDING 2:

An additional Animal Service Officer is needed. Due to the insufficient salary being offered it is implausible to recruit and retain a qualified Animal Service Officer.

RECOMMENDATION:

Conduct a salary survey of surrounding counties for the position of animal service officer to determine if the current salary is competitive.

RESPONSE REQUESTED:

Board of Supervisors
Animal Control Services

FINDING 3:

The level of compliance in obtaining licenses for dogs has decreased.

RECOMMENDATION:

ACS should look into the enforcement of citizens obtaining licenses to increase compliance, as well as provide needed revenue.

RESPONSE REQUESTED:

Animal Control Services

FINDING 4:

ACS provided care and housing for displaced animals during the Butte Fire.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING 5:

Facilities are being upgraded to meet the needs of the county animal population through the work of volunteers and from generous donations of local businesses and citizens.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

CALAVERAS COUNTY JAIL

CALAVERAS COUNTY JAIL

REASON FOR INVESTIGATION

In accordance with California Penal Code Section 919 (b) the 2015/2016 grand jury shall inquire into the condition and management of the public prisons within the county.

SCOPE OF INVESTIGATION

The scope of the investigation focused on daily operation, staffing, and condition of confinement.

BACKGROUND

This 80,000 square foot facility opened in June 2014. Capacity for the facility is 160 men and women total, distributed among six segregated housing units (pods).

PROCEDURES

On September 24th, 2015, members of the Grand Jury conducted an announced visit and inspection of the Calaveras County Jail located at 1045 Jeff Tuttle Drive in San Andreas.

The latest biennial inspection was completed by the Board of State and Community Corrections in August 2014 and there were no Title 24 compliance issues.

The Grand Jury observed the performance of duties by staff. The inspection included booking, medical, library, learning, kitchen, recreation, and inmate housing areas.

INVESTIGATION

The kitchen was immaculate with professional cooking and baking facilities. All chemicals and food were stored appropriately. Food and calories were closely monitored with direction from the dietitian's menu. The kitchen area was extremely well maintained and staffed primarily by inmates.

Salary range for Correctional officers ranges between \$38,000 and \$46,000.

Inadequate correctional staff remains an issue. This problem is exacerbated by non-competitive compensation packages and contributes to officers leaving our county for more attractive pay/benefits in other neighboring counties. Due to the low number of officers, overtime is a big concern.

RESULTS OF INVESTIGATION

FINDING 1:

The kitchen is immaculate with professional cooking and baking facilities.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING 2:

Food and calories are closely monitored with direction from the dietitian's menu.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING 3:

The kitchen area is extremely well maintained and staffed primarily by inmates.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING 4:

There is inadequate correctional staff. There is a non-competitive compensation package for correctional staff.

RECOMMENDATION:

A thorough and extensive investigation should be conducted into creating a more competitive hiring package for correctional staff.

RESPONSE REQUESTED:

Calaveras County Board of Supervisors
Calaveras County Sheriff's Office
Calaveras County Human Resources

CALAVERAS COUNTY JAIL MEDICAL SERVICES

CALAVERAS COUNTY JAIL MEDICAL SERVICES

REASON FOR INVESTIGATION

In accordance with California Penal Code Section 919 (b) the 2015/2016 Grand Jury shall inquire into the condition and management of the public prisons within the county.

The Grand Jury received a complaint from an inmate inside the Calaveras County Jail which led to questions regarding policies and procedures used within the County Jail as they pertain to medical services.

SCOPE OF INVESTIGATION

During the investigation, records and interviews were requested with the private medical service provider for the jail. The provider is under contract with the county and paid with taxpayer money.

The investigation included obtaining additional documents and contracts. There were also requested interviews with the medical service personnel.

The County Public Health department was contacted to determine their role in contract review and oversight of provided service.

BACKGROUND

Medical services are provided by California Forensic Medical Group, Incorporated (CFMG). The contract is reviewed prior to signing by the Sheriff's Office, County Administrative Office for content, County Counsel's Office for legal form and language, and by Human Resources for risk assessment (insurance requirements).

The Grand Jury has no inquiry powers with private contractors. The medical services at the jail have never been examined by the Grand Jury. The CFMG "Standardized Procedures" are reviewed annually by the Public Health Department as required by the contract.

INVESTIGATION

The Grand Jury received a formal complaint using the Grand Jury's complaint form from an inmate of the County Jail. Questions were raised regarding the procedures and practices followed by the medical staff. Of particular interest were evaluation procedures and the timely dispensing of medications.

Inmates having specific complaints about their medical treatment have a legal avenue of complaint outside of the normal internal complaint process. This involves filing a habeas corpus with the court which, when medical issues are involved, has priority for review by the Superior Court.

The Grand Jury requested a year's worth of internal inmate complaint records from the County Jail. These are complaints from inmates delivered to the County Jail staff for response. Complaints included medical issues and inmate comments about medical and psychiatric prescription medications. The jury was not interested in specific cases, but in the general culture surrounding treatment and diagnosis. Examination of these complaints and the documented

comments as responses by jail staff raised additional questions for inquiry about whether the policies and procedures developed by CFMG were being adequately implemented.

As a result of review of the internal complaints, the Grand Jury requested and received a copy of the medical service provider's contract from the County. The contract obtained by the Grand Jury was dated July 1, 2014 with a term ending June 30, 2015. No new contract existed at the time of the investigation, however since the investigation a new contract had been awarded by the Board of Supervisors on March 29, 2016. During the interim, the expired contract was extended on a month to month basis while the new contract was negotiated. It was reported that the bid process was completed on time but negotiations delayed the adoption of the new contract, partly due to the Butte Fire. Once signed, the effective date of the new contract was back dated to October 1, 2015.

Review of the contract resulted in an additional request for a copy of the Standardized Policies and Procedures developed by CFMG and mentioned in the contract but not detailed.

(Old Contract – Section 2.08.a)

(New Contract - Section 1.11.1)

“Contractor shall design, prepare, and implement all policies, procedures, and protocols necessary to perform all required service under this agreement.”

(Old Contract – Attachment A, page 14, subsection ‘P’)

(New Contract - Attachment A, page 27, subsection “P”)

“Standardized procedures have been developed through the collaborative efforts of nursing, medicine and administration. Nursing staff must be properly trained and approved by the responsible physician prior to utilizing standardized procedures. Only RN's will be authorized to operate under standardized procedures. These procedures will be reviewed at least once annually.”

The Grand Jury requested an interview with the CFMG medical staff to discuss the policies and procedures and how they are implemented under their care. The Grand Jury was met with resistance from the CFMG staff. Multiple requests for an interview and for copies of the Standardized Procedures resulted in a demand by CFMG for a subpoena and for CFMG staff's supervisor's presence at the interview.

Subsequent investigations found the County's Public Health Department had a copy of CFMG's Policies and Procedures. Counsel for CFMG agreed to have an executive meet with the Grand Jury to discuss the policy and procedures, but considered the document itself to be proprietary. However, the Grand Jury ran out of time for further investigation.

The Public Health Department informed the Grand Jury that it performs annual reviews of the policies, updates, and changes as they are made. Public Health Department, in conjunction with CFMG and jail staff, also does a separate quarterly review of the jail medical services. Documentation of these reviews is kept by the Public Health Department.

RESULTS OF INVESTIGATION

FINDING 1:

The July 1, 2014 contract expired on June 30, 2015, necessitating month to month extensions until a new contract was executed on March 29, 2016.

RECOMMENDATION:

The County should never be without a valid signed contract in force. The County should ensure that expiring contracts for critical and necessary services be kept in force and current at all times.

RESPONSE REQUESTED:

Board of Supervisors
County Administrative Office
Calaveras County Sheriff's Office

FINDING 2:

The Public Health Department (PHD) annually reviews and keeps updated records of the applicable policies and procedures. The PHD does quarterly reviews on medical, mental health, care utilization data, and medication administration. The Grand Jury finds the PHD provides proper oversight to maintain adequate medical services.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING 3:

CFMG's lack of cooperation and requirement of a subpoena in order for the Grand Jury to interview medical staff delayed the investigation process significantly.

RECOMMENDATION:

All new contracts should include a contract provision requiring contractors to cooperate during Grand Jury civil investigations regarding public services that the County is legally obligated to provide to the public, ensuring there are no delays or resorting to subpoenas.

RESPONSE REQUESTED:

Board of Supervisors
County Counsel's Office
County Administrative Office

VALLECITO CONSERVATION CAMP #1

VALLECITO CONSERVATION CAMP #1

REASON FOR INVESTIGATION

In accordance with Penal Code Section 919(b), the Grand Jury shall inquire into the condition and management of public prisons within the county.

SCOPE OF INVESTIGATION

The scope of the investigation focused on daily operations, staffing, condition of the facility, and the safety and security of staff and inmates; it also considered how AB109 has effected the camp and its involvement in the Butte fire.

BACKGROUND

Vallecito Conservation Camp #1 (VCC) was opened in 1958. The camp is jointly operated by the Sierra Conservation Center (SCC) facility of the California Department of Corrections and Rehabilitation (CDCR) and the California Department of Forestry and Fire Protection (CALFIRE). The inmate crews provide a needed resource of trained crews primarily for firefighting in the counties of Calaveras and Toulumne and, when necessary, throughout the state of California. The crews also complete conservation and community service projects throughout the Sierra.

PROCEDURE

On March 17, 2016, the Grand Jury conducted a scheduled inspection and discussed operations with the Camp Commander and a CALFIRE Captain.

INVESTIGATION

During a tour of the camp, areas visited were the kitchen, cafeteria (dining hall), dormitory, TV rooms, library, visiting area, barber shop, laundry, hobby shop, mechanics shop, woodworking shop, and the inventory warehouse.

CDCR staff at the facility consists of nine correctional officers, one Sergeant and one Lieutenant (Camp Commander).

The inmates that are selected for the conservation camp go through a two week physical training program. If they pass the physical training, inmates then attend two additional weeks of CALFIRE training at the Sierra Conservation Center. The inmates are assigned to one of five fire teams or the support team which is responsible for daily operations and maintenance of the camp. About 1% of inmates find work related to firefighting once released from the VCC.

The non-secure detention facility currently houses 84 low risk adult males.

A brief demonstration of a fire drill was done for the Grand Jury during their tour. Two inmates are assigned to each of the six fire boxes located across the facility and serve as a first response to in-camp fires.

VCC maintains and operates a Food Dispenser Unit (FDU) for active firefighting crews, which is capable of carrying hundreds of meals. The kitchen at Vallecito prepares the meals locally and utilizes the FDU to ship the meals to wherever they are needed. The FDU is managed by a CALFIRE captain and two inmates while on site.

The facility provides fire hose pressure testing and repair which is utilized by CALFIRE and other fire departments. The facility is also responsible for mending and repairing firefighting garb for the VCC.

The Fire Camp crews comprised fifteen percent of the firefighting teams that fought the Butte Fire. The Vallecito Fire Camp arrived on the fire line on day one and was there until the fire was fully contained.

A General Equivalency Diploma (GED) program is available. Some inmates were in the process of taking this exam at the time of the tour.

AB109 has had the effect of reducing the VCC prison population and high risk prisoners have not been used to fill the short fall in fire crews. Present prison population of eighty-four has resulted in vacancies in staffing of fire crews, for example two crews have dropped from fifteen to nine inmates.

RESULTS OF INVESTIGATION

FINDING 1:

The Grand Jury found the overall condition of VCC to be well maintained. Everything was clean and orderly with grounds and buildings well maintained.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING 2:

Areas that need improvement are the entertainment and library rooms which contained some damaged furniture.

RECOMMENDATION:

Improve condition of the entertainment/library rooms by providing furniture that is both functional and durable.

RESPONSE REQUESTED:

Vallecito Conservation Camp

FINDING 3:

Communication between the staff and the inmates is direct and clear.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING 4:

Fire drills are conducted monthly and emergency procedures are clearly posted.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING 5:

The facility provides fire hose pressure testing and repair.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING 6:

Fire Camp crews comprised fifteen percent of the firefighting teams that fought the Butte Fire.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING 7:

A GED program is available to inmates.

RECOMMENDATION:

None

RESPONSE REQUESTED:

None

FINDING 8:

AB109 has reduced the VCC prison population which has resulted in vacancies in inmate crews; for example two crews dropped from fifteen to nine inmates.

RECOMMENDATION:

VCC should consider reducing the number of fire crews in order to maintain fully manned crews.

RESPONSE REQUESTED:

Vallecito Conservation Camp

**CALAVERAS COUNTY
SHERIFF'S OFFICE
COMPLAINT PROCESS**

CALAVERAS COUNTY SHERIFF'S OFFICE COMPLAINT PROCESS

REASON FOR INVESTIGATION

The Grand Jury received several complaints that generated a discussion regarding the Calaveras County Sheriff's Office (CCSO) complaint process. The focus of the discussion was on the process of how the CCSO handles all citizen complaints; not the complaints themselves.

BACKGROUND

The CCSO's complaint process is outlined in their Policy and Procedure Manual Section 1020. The policy provides guidelines for reporting, investigating and disposition of complaints regarding the conduct of members and employees of the department. The Policy and Procedure Manual gets updated approximately every six months, therefore, the Grand Jury reviewed both current and prior copies of the manual.

Section 1020.3 of the current Policy and Procedure Manual states in part:

"Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1020.3.1 Complaint Classifications

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Duty Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Divisional Internal Affairs, depending on the seriousness and complexity of the investigation.

1020.3.2 Sources of Complaints

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.*
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.*

- (c) *Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.*
- (d) *Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.*
- (e) *Tort claims and lawsuits may generate a personnel complaint.*”

California Penal Code 832.5(a) states:

“Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public.”

California Penal Code 832.7(a) states:

“Peace officer or custodial officer personnel records and records maintained by any state or local agency pursuant to section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. This section shall not apply to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a Grand Jury, a District Attorney’s office, or the Attorney General’s office.”

OPINION of Attorney General Daniel E Lungren, No.96-307 says in part:

“Conclusion: 1. When a grand jury is conducting a civil “watchdog” investigation of a local police agency, it has the right to examine peace officer personnel records, including citizens’ complaints, or information compiled from such records, without first obtaining issuance of a subpoena or court order.”

California Department of Justice Information Bulletin: Citizens’ Complaints Against Peace Officers effective January 1, 2016 states:

“All LEAs (law enforcement agencies) should have a clearly delineated procedure to investigate complaints and that procedure should be publicly available on their website.”

PROCEDURE

The Grand Jury interviewed various personnel, reviewed documents and visited websites.

PERSONS INTERVIEWED

The Grand Jury interviewed several personnel from the CCSO.

DOCUMENTS AND WEBSITES REVIEWED

CCSO Complaints dated from March 2014 – December 2015

CCSO Policy and Procedure Manual (several generations)

A copy of an Internal Affairs Investigation (selected by CCSO)

Citizen Complaint Form (formal and informal)

Internal Affairs Log

CCSO website: www.sheriff.co.calaveras.ca.us

California Department of Justice website: www.doj.cjsc@doj.ca.gov

California Department of Justice Information Bulletin: Citizens' Complaints Against Peace Officers effective January 1, 2016

OPINION of Attorney General Daniel E Lungren, No.96-307

California Penal Codes (PC): 832.5, 832.7

INVESTIGATION

The Grand Jury found one case which, due to the nature of the complaint, should have resulted in documentation of a complaint received along with an internal affairs investigation.

In this case, the Grand Jury was informed that a formal investigation was not initiated because CCSO determined they had enough information from the arrest report and no further action was needed. This decision was not in line with policy and procedure. Selectively deciding not to document a complaint or conduct an internal affairs investigation is contrary to current policy and procedure.

The Grand Jury requested a current copy of the CCSO Policy and Procedure Manual, but was provided a copy that was marked "DRAFT". A second request was made for a current copy, but an outdated copy was received. It was not until a third request was made that a current copy was finally provided.

The Department files a required annual report on Citizens' Complaints Against Peace Officers (CCAPO). This report contains information obtained from the Internal Affairs Investigation Log, which is the only log maintained by CCSO for complaints. This report is submitted to the State Attorney General's (AG) office. During the interview process, the Grand Jury found that not all complaints were documented, because known complaints were not found in the Internal Affairs Investigation Log. Therefore, the annual report for 2015 sent to the AG office was incomplete and inaccurate in accordance with PC 13012.

During the review of the complaint process, the Grand Jury was met with a lack of cooperation whether intentional or unintentional, which delayed our investigatory process significantly. This conclusion was based in part due to the following:

- On multiple occasions the Grand Jury requested all the complaints for the last twelve months. After the CCSO provided copies of the complaints and stated that all were included, other complaints surfaced.
- After requesting a current copy of the Policy and Procedure Manual, the Grand Jury was given different copies of manuals that were either marked as "DRAFT" or outdated.

- During the interview process the Grand Jury was provided with different responses to the same question regarding the complaint process.
- An interviewee stated during a second interview before the Grand Jury that when a violation of policy and procedure was discovered, a formal complaint was not filed. In addition, the interviewee indicated this may not have been an isolated incident.

As part of the investigation, the Grand Jury reviewed the CCSO website. The website was difficult to navigate while searching for the complaint form and/or process. There are numerous ways of reaching the location of the complaint process, which contains two links, one for the complaint form and the other is for the Sheriff's Policy Manual Personnel Complaints. As of the writing of this report, on 5/4/2016, the website has only a "DRAFT" copy rather than the current adopted complaint policy displayed.

RESULTS OF INVESTIGATION

FINDING 1:

After multiple interviews with several CCSO personnel, the Grand Jury found inconsistencies in the interpretation of the complaint process.

RECOMMENDATION 1:

Develop clear language and standards for the implementation of policies and procedures so there is no room for misinterpretation by CCSO personnel when reviewing and confirming their understanding of the new policies. Additionally, such standards should include a set deadline for review.

RESPONSE REQUESTED:

Calaveras County Sheriff's Office

RECOMMENDATION 2:

Future Grand Juries annually review CCSO procedures regarding complaints.

RESPONSE REQUESTED:

None

FINDING 2:

There is no log in place to track formal or informal complaints (written or verbal) unless they become an Internal Affairs investigation.

RECOMMENDATION:

CCSO should create a log and follow their Policy and Procedure Manual Section 1020.5 which states:

“All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the department should audit the log and send an audit report to the sheriff or the authorized designee.”

RESPONSE REQUESTED:

Calaveras County Sheriff’s Office

FINDING 3:

The Grand Jury finds that not all complaints were documented properly.

RECOMMENDATION 1:

Establish a central log to ensure all citizens’ complaints, whether verbal, written or otherwise, are tracked and completed according to policy and procedure.

RESPONSE REQUESTED:

Calaveras County Sheriff’s Office

RECOMMENDATION 2:

The process for any and all complaints must be initiated as soon as an employee becomes aware of a complaint or violation of policy or procedure involving a peace officer in accordance with Section 1020.3.2(b) (c).

RESPONSE REQUESTED:

Calaveras County Sheriff’s Office

FINDING 4:

There are clear differences in wording and inconsistencies in the complaint process procedure among the copies of the CCSO Policy and Procedure Manual.

RECOMMENDATION:

All CCSO staff should have the current adopted Policy & Procedure Manual readily available. It should be the only material used or referenced. Draft copies should never be in circulation.

RESPONSE REQUESTED:

Calaveras County Sheriff’s Office

FINDING 5:

During the review of the complaint process, the Grand Jury was met with a lack of cooperation whether intentional or unintentional, which delayed our investigatory process significantly.

RECOMMENDATION:

The CCSO should be more forthcoming in furnishing requested documents and information to the Grand Jury in a timely manner in accordance with PC 832.7.

RESPONSE REQUESTED:

Calaveras County Sheriff's Office

FINDING 6:

On at least one occasion the CCSO failed to document a complaint and failed to do an internal affairs investigation. Selectively deciding when to not document a complaint or conduct an internal affairs investigation is contrary to current policy and procedure.

RECOMMENDATION:

The CCSO should follow their written policy and procedure, Section 1020.3.2 (b) (c), when handling citizen complaints and conduct an internal affairs investigation when warranted.

RESPONSE REQUESTED:

Calaveras County Sheriff's Office

FINDING 7:

The complaint form and process is difficult to find on the CCSO website.

RECOMMENDATION:

Make the website www.sheriff.co.calaveras.ca.us user friendly for all citizens with a clear link to the complaint form on the home page.

RESPONSE REQUESTED:

Calaveras County Sheriff's Office

FINDING 8:

The "DRAFT" rather than the adopted complaint policy is on the website.

RECOMMENDATION:

Ensure that the CCSO website contains the current adopted policy and procedure for complaints.

RESPONSE REQUESTED:

Calaveras County Sheriff's Office

**PUBLIC WORKS
DEPARTMENT – WASTE
MANAGEMENT**

PUBLIC WORKS DEPARTMENT – WASTE MANAGEMENT

REASON FOR INVESTIGATION

The Grand Jury obtained information indicating that the County is failing to meet mandated recycling levels for solid and yard waste as required by the State of California. The investigation also included the temporary closure of the Red Hill Green Waste Facility, leaving the only County yard waste dump site at Rock Creek in Milton.

PROCEDURE

The Grand Jury interviewed personnel from the Public Works Department.

The Grand Jury reviewed the following documents:

- County Ordinance No. 2510 – Fee Schedule and Exemptions for Solid Waste System – Dated 5/19/1997
- Resolution 09-149 – Changes to County Fees per Schedule A dated 10/1/2009
- Public Works Organization Chart FY 2015/16
- FY 2015/16 Budget – All Public Works departments
- Calaveras County Local Implementation Plan (LIP) 2015, 2nd Quarter Report

BACKGROUND

Public Works is responsible for design and maintenance of all county roads and bridges, operation of county landfill, transfer stations, recycling operations and public transit. This investigation was limited to the county landfill, transfer stations and recycling operations. The State mandates a percentage of waste to be recycled. The current schedule required at least fifty-percent by 2004 and to be at least seventy-five percent by 2018. Fines up to \$10,000 a day can be assessed for not meeting this requirement.

INVESTIGATION

The review of the Local Implementation Plan (LIP) which covered all of 2014 through the second quarter of 2015 found improvements from period to period in meeting the mandated recycling requirements as outlined by the State of California. As of 2014 the mandated standard had not been met. Fines were not assessed for the period of shortfall in meeting this requirement.

The closure of the Red Hill Green Waste Facility was due to the lack of water for a fire suppression system. The lack of available water is due to leakage from an existing Redwood storage tank and no operational well at this site. The site had been closed, cleared of equipment and green waste removed prior to the Grand Jury's tour of the facility on October 22, 2015.

Public Works personnel stated a new 3000 gallon water storage tank had been added to the site. The current redwood tank can still supply an additional 3000 gallons of water despite its deteriorating condition which prevents storage at its rated capacity. This provided the minimum amount of water for a fire suppression system during the winter/wet months that allowed the re-opening of Red Hill Green Waste Facility by late November/early December of 2015. Public works staff indicated the existing well is to be functional during the summer of 2016. With the

improvements and upgraded water source/storage the Red Hill facility could remain operational during the summer/dry period for green waste recycling.

The Red Hill green waste facility was re-opened December 11, 2015 and was found to be operational when re-inspected by the Grand Jury.

RESULTS OF INVESTIGATION

FINDING 1:

The County has met and exceeded the mandated requirement for recyclable waste.

RECOMMEDATION:

None

FINDING 2:

An additional 30,000 gallons of water storage is planned to be added and a facility design change completed. The existing well will be operational by the summer of 2016 to provide an additional water source.

RECOMMEDATION:

Public Works must meet all commitments as shown above.

RESPONSE REQUESTED:

Public Works

Responses to the 2014-2015 Grand Jury Report

RESPONSES TO THE 2014 - 2015 GRAND JURY REPORT

The Grand Jury releases its final report at the end of its term. Most, if not all, of the responses are received after the new Grand Jury has been seated and these responses become its responsibility. Unlike many counties, the Calaveras County Grand Jury have holdovers who return to assist the new Jury in the way the Grand Jury conducts business and aid in the analysis of the responses. To assure continuity, it is important to carefully track and evaluate responses.

Responses are tracked to inform the public, ensure follow up, promote solutions, and reduce the number of unresponsive answers. Public scrutiny of the responses can improve the impact of the Grand Jury's reports and recommendations as well as increase the credibility of the elected officials and department heads whose areas were investigated.

The new Grand Jury reviews the findings and recommendations of the prior year's Jury and the ensuing responses. When necessary, these responses are discussed with the appropriate standing committees for follow-up comments. If it is determined that more information is needed, Jury members may meet with the respondents to discuss specific responses.

The Grand Jury refers to the California Penal Code (CPC) for follow up, summarization, and analysis of the responses from the responding officials and departments. Pursuant to CPC §933 and §933.05 there are time limits for responses and each Finding and Recommendation may either require or request a response from the party addressed. Specifically worded responses are limited by the CPC. Responses may include additional information to clarify a specific response.

RESPONSE TIME LIMITS CPC §933 (c)

"...No later than 90 days after the Grand Jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and every elected county officer or agency head for which the grand jury has responsibility pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court, with an Information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years."



**Superior Court of California
County of Calaveras**

400 Government Center Drive
San Andreas, CA 95249
(209) 754-9800 Voice (209) 754-6296 Fax
www.calaveras.courts.ca.gov

*Grant V. Barrett
Presiding Judge*

*Timothy S. Healy
Asst. Presiding Judge*

*Dan Vrtis
Court Executive Officer*

*David M. Sanders
Commissioner*

September 25, 2015

California State Archive
1020 "O" Street
Sacramento, CA 95814

Calaveras County Clerk
(via inter-office mail)

Calaveras County Grand Jury ✓
(via inter-office mail)

Pursuant to Penal Code 933(b) we are forwarding a copy of the 2014-2015 Grand Jury Report along with a copy of the responses received.

Responses were received from the following departments:

- Calaveras LAFCO
- Calaveras County Board of Supervisors
- Calaveras County Water District
- Calaveras Public Utility District
- Calaveras County Office of the Sheriff
- Calaveras County Office of the Sheriff
- County of Calaveras County Administration
- Union Public Utility District
- Calaveras Humane Society
- Focas

Respectfully submitted,

Pamela James
Deputy Clerk
Judicial Administration

CALAVERAS LAFCO

FILED

SEP 25 2015

Clerk of the Court
Superior Court of California
County of Calaveras
By: *[Signature]* Deputy

September 16, 2015

The Honorable Grant Barrett
Calaveras County Superior Court
891 Mountain Ranch Road
San Andreas, CA 95249

SUBJECT: LAFCO response to the 2014-2015 Grand Jury Report

Dear Judge Barrett,

Thank you for your review of the impact of the Drought on Water Service to Copperopolis. Below is the Finding 2/Recommendation and the LAFCO Commission response with respect to the items identified on pages 47 and 48 final 2014-2015 Grand Jury report.

Finding 2:

"There are multiple players at the Lake Tullock decision making table: TRI_DAM (Oakdale Irrigation District, South San Joaquin Irrigation District), Bureau of Reclamation, CCWD, California Dept. of Fish and Wildlife, Army Corps of Engineers, Federal [Energy] Regulatory Commission, and the US Fish and Wildlife Service. Local government has no authority over these agencies involved, it is difficult to resolve problems quickly.

Two Board of Supervisor members serve on the Calaveras Local Agency Formation Commission (LAFCo). LAFCo is mandated by the state to review the agencies providing water and wastewater services in the county. This is an additional means for county government to stay abreast of water issues and concerns.

In the past, Calaveras County water agencies held collaborative discussions on water resources, equipment and infrastructure via a technical advisory team, but the effort disintegrated (LAFCo Municipal Service Review)"

Recommendation:

"The Grand Jury recommends LAFCo and the two Board of Supervisor members on the LAFCo board, reconstruct the technical advisory team to promote cooperation and collaboration focused on issues facing Calaveras County now and in the future. It is also a mechanism for members of County Government to be kept apprised of water issues facing the County."

LAFCO Response to Finding 2 and the Recommendation:

The conduct of the Calaveras Local Agency Formation Commission is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Sections 56000 and 57000 et. seq. of the California Government Code, as amended. LAFCO's responsibilities include review of and action on proposals for 1) formation of new local public agencies, 2) change in boundaries of existing local agencies, and 3) other changes in organization of local agencies, such as consolidations. In making such determinations, LAFCO's efforts are directed to encouraging the efficient and economic delivery of public services, while protecting other important state interests such as the preservation of agricultural and open-space lands

In 2001 the Legislature gave a new responsibility to prepare, adopt and update, as necessary, Spheres of Influence for all districts subject to its jurisdiction. In order to update a Sphere of Influence, a Municipal Service Review (MSR's) is required. LAFCo prepares MSR's for all types of services provided in the County including road, cemetery, healthcare, fire and EMS, veterans, wastewater and water services to mention a few.

A Water and Wastewater Forum meeting was conducted and hosted by LAFCo and the CCWD. As an outcome of the Water and Wastewater Forum, a Water and Wastewater "MSR" Committee was created and a Municipal Service Review Committee for water and wastewater services was formed with the purpose of providing information to be used in the preparation of the MSR for Water and Wastewater Services. This effort was funded by LAFCo's Water and Wastewater MSR budget. The committee met for several years and was disbanded upon the finalization of the Water and Wastewater MSR adopted on June 18, 2012. The water and wastewater districts along the Highway 4 corridor have formed a committee for these purposes. LAFCo encourages districts in other areas of the county to also form committees or join the Highway 4 corridor committee.

If LAFCo were to reconstruct a committee to focus "on issues facing Calaveras County now and in the future", the costs of operating a new Committee would need to be identified and included in LAFCo's operational budget. Costs include public outreach, Brown Act Compliance, additional staff to prepare reports, minutes, public notices, attendance, clerking and several other related costs.

In addition to water issues there are several issues associated with the other services LAFCo is required to review. Of concern would be to focus solely upon water and not pay equal attention to other issues such as the preservation of agricultural and open space lands. This year LAFCO is focused upon the provision of Road Services in Calaveras County and the preparation of Service Reviews for those services.

While LAFCO should be a partner in regarding issues facing Calaveras County now and in the future, LAFCo is not in the financial position to undertake such an effort in light of its mandatory responsibilities. We agree coordination between the County and LAFCo

needs to occur and representatives from LAFCo should be involved in any effort regarding issues facing Calaveras County and be invited to the table.

We thank you for the opportunity to respond to the 2014-2015 Grand Jury Report. Should you have any questions, please do not hesitate to contact John Benoit, LAFCO's Executive Officer at (209) 754-6511 or by email at johnbenoit@surewest.net.



Anita Paque, Chair
Calaveras Local Agency Formation Commission



CALAVERAS COUNTY

BOARD OF SUPERVISORS

891 Mountain Ranch Road

San Andreas, California 95249

(209) 754-6370

FAX (209) 754-6316

September 8, 2015

The Honorable Grant Barrett
Presiding Judge
Calaveras County Superior Court
P.O. Box 850
San Andreas, CA 95249

FILED

SEP 10 2015

Clerk of the Court
Superior Court of California
County of Calaveras
By *[Signature]*, Deputy

Judge Barrett:

In accordance with California Penal Code (CPC) Sections 933 (c) and 933.05 (a) & (b) the Board of Supervisors submits the following responses to all findings from Grand Jury report regarding the Calaveras County Jail, Animal Control Services, County Administrative Office and Budget Process, Ground Water and Wells, and Oversight of Calaveras County's Water Providers. The Board also wishes to thank the members of the Grand Jury for their volunteerism and dedication to public service which made it possible for this report to be completed.

Calaveras County Jail

Finding 5

Insufficient correction staff is still an issue, creating additional overtime costs.

Recommendation

This facility could be fully utilized by renting beds to neighboring counties for added income. In order to accomplish this, additional corrections officer would be needed. Further consideration would need to be made for impact on the community.

Response to Finding 5

The Board of Supervisors agrees with this finding. The recommendation requires further analysis.

Prior to construction of the new Jail, the Sheriff's Office laid out its proposed staffing and operations plan for the new facility. The plan called for initially opening with a capacity of 80 inmates, expanding to 160 inmates as need and resources allowed. The new Jail began operating on June 13, 2014 as planned, with allocated correctional positions based on a capacity of 80 inmates. Adequate staffing of the jail remains an issue due to difficulty in recruiting and retaining correctional officers. As stated in the Sheriff's FY 2015/16 Recommended Budget memo, "...the Jail experienced a substantial staff turnover rate in FY 2014-15. The Jail did not have all of its allocated positions filled until February, 2015. Currently, there are four correctional officers seeking and pursuing employment with other agencies." The Jail currently supplements permanent staff through the use of extra hires to provide a relief factor, to cover vacated position, and fill shift shortages in order to reduce overtime.

Cliff Edson
District 1
754-6370

Chris Wright
District 2
304-3729

Michael C Oliveira
District 3
754-6308

Debbie Ponte
District 4
754-6309

Steve Kearney
District 5
754-6310

The new jail has only been in operation for one year. An in-depth analysis would be required to determine additional staffing needs, resolve recruiting and staff retention issues, and determine actual bed space costs. This analysis would need to be completed prior to entering into agreements with neighboring counties to ensure Calaveras County could recoup the costs of housing additional inmates. Under AB 109, inmates may be incarcerated for longer periods of time. As such, the county will also need to take into consideration the costs of services to inmates' families should they move to Calaveras County in order to be closer to family members. It is also important to note that State funding (AB 900) was used to construct the new jail. Any agreements to rent bed space would require prior approval from the State.

Animal Control Services (ACS)

Finding 1

Inadequate budget to fund Animal Control Services.

Recommendation 1

The Board of Supervisors should demonstrate their support for the citizens and animals of Calaveras County by increasing the budgeted funds allocated to ACS to provide adequate staffing.

Response to Finding 1, Recommendation 1

The Board of Supervisors partially disagrees with this finding. The recommendation will be implemented when increases to discretionary General Fund revenues allow. The County's General Fund annual expenditures continue to exceed annual General Fund revenues requiring the use of one-time funds to balance the County's General Fund budget. It should be noted that the Board of Supervisors approved an additional Animal Shelter Assistant position effective January 2016 and a 0.4 Paralegal position as part of the FY 2015-16 Recommended Budget.

Recommendation 2

The ACS be allowed to carry over unused revenue from year to year to fund the department.

Response to Finding 1, Recommendation 2

The Board of Supervisors partially disagrees with this finding. This will not be implemented at this time as it is not feasible. The ACS (Animal Services) receives revenues in the form of gifts and donations. These revenues may be used in the current fiscal years to offset spay and neuter costs or transferred to an Animal Services Designated Fund for future use. Revenues from fees for services do not fully cover the costs of operating Animal Services. The General Fund contribution provides the majority of necessary funding to operate Animal Services on a day to day basis. The County will consider allowing Animal Services to carry over unused revenues only when Animal Services' revenues exceed expenditures.

Finding 2

The Grand Jury has found through testimony that ASC operated more efficiently and effectively when under the control of the Sheriff's Department.

The Grand Jury can find no explanation for the transfer of ACS to the Environmental Management Agency other than a funding dispute with the Sheriff's Department.

Recommendation

Since the Sheriff's Department is the chief law enforcement agency in the county and whose responsibilities are more closely aligned with ACS, the Grand Jury recommends the Board of Supervisors reposition ACS from the Environmental Management Agency to the Sheriff's.

Response to Finding 2

The Board of Supervisors disagrees with Finding 2 and the Grand Jury's recommendation will not be implemented because it is not warranted or is not reasonable.

Finding 2 provides no explanation, statistical data or supporting documentation as to how the Grand Jury made the determination that Animal Services was operated more efficiently and effectively under the control of the Sheriff's Department. Animal Services has increased the hours that it is open to the public from 4 to 5 days, significantly increased the number of volunteers who assist Animal Services staff with animal-related services, and maintains euthanasia rates well below the national average for both canines and felines. While under the Environmental Management Agency (EMA) and in addition to the Calaveras Humane Society (CHS), a new non-profit organization, Friends of Calaveras Animal Services (FOCAS), was formed to further support the efforts of Animal Services. Both organizations have donated modular buildings, one to house the felines separately from the canines and one to act as offices for CHS and a future spay and neuter clinic. Another indication that Animal Services is operating efficiently and effectively under the EMA, is the dissolution of the Domestic Animal Advisory Committee (DAAC). The DAAC was originally formed to act as an advisory group to the Board of Supervisors regarding concerns and issues associated with the Animal Services Department. It was determined that the initial purpose for the DAAC was no longer necessary. The EMA also worked with the Sheriff's Office to provide Dispatch with a matrix to assist them with directing domestic and wild animal response calls to the appropriate agencies.

The Grand Jury states that they could find no explanation for the transfer of Animal Services to the EMA. On February 14, 2014, Captain Ed Ballard, Sheriff's Office appeared before the Board of Supervisors during public comment and stated that the Sheriff's Office would like to transition Animal Services back to the County. On June 5, 2012, in a letter from Sheriff Kuntz to then CAO Jeanne Boyce, Sheriff Kuntz states: "As you remember on February 14th of this year, Captain Ballard addressed the Board of Supervisors, making them and your office aware of our plan to relinquish control of the Animal Services Operation effective at the end of this fiscal year." It is clear from Sheriff Kuntz's letter (Attachment A), that it was at the Sheriff's request that Animal Services was transferred out of the Sheriff's Office. In a letter dated June 11, 2012 (Attachment B), CAO Boyce responded outlining the process that had been undertaken to recommend changes in the future management of Animal Services for the Board's consideration. This included the formation of a Working Group of stakeholders made up of representative from the Sheriff's Office (Animal Services), CHS, DAAC, Animal Services volunteers, the EMA and Administrative Office staff, to analyze all possible options. The issue was brought to the Board on August 28, 2012. The Board item discussed the different options that the Working Group considered and the Working Group's recommendation to transfer Animal Services to the EMA. The Board agreed with the Working Group's recommendation and adopted the necessary resolutions to transfer Animal Services to the EMA.

As there is inadequate evidence that Animal Services was operated more efficiently and effectively under the Sheriff's Office, and because it was at the Sheriff request that he relinquished control of Animal Services, the Grand Jury's Finding 2 recommendation is not warranted or reasonable.

Finding 3

Facilities necessary to meet the needs of the county animal population is in need of an upgrade.

Recommendation

The Board of Supervisors, in conjunction ACS management, should explore all avenues that could accelerate construction of additional facilities. These sources of funding should include budget increases and grants from public and/or private sources.

Response to Finding 3

The Board agrees with Finding 3 that the Animal Services facilities are in need of an upgrade. The recommendation will be implemented as funding becomes available and as resources allow.

It should be noted that the Board has taken steps towards construction of new Animal Services Facilities. In December 2014, the Board dedicated 6.93 acres of county-owned property for the development of a new public/private Animal Services Center. The Calaveras Humane Society (CHS) plans to raise funds to construct the new joint-use Animal Services Center. CHS and the County are developing a Memorandum of Understanding (MOU) that will provide initial guidelines for the development, function and division of responsibilities of the Animal Services Center between the County and CHS.

Donations of modular buildings, one from CHS and two from Friends of Calaveras Animal Services (FOCAS), will provide additional temporary space until the new center can be built. As mentioned in the response to Finding 2, the FOCAS modularity will house all felines, distancing them from the canines. The CHS modular will provide CHS with on-site offices and will serve as a future spay/neuter clinic.

Although other funding sources should be explored, counties are limited in their abilities to raise funds for the construction of the new shelter. As mentioned in the EMA's response to Finding 1, most major grant funding has "no kill" provisions, which cannot reasonably be met by a public agency charged with protecting the public and other animals from contagious or dangerous animals. Unlike the private sector, the county cannot finance the center through a mortgage or construction loan. CHS is committed to raising the necessary funds to construct the new center and the County supports their efforts.

Finding 4

Inadequate staffing to properly accomplish daily operations.

Recommendation

The Board of Supervisors should make long overdue additions to ACS staffing in order to provide a meaningful service to the citizens and animals of Calaveras County.

Response to Finding 4

The Board of Supervisors agrees that additional Animal Services staff is needed; however, the recommendation has and will continue to be implemented as resources allow. The Board has a finite amount of discretionary funds each fiscal year to allocate to General Fund departments and those Non-General Fund departments that require a county share of cost. Public safety has always been the Board's highest priority; limited resources are therefore allocated accordingly. Upon transfer of Animal Service to the EMA, the Board approved three new positions; an Animal Services Manager, replacing the Sergeant position, a Shelter Assistant and an Office Technician. As a result of budget reductions required to close the structural deficit, one Animal Services Officer position was eliminated. In an effort

to meet the growing needs of the department, the Board approved 1.0 FTE Shelter Assistant who will assist in covering the new feline holding facility and a 0.4 FTE Paralegal position that will assist with potentially dangerous and vicious dog investigations. Additional staff can only be added as resources become available.

Finding 5

The lack of timely response to complaints and phone inquiries.

ACS, operating with minimal staff at best, relies heavily upon a volunteer work force. These volunteers are routinely tasked with responding to complaints and inquiries left by phone message. Since volunteer participation cannot be anticipated, unacceptable delays are more common.

Finding 5, Recommendation 1

The Board of Supervisors should approve funding for training ACS management in maximizing the effectiveness of a volunteer workforce.

Response to Finding 5, Recommendation 1

The Board of Supervisors disagrees with Finding 5, therefore, Recommendation 1 will not be implemented because it is not warranted or is not reasonable.

Animal Services relies on a significant volunteer work force to assist with the re-homing of adoptable shelter animal and caring for ill or infant animals. With one exception in the past, Animal Services does not use volunteers to respond to animal safety or nuisance complaints and/or inquiries made to Animal Services by phone.

County Administrative Office and Budget Process

Finding 3

The Grand Jury finds that the County Administration (CA), ACAO, Auditor/Controller) was correct in stating that future General Fund revenues may not support rising expenditures. This would result in the depletion of County reserves and its inability to meet obligations.

Recommendation

The Grand Jury recommends that the County explore opportunities to grow its revenue and tax base. For example, streamlining the permitting process could help attract new business to the county while aiding local contractors and existing small business owners.

Response to Finding 3

The Board of Supervisors agrees with Finding 3. The Recommendation requires further analysis. The Board has directed staff to do an analysis of all county fees and bring the fees study to the Board for possible action. This study session is planned for the fall of 2015. However, it should be noted that the largest source of discretionary funds that the county receives is from property tax revenues. Property tax revenues increase or decrease as property values increase or decrease. Increases or decreases to property tax revenues depend on assessed valuations and fluctuations in the economy and local housing market. The second largest source of discretionary funds is from the County's share (.75% to the General Fund) of Sales and Use tax. The Board has very limited authority over Sales and Use taxes; however, State legislation enacted in 1987 allows counties to seek voter approval of a local Sales and Use tax. Calaveras County has never placed an initiative for a local Sales and Use tax before the voters.

Finding 4

Independent audits of the County's financial statements are a safeguard for the citizens of the county. Grand Jury participation provides oversight to ensure that audits conducted are free from internal influences. This participation is currently not mandated by policy or procedure.

Finding 4, Recommendation 2

Board of Supervisors pass resolution(s) directing County Chief Administrative Officer to ensure appropriate Policy and Procedures reflect Recommendation 1 for Findings 4.

Response to Finding 4, Recommendation 2

The Board of Supervisors agrees with Finding 4. Recommendation 2 will be implemented in the fall 2015, prior to the issuance of a Request for Proposal (RFP) for outside auditing services that include the examination of the Comprehensive Annual Financial Report (CAFR) and Compliance Audit. Although Recommendation 1 for Findings 4 was implemented in 2010, written policies and procedures have not been developed.

Finding 5

The Grand Jury finds that department heads have little incentive in seeking outside funds through grants, etc. Historically, departments awarded funds have sometimes found their bottom line appropriation decreased by the same amount.

Recommendation

If a department works to receive outside funding (such as from grants), the County should not subtract a like amount from the general fund allocation for that department.

Response to Finding 5

The Board of Supervisors disagrees with Finding 5. The recommendation will not be implemented because it is not warranted or reasonable.

Past reductions to department's "bottom line" or general fund allocation have been based on available discretionary funds. During the recession and subsequent years, decreases to assessed property values and other economy-driven revenues, the General Fund experienced a reduction in discretionary revenues in excess of \$4 million annually. Reduction to department General Fund contributions were based solely on the amount of funds available to allocate to departments. Certain departments were able to mitigate these reductions by applying for grants or entering into contracts for services. However, reductions to department's General Fund allocation were based strictly on available discretionary funds.

Finding 6

The Grand Jury finds that hiring freeze decisions may not be in the best interest of the County. In certain departments, added personnel could increase ability to accomplish delayed or backlogged tasks, resulting in increased revenue to the County.

Recommendation

Board of Supervisors request department heads provide an analysis of potential revenue enhancements from increased headcount.

Response to Finding 6

The Board of Supervisors does not agree with Finding 6. The Recommendation will not be implemented because it is not warranted or is not reasonable.

The Hiring freeze was enacted so that the CAO and Human Resources could ensure departments were filling positions that were necessary and that funding was available in the department's budget to support the request to fill. Departments must supply the cost of the position and justification of the department's need. As part of budget preparation, departments may submit requests for new positions with their proposed budget. This includes completion of the required forms, including the need for the position, potential revenue an additional position may provide, current department workload that supports additional staff, and the cost of the position. The CAO, Human Resources Director, and the Auditor-Controller meet with department heads to review those requests. Based on documentation provided by the department and review of the position request, a recommendation is made to the Board for inclusion in the budget.

Finding 7

The Grand Jury finds significant risk to future county operations through loss of key personnel. In certain departments the complex regulations from State and Federal sources require expert knowledge of those same regulations and bureaucratic processes to maximize revenues to the county and service to residents.

Recommendation

Board of Supervisors require each department head to identify key personnel and provide a plan that addresses the loss and extended absence of those individuals.

Response to Finding 7

The Board of Supervisors agrees with Finding 7 that succession planning is crucial to the county's continued success of providing services to our citizens. This recommendation has not yet been implemented, but will be implemented in the future.

The County is in the processes of recruiting a new Deputy CAO/Human Resources and Risk Management (HR & RM). One of the priorities of this position will be to work with departments to develop succession plans and institute a leadership program that will identify and help future leader to obtain the skill sets needed to be successful in new roles. The Deputy CAO/HR & RM may assist departments with plans for the cross-training of staff and/or recruit extra hires to assist department due to unexpected absences.

Finding 8

The Board of Supervisors and department heads lack expertise in the budget process.

Recommendation

Mandatory training, by qualified personnel, be instituted every February in advance of the start of new budget preparation for all Supervisors and Department Heads covering the State's *County Budget Act*, definition of terms and language used in budgets and budget discussions, fiscal reports required by the State, timelines and deadlines in statutes, and Calaveras County timelines for various budget activities in the coming Fiscal Year.

Response to Finding 8

The Board of Supervisors disagrees in part with Finding 8. The Recommendation for Finding 8 has been partially implemented.

The County budget is a complex document. While new Board members and Department Heads initially lack expertise in the budget process, they are provided information on the budget process in a number of ways over the course of the fiscal year. New Supervisors and Department Heads are provided with a "New Supervisor/Department Head Binder" that includes information on the county's budget process. New Supervisors are extended an offer of a one on one meeting with the Administrative Office to review the budget and budget process. In February, the Administrative Office presents the Mid-Year Report to the Board, staff and the public, which reviews the Board's Budget Principles and budget timelines and makes recommendations for the preparation of the next year's budget. Based on those recommendations and direction from the Board, budget instructions are sent to departments. Training is held by the Auditor-Controller and Administration for department heads and staff on the preparation of their budgets. Administration and the Auditor-Controller meet with departments to review their budget requests, resolve any issues and put forth any recommendations. The Recommended Budget Binder provided to the Supervisors includes budget memos from all department budget units, department's requested budget, a recap of all fund revenues and expenditures, the State's County Budget Act, and the CAO's Budget memo that provides an in-depth overview of the proposed Recommended Budget and departmental requests. Although, training and information on the budget process is provided to the Board and Department Heads throughout the year, there are always opportunities to improve the process, such as additional budget workshops beginning in December or January.

Finding 9

Ongoing budgetary issues within the County are subject to rumor and innuendo.

Recommendation

Board of Supervisors establish a Public Relations Division within an existing department to issue News Releases/Public Announcements that affect the County to ensure complete and unabridged knowledge is available to media outlets and residents.

Response to Finding 9

While the Board of Supervisors may partially agree with Finding 9, the Recommendation will not be implemented at this time because it is not warranted or is not reasonable.

Many governmental departments and processes are subject to rumor and innuendo, and the budget process is not immune from this. The Board of Supervisors believes that ongoing transparency is the most efficient means of correcting misinformation. Budgetary issues are discussed in open Board sessions. Most often reporters from the local newspaper are in attendance to report on the information provided to the Board and decisions that are made. Additionally, all Board meetings are recorded and aired on the local Community Access Television station. Departments are responsive to inquiries by the media and public and often publish new releases or announcement on major issues of concern to the citizens. At this time, current budgetary resources do not allow for the establishment of a Public Relation Division solely for the purpose or issuing news releases and or public announcements.

Finding 10

Employee separation costs have not been budgeted. These costs can include unused vacation/sick days plus other contractual obligations.

Recommendation

The Grand Jury recommends the CAO add to the budget and Board of Supervisors allocate funds for employee separation costs.

Response to Finding 10

The Board of Supervisors agrees with Finding 10. The recommendation will not be implemented at this time. It will be implemented when the county budget is structurally balance and additional resources become available to fund the estimated employee separation costs of \$1.6 million.

Groundwater and Wells

Finding 3

“Many wells in the western part of the county draw water from the San Joaquin County Ground Water Sub-Basin and some have failed. The primary cause is serious overdraft of the sub-basin for many years. The reasons for this are well understood, but lay outside the scope of the Grand Jury. . . .”

Finding 3, Recommendation 2

The Grand Jury recommends that the County explore opportunities to grow its revenue and tax base. For example, streamlining the permitting process could help attract new business to the county while aiding local contractors and existing small business owners.

Response to Finding 3, Recommendation 2

The Board of Supervisors agrees with Finding 3. Recommendation 2 has yet to be implemented, but will be implemented in the future.

The Environmental Health Department (EHD) intends to access some funding made available by passage of AB 1471, the Water Quality, Supply and Infrastructure Improvement Act of 2014 to reinstate its Global Positioning System (GPS)/Geographic Information System (GIS) program that tracks groundwater quantity and quality. EHD hopes to prepare a proposal to Cal/EPA in the coming year.

Finding 4

“Options become limited when wells fail, particularly for communities with multiple failing wells. . . .”

Finding 4, Recommendation 1

The Grand Jury recommends that a portion of the funds from property taxes be placed in a fund for future expansion of infrastructure and financial assistance for property owners with failed wells.

Response to Finding 4, Recommendation 1

The Board of Supervisors may agree with Finding 4; however, Recommendation 1 will not be implemented because it is not warranted or is not reasonable.

State laws direct the allocation of revenue from the 1% property tax rate (AB 8) and dictate the apportionment of that revenue to local governments (counties, cities, special districts, etc.). It is at the discretion of the legislative body of each entity to determine how those funds will be used to support ongoing operations and/or infrastructure. The use of property tax revenues collected from all property owners for the benefit of private property owner with failed wells would be considered a gift of public

funds and is not allowed under Article XVI, Section 6 of the California State Constitution. Calaveras County Water District has a program in place to assist homeowners that are experiencing water issues.

Finding 4, Recommendation 2

The Grand Jury recommends Board of Supervisors pursue the availability of grants to alleviate the financial hardships associated with depletion of ground water sources.

Response to Finding 4, Recommendation 2

The Recommendation will not be implemented at this time. The County has no control over ground water sources and is unaware of any grants for the alleviation of financial hardships associated with the depletion of ground water sources. The Board could declare a state of drought emergency, however EHD statistics do not support this as of yet.

Impact of Drought on Water Service to Copperopolis

Finding 2

“There are multiple players at the Lake Tulloch decision making table: . . . it is difficult to resolve problems quickly. . . .”

Recommendation

The Grand Jury recommends LAFCO and the two Board of Supervisor members on the LAFCO board, reconstruct the technical advisory team to promote cooperation and collaboration focused on issues facing Calaveras County now and in the future. It is also a mechanism for members of County government to keep apprised of water issues facing the county.

Response

The Board of Supervisors partially agrees with the Grand Jury’s recommendation and it has been implemented in a form other than as a technical advisory team. Calaveras Conserves was formed to allow the county, city and water district to meet on a monthly basis to discuss water issues and concerns faced by the county as a result of the drought. The Board assigned Brian Moss, Assistant CAO, as the Board’s representative on the Calaveras Conserves committee. Calaveras Conserves provides information to the public related to ongoing drought and water issues through signage, pamphlets and the Calaveras Conserves website.

Oversight of Calaveras County’s Water Providers

Finding 1

The Calaveras County Board of Supervisors has no authority over any utility agency or entity, yet CCWD and other water agencies receive property tax revenue regardless of services provided. There is no official mechanism for reporting information to the Board of Supervisors or anyone else in county government.

Recommendation

The Grand Jury recommends that all six public water companies submit a quarterly budget report to the Board of Supervisors.

Response

The Board of Supervisors agrees with Finding 1 that it has no authority over any utility agency or entity. The Board cannot compel the six public water companies to submit a quarterly report to the Board because, as Finding 1 states, the Board has no authority over any utility agency. Therefore, the Board of Supervisors cannot implement this recommendation.

Finding 2

“Residential water consumption includes outdoor (landscape irrigation and swimming pools), toilet, shower, cleaning, and kitchen uses. . . .”

Recommendation

“The Grand Jury recommends that the county promotes water conservation efforts even in periods of ample water supply. The Planning Department and the Environmental Health Department should partner with water companies in establishing a water conservation management practice program to promote water use efficiency. . . .”

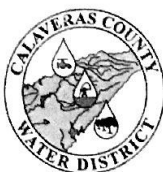
Response

The Board of Supervisor agrees with the Grand Jury’s recommendation and it has been implemented when the Board directed staff to participate in the Calaveras Conserves Committee. Calaveras Conserves was formed to allow the county, city and water district to meet on a monthly basis to discuss water issues and concerns faced by the county as a result of the drought. The Board assigned Brian Moss, Assistant CAO, as the Board’s representative on the Calaveras Conserves committee. Calaveras Conserves provides information to the public related to ongoing drought and water issues through signage, pamphlets and the Calaveras Conserves website.

Sincerely,



Cliff Edson, Board Chair
Calaveras County Board of Supervisors



CALAVERAS COUNTY WATER DISTRICT

120 Toma Court • P O Box 846 • San Andreas, CA 95249 • (209) 754-3543

August 31, 2015
FILED

SEP - 3 2015

The Honorable Grant Barrett, Presiding Judge
Calaveras County Superior Court
400 Government Center Drive
San Andreas, California, 95249-9794

Clerk of the Court
Superior Court of California
County of Calaveras
By *[Signature]*, Deputy

**Re: Calaveras County Water District's Response to Calaveras County
2014-2015 Grand Jury Final Report**

Dear Judge Barrett:

Calaveras County Water District (CCWD) wishes to thank the Grand Jury for their commitment to public service and their extensive efforts in the development of the most recent Grand Jury Report. We appreciate the Calaveras County Grand Jury's interest and work to investigate local water supply and service issues, as it has become a forefront of concern for many Calaveras County residents. As California endures a fourth consecutive year of unprecedented drought, CCWD has been working diligently to enhance our drought-preparedness and response programs while increasing future water reliability. As the largest water provider in the county, CCWD is dedicated to transparency, and providing the best quality service to our customers while keeping costs down for planned current and future improvements to our infrastructure. Additionally, providing education to the public about the importance of watershed stewardship, impacts of climate change, water supply reliability, water conservation/efficiency and how to meet future water demands is a significant priority.

As required by the Calaveras County 2014-15 Grand Jury Final Report, CCWD has reviewed the Grand Jury's Final Report. CCWD was required to respond to findings and recommendations contained in the following chapters: *Groundwater and Wells, Impact of Drought on Water Service to Copperopolis, and Oversight of Calaveras County's Water Providers*. The Board of Directors of CCWD has authorized this response. As an attachment to this letter, the specified findings and recommendations are provided along with CCWD's response.

Please do not hesitate to call me at (209) 754-3001 if you have any questions or require further clarification.

Sincerely,

CALAVERAS COUNTY WATER DISTRICT

Dave Eggerton
General Manager

Attachment: CCWD's Responses to Calaveras County's 2014-2015 Grand Jury Report

www.ccwd.org

Calaveras County Water District Response to 2014/15 Grand Jury Report

General Clarifications

CCWD would like to make some clarifications to some of the descriptions included in the report as to the nature of the services and governance of CCWD. Page 37, Paragraph 3 makes some inaccurate statements including the narrative that CCWD is a public company, and that Calaveras County has somehow relinquished water rights to CCWD.

Page 37, Paragraph 3: *“Over time, Calaveras County has relinquished its water rights to these companies, CCWD being the largest. Although Calaveras County Water District has the term “County” in its name, it is not a county agency but a public company and not overseen by the County. Public water companies have an elected board which governs its actions and, as such, fall under the scope of the Grand Jury for inquiry.”*

Clarifying Response: First, CCWD disagrees with the Grand Jury’s characterization of CCWD as a “public company” as it is misleading to the public and factually incorrect. CCWD is a not-for-profit public agency formed in 1946 under the laws of the State of California and must be characterized as an institution of local government, with a voter-elected Board of Directors that has structured governance, and delivers specialized public services to specific areas throughout the county as a special district. The Calaveras County Water District was created through a special act of the State Legislature and as a result must be considered a political subdivision of the State of California. Specifically, CCWD was organized and continues to exist under Sections 31110-31113 of the California Water Code.

As a California special district, CCWD has specific authorized purposes including the provision of public water service, water supply development and planning, wastewater treatment and disposal and recycling. Special districts are not a general purpose public entity such as county or city municipal government, but have many of the same basic powers, including the ability to sign contracts, employ workers, and acquire real property through purchase or eminent domain. Additionally, special districts like CCWD can issue bonds, impose special taxes, levy benefit assessments, and charge service fees according to very specific provisions and limitations contained in state law.

Secondly, the representation that Calaveras County has “relinquished its water rights” to “companies” such as CCWD is completely false. To our knowledge, the County of Calaveras has never owned any water rights itself. All water rights held by CCWD were acquired directly by CCWD through the State of California or from direct predecessors in interest to CCWD who beneficially used local water resources for such purposes as mining in the 19th century and agricultural and domestic water supplies thereafter. CCWD has never acquired any water right from the County of Calaveras. In the future, the County and CCWD could conceivably elect to partner in applying for a water right through the State Water Resources Control Board under “County of Origin” or “Area of Origin” laws adopted in the early 20th century, reserving future local access to water resources originating in counties such as Calaveras at the headwaters of the state and federal water projects in California.

Groundwater and Wells

Finding 2, Pg. 40: *“Some wells throughout the county are failing. Calaveras County Environmental Health Department (EHD) does not have statistics regarding failed wells. EHD does issue permits for new wells and for extending old wells. Testing of these wells is done primarily to determine the potability of the water.*

CCWD does not monitor the number or location of failing wells so the scope of the problem is not well known. CCWD is apprised of failed wells only when a resident contacts them in search of an alternate water source.

EHD has conducted surveys and data collection studies as part of the 2004 Calaveras County Ground Water Management Program and this information is available on-line (see sources listed above). This data includes information on well depth, productivity, and water collected at the time of permitting as well as tertiary channels. (EHD)

Drought conditions have an effect on well water, but the impact depends entirely on how the water is replenished. Wells on tertiary channels seem to be the most reliable. Wells on shattered rock are hit or miss. Wells on the San Joaquin County Ground Water Sub-basin (SJCGW Sub-basin) are dependent on depth and overdraft conditions.

CCWD provided the following data regarding the number of households obtaining water from their water pickup locations (taps) due to failing wells (April, 2015):

*38 - Jenny Lind System (Valley Springs/Rancho Calaveras, Burson, Campo Seco, Wallace, Paloma)
12 - Copper System (Angels Camp, Copperopolis, Diamond XX)
2 - West Point System (West Point/Wilseyville area)*

CCWD reported to the Grand Jury that there are five water pickup taps available to the public (2 in Jenny Lind, 1 in Arnold, 1 in Copperopolis, 1 in West Point). To gain access to these taps a form with a liability release needs to be completed at which time CCWD will provide the location of the supply tap. All other public water companies reported they had no water tap locations.”

CCWD Response to Finding 2, Pg. 40: CCWD partially disagrees with the finding.

CCWD partially agrees that, overall, the historical record on production from household wells throughout the state is limited for an expansive list of reasons. However, the County EHD does continue to act as the local health authority and has extensive statistics on recently drilled wells, and other established wells throughout the county. EHD has collected what should be considered a fairly representative dataset for the entire county for domestic wells.

CCWD would like to make one minor correction: there are 39 households on the water hauling program in the Jenny Lind service area as of April 2015. Additionally, it should be noted that the

program should be viewed as a “stop-gap” emergency response measure and not a long-term solution to well-water shortages. CCWD and its Board of Directors continue to evaluate and refine our water hauling and pickup station program to determine if there are improvements to be made.

Recommendation for Finding 2, Pg. 40: *“The Grand Jury recommends that EHD and public water companies coordinate in developing and maintaining data regarding failing wells. In addition, both entities should also develop long term plans for extended drought conditions.”*

CCWD Response to Recommendation for Finding 2, Pg. 40: Both items of this recommendation have already been implemented.

CCWD continues to work with EHD in sharing data on wells throughout the county. CCWD also continues to act as the California Statewide Elevation Monitoring (CASGEM) entity for the approximately 70 square mile portion of the Eastern San Joaquin Sub-basin that overlies the eastern portion of Calaveras County. Data from the monitoring program is provided to the State where it is uploaded for public consumption.

The second part of this recommendation has also already been implemented. CCWD has a comprehensive long-term drought and water supply plan that is mandated by the State of California. Every five (5) years CCWD is required to develop/update their Urban Water Management Plan, with the next update due to be completed in late 2016. The Urban Water Management Plan is a key document for CCWD’s long-term water resources planning; including ensuring adequate water supplies are available to meet existing and future water demands for CCWD’s service areas during prolonged shortages.

CCWD also continues to act as the coordinator for Calaveras Conserves (see www.calaverasconserves.com). Calaveras Conserves is a countywide effort in partnership with County EHD and all other water districts in Calaveras County to address the current drought conditions while sharing resources to meet mandated water conservation targets contained in the Governor’s most recent Executive Order. This group will likely continue to work together into the foreseeable future, even in times when water shortages do not exist.

Finding 3, Pg. 42: *Many wells in the western part of the county draw water from the San Joaquin County Ground Water Sub-basin (see accompanying chart) and some have failed. The primary cause is serious overdraft of the sub-basin for many years. The reasons for this are well understood, but lay outside the scope of the Grand Jury.*

Monitoring of some wells in the Calaveras County portion of the sub-basin indicate that the ground water level is dropping approximately one foot per year and is not recovering (CCWD, EHD).

Oakdale Irrigation District monitors 22 wells on the SJCGW Sub-basin and reports a 13 foot drop in the water table between 2005 and 2015. This is generally representative of the entire sub-basin as a whole.

Primary responsibility for the management of the "Ground Water Sustainability Act(s)" falls to the individual water districts of the County. Regulations for wells have not yet been determined and, according to the time schedule proposed, may not be decided for a few years. These are long term plans and won't reach full implementation until 2040.

EHD is also a stakeholder in the management of how these acts will affect wells using the San Joaquin County Ground Water Sub-basin within the county. EHD has previously conducted studies regarding groundwater and wells. There is presently no funding for further studies in this area.

CCWD Response to Finding 3, Pg. 42: CCWD partially disagrees with the finding.

CCWD agrees with the finding that *"Many wells in the western part of the county draw water from the San Joaquin County Ground Water Sub-basin (see accompanying chart) and some have failed."*

CCWD agrees with the finding that *"Primary responsibility for the management of the "Ground Water Sustainability Act(s)" falls to the individual water districts of the County. Regulations for wells have not yet been determined and, according to the time schedule proposed, may not be decided for a few years. These are long term plans and won't reach full implementation until 2040."*

However, CCWD disagrees with the following statement *"The primary cause is serious overdraft of the sub-basin for many years. The reasons for this are well understood..."* This conclusory statement oversimplifies the complexities of an expansive geographic area that touches a portion of Calaveras County and its groundwater resources. CCWD is the CASGEM monitoring entity for the approximately 70 square mile portion of the Eastern San Joaquin Sub-basin that overlies the eastern portion of Calaveras County, a relatively small fraction. The wells that are being monitored by CCWD through the CASGEM program are actually relatively static compared to other wells within the much larger geographic scope of the entire sub-basin. A few wells running dry within our county boundary should not conclusively be tied to over-drafting of the totality of the sub-basin. The connection/contribution of the Calaveras County portion of the Eastern San Joaquin sub-basin is something that must continue to be evaluated further. CCWD

anticipates that the work to be completed by local agencies under the recently adopted Sustainable Groundwater Management Act will offer opportunities to pursue better information-sharing and foundational research amongst the entities across the Eastern San Joaquin sub-basin.

Recommendation 1, Pg. 43: *“The Grand Jury recommends the water companies publish quarterly updates regarding the management of the Ground Water Sustainability Acts.”*

CCWD Response to Recommendation 1, Pg. 43: The recommendation has not yet been implemented, but will be implemented in the future.

At this time this recommendation cannot be implemented because the managing entities of the Eastern San Joaquin Basin have not begun the Groundwater Sustainability Agency formation process, as required by the Sustainable Groundwater Management Act legislation. The Department of Water Resources (DWR) is in the process of updating and finalizing Bulletin 118, which maps and prioritizes the basins across the State of California. CCWD fully anticipates that the Eastern San Joaquin sub-basin will continue to maintain the current “high-priority” designation. This “high-priority” designation means the expedited formation of a Groundwater Sustainability Agency will need to be completed by June 30, 2017. The CCWD Board of Directors will be receiving regular updates on this effort to be published with documentation at their publicly noticed meetings, most likely beginning sometime in 2016. Regular updates will continue through the completion of a Groundwater Sustainability Plan, due in either January 2020 or 2022 depending upon the final determination by DWR in Bulletin 118.

Finding 4, Pg. 44: *“Options become limited when wells fail, particularly for communities with multiple failing wells....*

...A portion of all property taxes goes to the assorted public water companies in the County. These funds are spent at the discretion of each company.

CCWD Response to Finding 4, Pg. 44: CCWD partially disagrees with the finding.

CCWD agrees with the finding’s summary of available options for failed wells and the discussion regarding CCWD capacity fees.

CCWD disagrees with the statement in the finding that *“A portion of all property taxes goes to the assorted public water companies in the County. These funds are spent at the discretion of each company. (underline emp. added)”*.

Calaveras County Water District was formed under a special act of the State Legislature, and the authorization to levy taxes was given for very specific purposes, as outlined in Sections 31110-31112 of the California Water Code as follows:

31110. Notwithstanding any other provisions contained in this division, the Calaveras County Water District, or an improvement district formed therein pursuant to the provisions of this division, may pursuant to the provisions of this article authorize and finance the construction, operation, and maintenance of facilities for the collection, transmission, treatment, and disposal of sewage, waste and storm water and garbage, waste and trash within the district.

31111. For the purposes of this article, the Board of Directors of the Calaveras County Water District may levy and collect taxes in the manner provided in this division. Such tax revenues shall be available for capital outlay purposes or for the accumulation of a reserve fund for capital outlay purposes.

31112. The Board of Directors of the Calaveras County Water District may levy and collect taxes in the manner provided in this division for the purpose of the maintenance and operation of any facilities constructed pursuant to Section 31110.

The statement that these funds are “discretionary” for CCWD’s use is incorrect. CCWD must use the levied funds from taxes for the purposes and elements outlined in the Water Code. When the District prepares its annual budget, property tax revenues are clearly accounted for in the General District Administration Fund and support efforts such as the preservation of water rights and operation of District facilities serving the public. CCWD is committed to transparency and has, and will continue to be, forthcoming with the public on how these funds are used.

Recommendation 1, Pg. 45: *“The Grand Jury recommends that a portion of the funds from property taxes be placed in a fund for future expansion of infrastructure and financial assistance for property owners with failed wells.”*

CCWD Response to Recommendation 1, Pg. 45: While the intent of this recommendation to prepare for the effects of future drought and the loss of wells is certainly appreciated, obligating funds strictly for one purpose would not be prudent. In fulfilling its authorized purpose to provide for current and future water supply reliability for the community and continuing to deliver safe and reliable water and wastewater services for basic human needs, CCWD must invest in a host of different projects, programs, and efforts consistent with its authorizing statutes. Preparation for the effects of drought is, and always will be, a high priority in ongoing District planning and investments. At the same time investing in the protection of water rights, preservation of access to water storage, and maintaining safe and reliable treatment and distribution facilities are but a handful of the other many critically important projects that must be funded. It is necessary to maintain maximum flexibility in the use of limited funds to provide for the current and future needs of the community as conditions change over time.

Impact of Drought on Water Service to Copperopolis

Finding 1, Pg. 48: *“CCWD stated in a February 2015 press release that, “significant fluctuations in Lake Tulloch may become the norm rather than the exception.” If a Lake Tulloch drawdown does take place the surface of the reservoir could drop below CCWD’s water intakes. This is the point where water is pumped from the reservoir to the water treatment plant and then on to 2,500 customers in Copperopolis. These customers used 1200 acre feet of water in 2014. (CCWD data) CCWD officials, in a proactive approach to the situation, are planning to extend the water intake pipes and pumps deeper into the reservoir so that water service can continue for as long as possible. This construction is anticipated to start in the summer. (CCWD)”*

CCWD Response to Finding 1, Pg. 48: CCWD agrees with the finding. CCWD serves approximately 7,000 people in the Copper area whose sole water supply comes from the District’s intake at Lake Tulloch.

Finding 2, Pg. 48: *There are multiple players at the Lake Tulloch decision making table: TRI-DAM (Oakdale Irrigation District, South San Joaquin Irrigation District), Bureau of Reclamation, CCWD, California Department of Fish and Wildlife, Army Corp of Engineers, Federal Regulatory Commission, and US Department of Interior Fish and Wildlife Service. Local government has no authority over these agencies and few options for input. Because of the federal, state, and local agencies involved, it is difficult to resolve problems quickly.*

Two Board of Supervisor members serve on the Calaveras Local Agency Formation Commission (LAFCO). LAFCO is mandated by the state to review the agencies providing water and wastewater services in the county. This is an additional means for county government to stay abreast of water issues and concerns.

In the past, Calaveras County water agencies held collaborative discussions on water resources, equipment and infrastructure via a technical advisory team, but the effort “disintegrated”. (LAFCO Municipal Services Review)

CCWD Response to Finding 2, Pg. 48: CCWD agrees with the finding. Yet, the formation and ongoing work of Calaveras Conserves demonstrates successful efforts underway to achieve greater collaboration between water agencies and the County on key water issues.

Oversight of Calaveras County’s Water Providers

Finding 1, Pg. 50: *“The Calaveras County Board of Supervisors has no authority over any utility agency or entity, yet CCWD and other water agencies receive property tax revenue regardless of services provided. There is no official mechanism for reporting information to the Board of Supervisors or anyone else in county government.”*

CCWD Response to Finding 1, Pg. 50: CCWD agrees with the finding.

Recommendation for Finding 1, Pg. 50: *The Grand Jury recommends that all six public water companies submit a quarterly budget report to the Board of Supervisors.*

CCWD Response to Recommendation for Finding 1, Pg. 50: The recommendation will not be implemented because it is redundant of existing efforts to make financial information accessible to the public and is unnecessary.

CCWD is committed to full, public disclosure of its financial information for the benefit of members of the community as well as other federal, state and local agencies. The District's financial information is available on its website at ccwd.org and is regularly included for circulation and review in the public agenda materials prepared for meetings of the District's Board of Directors and its committees. Providing this information to the County Board of Supervisors would be unnecessarily redundant and inconsequential to the overall transparency of our organization.

It is worth noting with regard to property taxes that Proposition 13, passed by the voters in 1978, capped, with limited exceptions, ad valorem property tax rates at one percent of full cash value at the time of acquisition. According to the County Assessor's report, last year there were a total of 61 different local entities including CCWD and the water districts that collected a portion of this total 1% of ad valorem general property tax. This included entities such as the City of Angels Camp, cemetery districts, fire districts, lighting districts, school districts, veterans' districts, and wastewater districts.

Finding 2, Pg. 50: *"Residential water consumption includes outdoor (landscape irrigation and swimming pools), toilet, shower, cleaning, and kitchen uses. Information obtained by the Environmental Protection Agency (EPA) shows the following breakdown of consumption in percentages:*

- 44% Outdoor*
- 23% Toilet*
- 18% Showering/bathing*
- 12% Dishwashing/laundry*
- The remaining 3% of consumption relates to cooking and other kitchen uses."*

CCWD Response to Finding 2, Pg. 50: CCWD agrees with the finding.

Recommendation for Finding 2, Pg. 50: *The Grand Jury recommends that the county promotes water conservation efforts even in periods of ample water supply. The Planning Department and the Environmental Health Department should partner with water companies in establishing a water conservation management practice program to promote water use efficiency. For example: Promote climate appropriate landscaping to reduce water usage now and in the future.*

The Honorable Grant Barrett
August 31, 2015
Page 10 of 10

CCWD Response to Recommendation for Finding 1, Pg. 50: This recommendation has already been implemented

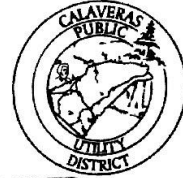
CCWD continues to act as the coordinator for Calaveras Conserves (see www.calaverasconserves.com). Calaveras Conserves is a countywide effort in partnership with County EHD and all other water districts in Calaveras County to address the current drought conditions while sharing resources to meet mandated water conservation targets contained in the Governor's most recent Executive Order. This group will likely continue to work together into the foreseeable future, even in times when water shortages do not exist.

CALAVERAS PUBLIC UTILITY DISTRICT

DIRECTORS
Robert Jaich
John Lavaroni
Charlie Moore
David J. Orteguel
Clifford Overmier

MANAGER
Donna Leatherman

506 W. St. Charles Street
P.O. Box 666
SAN ANDREAS, CALIFORNIA 95249
TELEPHONE: 209-754-9442 FAX: 209-754-9432



August 27, 2015

FILED

AUG 31 2015

Clerk of the Court
Superior Court of California
County of Calaveras
By *[Signature]*, Deputy

The Honorable Grant Barrett
Presiding Judge of the Superior Court
400 Government Center Drive
San Andreas, CA 95249

Re: Response to 2014-15 Grand Jury Report

In accordance with the California Penal Code Section 933(a) the Calaveras Public Utility District submits the following response to the 2014-2015 Grand Jury Report – Calaveras County Public Water and Oversight of Calaveras County’s Water Providers.

Calaveras County Public Water

Grand Jury Finding 2 – Recommendation:

The Grand Jury recommends that Environmental Health Department (EHD) and public water companies coordinate in developing and maintaining data regarding failing wells. In additions, both entities should also develop long term plans for extended drought conditions.

Response:

The Calaveras Public Utility District (CPUD) disagrees with the recommendation regarding developing well data. The CPUD delivers surface water and only maintains records for customers using it’s public water supply system, and has limited information on privately owned wells. Development of such a program should be looked into by County agencies that presently monitor and regulate wells within the County. The EHD and public water companies can work in the coordination of the data if information is available from agencies that would be able to provide information.

The public water agencies and EHD recently coordinated in the establishment of the Calaveras Conserves group which meets routinely to discuss current and future drought concerns countywide.

Grand Jury Finding 3 – Recommendation 1:

The Grand Jury recommends the water companies publish quarter updates regarding the management of the Ground Water Sustainability Acts.

Response:

The Calaveras Public Utility District (CPUD) has no ground water sources that would require regulation of the GWSA.

Recommendation 2:

Response: Not required by CPUD

Grand Jury Finding 4 – Recommendation 1:

The Grand Jury recommends that a portion of the funds from property taxes be placed in a fund for future expansion of infrastructure and financial assistance for property owners with failed wells.

Response:

We don't see the need for development of such funding apportionment and it would be very difficult to establish and coordinate with each agency. Each agency is responsible for its own infrastructure replacement funds and methodology for applying these formulas.

Oversight of Calaveras County's Water Providers

Grand Jury Findings 1 – Recommendation:

The Grand Jury recommends that all six public water companies submit a quarterly budget report to the Board of Supervisors.

Response:

The Calaveras Public Utility District provides the County Assessor office a copy of the District budget annually. The District is required to provide quarterly reports to its Board of Directors for review and approval at Regular Board meetings. Providing this information quarterly is available on the District's website and could be made available upon request by the County Board of Supervisors.

Grand Jury Finding 2 – Recommendation:

The Grand jury recommends that the county promotes water conservations efforts even in periods of ample water supply. The Planning Department and the Environmental Health departments should partner with the water companies in establishing a water conservation management practice program to promote water use efficiency. For example: Promote climate appropriated landscaping to reduce water usage now and in the future.

Response:

The Calaveras Public Utility District is presently works with all the water agencies and County representatives to promote education and proactively establish programs and practices to assist in all aspects of being drought responsible. The District is also working with water agencies in preparing for future impact of rainfall and sustaining the current conservation efforts. This is a part of the continued efforts of the CalaverasConserves.com group.

In closing the Calaveras Public Utility District would like to thank those volunteers that devoted time, research and efforts into the development of the 2015/16 Calaveras County Grand Jury report.

Sincerely,



Donna Leatherman, District Manager
Calaveras Public Utility District

Office of the Sheriff

891 Mountain Ranch Road
San Andreas, CA 95249



Gary Kuntz Sheriff

209.754.6500
gkuntz@co.calaveras.ca.us

June 5, 2012

Calaveras County

JUN 06 2012

Administrative Office

Ms. Jeanne Boyce
County Office Administrator
891 Mountain Ranch Rd.
San Andreas, CA 95249

RE: Animal Services

Dear Jeanne:

I am sending this letter requesting an update for the transition of the Animal Services Office to the county, effective July 01, 2012. We are one month from the transfer date and I have several concerns. As you remember on February 14th of this year, Captain Ballard addressed the Board of Supervisors, making them and your office aware of our plan to relinquish control of the Animal Services Operation effective at the end of this fiscal year. The transition team has informed me that past meetings have been focusing on the potential transition of the shelter operations to the Calaveras Humane Society. I am concerned that the meetings are not addressing the imminent transition from the Sheriff's Office to the County on July 1st.

The transition team members from my office have voiced frustration and concern that without a clear direction from your office regarding to whom this operation will be handed over, the transition team is unable to adequately plan for, and direct the proper turn over of operations. I am told the transition team has advised you of certain staffing issues that will occur in July that will have a significant impact on the daily operations of Animal Services. In addition, Sergeant Laurie Murray has informed me there are Animal Service Staff members who are hanging in the balance, not knowing what their future holds for them.

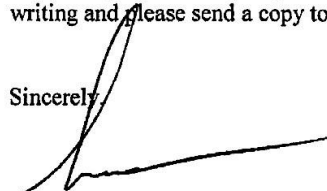
I am concerned that no solid plan has been reached at this late date. I have also been informed that there have been mixed signals regarding the perceived level of Sergeant Murray's involvement with the training of any new Animal Service management personnel after the turn over date of July 1st. The county was advised by this office years ago when the new jail project was approved, that a group consisting of sheriff employees were necessary for the complex and time consuming transition from the existing jail to the new facility. Due to financial issues, poor decisions, and recommendations from your office related to staffing, that has not occurred. Therefore, it is my intent to assign Sergeant Murray to assist Captain Ballard for the before-mentioned transition team assignment. Sergeant Murray's schedule will be busy and her availability limited.

I have three specific questions that I would appreciate your answering in writing:

1. Do you have a different transfer date other than July 1st?
2. Which county department will receive Animal Services?
3. What further involvement, if any, do you envision for Sergeant Murray after July 1st?

If there is any information that I may not have received that will address my concerns or otherwise provide a clearer picture to the progress of this situation, please inform me in writing and please send a copy to Captain Ballard and Lieutenant Huberty.

Sincerely,



Sheriff Gary Kuntz
Calaveras County

cc: Board of Supervisors

Office of the Sheriff

1045 Jeff Tuttle Drive
San Andreas, CA 95249



Gary Kuntz Sheriff

209.754.6500
sheriff@co.calaveras.ca.us

FILED

AUG 19 2015

Clerk of the Court
Superior Court of California
County of Calaveras
By *[Signature]*, Deputy

DATE: August, 2015
TO: Honorable Grant Barrett, Presiding Superior Court Judge
FROM: Gary Kuntz, Sheriff *[Signature]*
SUBJECT: Response to 2014-15 Grand Jury Report on Animal Services Returning to the Sheriff's Office
Cc: Board of Supervisors

The 2014-2015 Final Grand Jury Report was reviewed by The Calaveras county Sheriff's Office and staff members. The Grand Jury's investigation into Animal Services outlined several interesting findings and recommendations.

Finding 2:

"Animal Services has historically operated more efficiently under the direction of the County Sheriff's Department."

Recommendation:

"Since the Sheriff's Department is the chief law enforcement agency in the county and whose responsibilities are more closely aligned with ACS, the Grand Jury recommends the Board of supervisors reposition ACS from the Environmental Management Agency to the Sheriff's Department."

While the Sheriff's Office has respect for the Grand Jury and the Jury's findings and recommendations, The Sheriff's Office disagrees with the recommendation for important reasons;

As outlined within this 2014-2015 Grand Jury Report as well as many other Grand Jury reports, the Animal Services Department is under-budgeted and understaffed. The Sheriff's Office is also under-funded and under-staffed. In the recent past, elected members of the County Administrative Office and the Board of Supervisors had recommended and voted to decrease the budgets of both the Sheriff's Office and the Animal Services Department. The budgets were decreased to levels where services and staff were cut to such an extent where both agencies were forced to manage and only respond to crisis and emergency calls rather than being properly responsive and proactive. At times, Animal Services staff was unavailable to respond to emergency and non-emergency calls for service. These calls were pushed to Deputy Sheriffs who were working patrol and responding to crimes in progress and other emergency calls. The Patrol Division within the Sheriff's Office was also severely understaffed and was often forced to choose between responding to priority/emergency law enforcement calls for service and

priority Animal Services calls or Animal Related emergencies. This unnecessarily placed a huge burden onto the Sheriff's Office and its staff.

During past Budget Hearings and at other events, elected officials and special interest groups chose to make divisive, inaccurate and inappropriate comments regarding the workloads of both the Sheriff's Office and Animal Services. These comments only led to further frustration and confusion among the community and employees of both the Sheriff's Office and Animal Services. These comments clearly demonstrated the lack of understanding of just how low staffing levels are at the Sheriff's Office compared to workload.

Rather than continue to pass an underfunded and under-staffed department from agency to agency the Sheriff's Office would like to make the following recommendation:

Merge or Combine Animal Services and Code Enforcement. This has been done with success in several states including cities within California. There are several efficiencies that could be brought about by merging the two departments and cross-training staff.

1. Complaints and calls for service would come into a centralized and single point of contact instead of two separate departments answering calls.
2. If cross-trained the staff of Animal Services and Code Enforcement would nearly double in size. This would allow more coverage eliminating the days of the week or weekends whereby no employees are on duty and available for calls.
3. The fleet for both departments could increase.
4. The management and supervision could be consolidated.
5. More staff would be available during large emergency calls or long term events.

In May of 2015 Sheriff's Captain Jim Macedo called and spoke to Kerry Simpson the Neighborhood Services Manager for the city of Rancho Cordova. The city is located nearby Calaveras County in Sacramento County. Rancho Cordova has combined their Code Enforcement and Animal Services departments into a single department and has had great success. Ms. Simpson was able to outline numerous benefits to merging the two departments. She advised that she was willing to offer advice and work with anyone from Calaveras County who was interested in exploring option. I recommend this idea or option be explored and a staffing and cost analysis be completed.

Kerry Simpson, Neighborhood Services Manager
(916) 851-8771, ksimpson@cityofranhocordova.org

Office of the Sheriff

1045 Jeff Tuttle Drive
San Andreas, CA 95249



Gary Kuntz Sheriff

209.754.6500
sheriff@co.calaveras.ca.us

FILED

AUG 19 2015

Clerk of the Court
Superior Court of California
County of Calaveras
By: *[Signature]*, Deputy

DATE: August 14, 2015
TO: Honorable Grant Barrett, Presiding Superior Court Judge
FROM: Gary Kuntz, Sheriff *[Signature]*
SUBJECT: Response to the 2014-15 Grand Jury Report on the Calaveras County Jail.
Cc: Board of Supervisors

The 2014-2015 Final Grand Jury Report was reviewed by the Calaveras County Sheriff's Office and staff members. The Grand Jury's investigation into the Calaveras County Jail revealed one finding and recommendation which requires a response.

Page 16, Finding 5:

"Insufficient correction staff is still an issue, creating additional overtime costs."

Grand Jury Recommendation:

"This facility could be fully utilized by renting beds to neighboring counties for added income. In order to accomplish this, additional corrections officers would be needed. Further consideration would need to be made for impact on the community."

Sheriff Response:

The Sheriff's Office has added a Sheriff's Lieutenant to the administrative staff of the Calaveras County Jail. This Lieutenant has been tasked with researching and implementing new income generating programs within the jail, to include the rental of bed space.

The Calaveras County Jail currently has unfilled staff positions which it is attempting to fill; this effort has been complicated by the aggressive recruitment efforts of other agencies. When bed rental contracts are developed and implemented, they will be inclusive of additional staff costs, along with workload impacts on current staff. The increase in inmate population due to rental contracts will need to occur gradually due to the lengthy process involved in funding and hiring additional correctional officers.

At this time, emphasis is being placed on creating contracts for the rental of bed space for inmates of county jails in neighboring counties. It is anticipated that these persons will return to their formal communities at the conclusion of their incarceration, with little impact onto the communities within Calaveras County.



COUNTY OF CALAVERAS

COUNTY ADMINISTRATIVE OFFICE

Jeanne M. Boyce ♦ County Administrative Officer
891 Mountain Ranch Rd., Ste. 31 ♦ San Andreas, CA 95249
Tel: (209) 754-6025 ♦ Fax: (209) 754-6316

June 11, 2012

Sheriff Gary Kuntz
Calaveras County Sheriff
891 Mountain Ranch Road
San Andreas, CA 95249

Dear Sheriff Kuntz:

I am writing in response to your letter dated June 5, 2012, in which you request an update on your stated intention to relinquish your responsibility for the management of Animal Services, effective July 1, 2012.

In early March, 2012, Bob Seiler, Humane Society President, and I met with you to discuss your stated intent to no longer administer Animal Services next fiscal year. I explained to you and Bob that the authority to determine and/or change the organizational structure and management of Animal Services resides with the Board of Supervisors (BOS) as the Board has broad authority to assign departmental responsibility for service delivery. We also briefly talked about state law, which requires that certain rabies prevention activities be performed by the Sheriff and Public Health.

At our March meeting, I also suggested that stakeholders be convened, as a Working Group, to develop a briefing paper for the BOS' consideration at a future study session. The stakeholders included: the Sheriff's Office (Animal Services) staff, representatives of the Humane Society Board, the Domestic Animal Services Advisory (DAAC) Committee, volunteers and county Environmental Management Agency and Administrative Office staff. The stakeholders (Working Group) agreed to explore possible new partnerships, service delivery options, and costs related to recommending changes in the future management of Animal Services for the Board of Supervisors' consideration.

Toward that end, the following actions have occurred:

- March 22, 2012 - Stakeholders convened for the first time. You were present and participated. Concerns were expressed about a transition to another entity by July 1st. You stated that you would be flexible and not leave Animal Services "high and dry" on July 1st. I explained that the BOS' authority includes responsibility for decisions related to changing departmental organizational structure. The Working Group agreed to

explore cost effective options for delivering services in the future. Agreed to jointly prepare briefing paper for discussion with the Board at a date to be determined.

- April 5, 2012, the Working Group convened and continued discussion on operations and functions related to the shelter and code enforcement pieces; roles and responsibilities of staff versus volunteers; unmet needs and areas for improvement, among other items.
- May 10th meeting, Working Group continued discussions related to possible private-public partnership models, staffing needs, revenue and cost analyses, among other items. Humane Society members express commitment to develop several budget scenarios for public-private partnership. Group agrees to goal of targeting August 2012 for Study Session for Board consideration and direction. Plans for possible implementation to be included in county's Final Budget, September 2012.
- Second week of June 2012, Humane Society Board is scheduled to meet. Discussion items include partnership options, cost proposals and what is the best fit for the organization given capacity. Outcome of meeting will be shared with Working Group at next meeting as to direction and proposals to be set forth.

Your staff participated in the Working Group meetings and presumably reported back to you the actions and discussions at those meetings. The uncertainty and confusion in this process is your recent insistence to relinquish management of Animal Services as of July 1st, a date that the Working Group discussed at its first meeting with you and agreed was not likely achievable nor reasonable and a date you previously agreed was flexible so as not to leave Animal Services "high and dry."

In response to your three questions:

1. July 1st is the date you insist on relinquishing your management responsibilities for Animal Services. As stated earlier, the Board of Supervisors has not made a decision with regards to your request yet. The Board is interested in proposals to improve and provide cost effective Animal Services given severe budget constraints. They await the Working Group's forthcoming recommendations. A Study Session is planned for August 2012.
2. Several options and proposals are being developed for a public-private partnership. The Humane Society will present some options to the Humane Society Board in mid June 2012. The Humane Society will provide their proposals and accompanying budgets to the Working Group for more consideration after they have had a chance to meet. The Board of Supervisors has not discussed changing the Animal Services management structure yet as they are allowing the Working Group to complete its business first. There are several options the Board could choose to pursue should they wish to implement a public-private partnership or retain Animal Services as a unit within a larger county entity.
3. I cannot answer your question as there has been no decision by the Board to remove Sergeant Murray's position from Animal Services. If you plan on reassigning Sgt. Murray, to be paid from a different funding source, than monies budgeted for Sergeant Murray's position would remain in the Animal Services budget to fund a manager or other like

position. Any transition time Sergeant Murray could provide Animal Services would depend upon your direction and monies available to offset her costs.

The Working Group has worked together in good faith and made good progress in the past three and a half months to accommodate your request to relinquish your responsibility for Animal Services. It appears there are several new public-private partnership options which could allow for cost savings while maintaining health and safety and increased care for the animals. It is my hope that you would join us in the final stages of the Working Group's deliberations for a positive outcome and smooth transition for all concerned.

Cordially,



Jeanne M. Boyce
County Administrative Officer

cc: Board of Supervisors
Bob Seiler, Humane Society
Animal Services Stakeholder Working Group
Clay Hawkins
Captain Eddie Ballard
Lieutenant Huberty
Sergeant Laurie Murray
Janis Elliott



COUNTY OF CALAVERAS

COUNTY ADMINISTRATION

FILED

August 1, 2015

The Honorable Grant Barrett, Presiding Judge
Superior Court State of California
P.O. Box 850
San Andreas, CA 95249

AUG 18 2015

Clerk of the Court
Superior Court of California
County of Calaveras
By *[Signature]*, Deputy

RE: Response of 2014-15 Grand Jury Response – County Administrative Office and Budget Process

Dear Judge Barrett,

Please find below the County Administrative Officer's response to the 2014-15 Grand Jury Report in regard to the County Administrative Office and Budget process.

Finding 1

"The Grand Jury does not find that County Administration (CAO, ACAO, Auditor/Controller) misled the Board of Supervisors and/or the public concerning the County's finances during the FY 2013-14 nor in the preparation and adoption of the FY 2014-15 Budget. Confusion, however, is common due to sporadic or nonexistent information provided to the public by County administrative personnel regarding the budget process.

In preparing the budget, County Administration must use its best estimate of future revenue based on the information at hand. It must allocate spending in line with statutes and Board of Supervisors' guidance and decisions. . . ."

Finding 1/Recommendation 1

"County Administration should ensure that all recommended, mid-year updates and final budget documents (including memorandums) have a summary page showing key assumptions made concerning both revenue and spending expectations. This should also include future year expectations, should these subjects be part of the memorandum or management discussion supporting budget recommendations."

Response to Finding 1/Recommendation 1:

The County Administrative Officer agrees with the majority of Finding 1, but does not agree with the assertion that "Confusion, however, is common due to sporadic or nonexistent information provided to the public by County administrative personnel regarding the budget process." The Recommendation has been implemented for many years with respect to the Recommended Budget, Final Adopted Budget, and the Mid-Year Budget Report. The summary is provided in the form of a budget memo, with attached schedules and a presentation to the Board. Further condensing the summary into a single "summary page" would not be feasible, as too much information would be lost.

The County Administrative Officer recognizes that the County budget process is lengthy and that the complexity of the annual budget can be confusing and difficult to understand for those individuals that

do not participate in the process. To that end, in February as part of the Mid-Year budget report, the County Administrative Officer begins informing the Board, County Departments and the public about the status of the current year's budget, review of the Board's budget principals, recommendations for the preparation of the next year's budget based on revenue performance trends, estimated change to property tax rolls, and anticipated increases to expenditures due to negotiated contracts, increase retirement costs, utilities, etc. All issues are discussed in the Mid-Year report and again as part of the Mid-Year presentation to the Board. The PowerPoint presentation includes graphs of revenues and expenditures and how they have performed in prior years, current trends and assumption for future years; the Board's Budget Principals; Budget timelines; and recommendations for the preparation of the next year's budget. The County Administrative Officer and the Auditor-Controller reviews the information with the Board and are open to questions from the Board and the public.

The Recommended Budget Binder is a comprehensive document. It is divided by department and then by budget units within in each department. Each section includes the department budget memo, a report detailing each department requests (Budget Item Detail Report), and the Schedule 9 Report that shows the prior year's actual revenues and expenditures, the current year's final budget, the department's requested budget and the CAO's recommended budget. Also included in the Recommended Budget documents are Budget Recaps of all General, Non-General, Teeter and Designated Funds showing budgeted revenues and appropriations and estimated year-end balances; requested funding for Capital Assets; and the County Administrative Officer's Budget Memo. The budget memo provides an executive overview of the Recommended budget, discusses significant budget changes from the prior year's budget, discusses budget assumptions and Board direction, provides a comparison to the prior year's budgeted revenues and expenditures by classification and functional areas, outlines department staffing and capital asset requests and estimated costs, addresses issues and proposed use of Teeter Funds, and discusses issues that may impact future budgets. The Recommended Budget Binder also includes the proposed schedule for Recommended Budget Hearings.

At the beginning of Recommended Budget Hearings, the County Administrative Officer and Auditor/Controller present the Board with the Recommended Budget. During the presentation to the Board and the public, all components, as outlined in the Budget memo, are discussed. Charts and graphs are used as part of the PowerPoint presentation to assist the Board and public in understanding the proposed budget. The Board, departments and the public are given ample time for discussion and to have questions answered. As part of budget hearings, departments are given the opportunity to present their budgets and justify any requests not included in the CAO's Recommended Budget to the Board and the public. Upon conclusion of department presentations, the Board discusses any issues and/or requests brought forward during the hearings and provide direction to the County Administration regarding any revisions to be made prior to adoption of the Recommended Budget.

Final Budget hearings take place in September after the Auditor has closed the fiscal year end and the Assessor has completed closure of the Property Tax Roll. As instituted a number of years ago, Final Budget adjustments are mainly technical in nature. The County Administrative Officer provides the Board as part of the agenda item with a Final Budget Memo highlighting the changes to the Budget since adoption of the Recommended Budget. These changes are discussed in the presentation to the Board at the beginning of the Final Budget Hearings.

Finding 1/Recommendation 2

"To improve budgeting accuracy, a comprehensive analysis of significant revenue and spending "misses" in the final budget with identifying reasons should be provided to the public, Board of Supervisors, and

all budget department heads. This should contain comparisons to the assumptions made in the Final Budget.”

Response to Finding 1/Recommendation 2:

The County Administrative Officer partially agrees with this Recommendation. Implementation of this recommendation requires further analysis. Departments should be monitoring their budgets throughout the year and therefore should be aware of any and all “misses” in their budget and the reasons for those misses. Although County administration and departments are conservative in estimating revenues for budgetary purposes, a number of issues may cause revenues to be better or worse than budgeted. This may include an improving or worsening economy, which will affect sales tax, transient occupancy tax, business licenses, permits, etc., or delays in the reimbursement of federal or state grants. Differences between appropriations and actual expenditures can often be attributed to vacant positions and conservative spending by departments. Unanticipated expenses will often require a draw on contingencies, which requires a 4/5s vote of the Board.

The Auditor/Controller’s Office usually completes the fiscal year-end close at the end of July or beginning of August. Once this is complete, the necessary reports can be run to compare budget to actuals for all departments for the year. The Administrative and Auditor/Controller’s Office will need to work together to develop a meaningful report for the Board and public that will identify the significant “misses” and the reason for those misses upon close of the fiscal year. However, most of the identified material misses are discussed as part of the Mid-Year Budget Report. As mentioned earlier, departments should be monitoring their budgets over the course of the entire year so that any anomalies can be identified and dealt with in a timely fashion.

Finding 2

“The Grand Jury finds that the County Administration (CAO, ACAO, Auditor/Controller) was correct in stating that continued reduction (spending from funds in excess of revenue) of Teeter funds could cause the funds to become insolvent.”

Finding 2/Recommendation 1

“County Administration (CAO, ACAO, Auditor/Controller) should monitor and produce a status report at Recommended Budget, Final Budget, and Mid-Year Update showing current balance, expected revenue, expected uses, and forecast balance of the Teeter Fund.”

Response to Finding 2/Recommendation 1:

The Administrative Officer agrees with Finding 2, that the continued reduction of Teeter funds could cause the funds to become insolvent. The recommendation to monitor and produce a status report at Recommended Budget , Final Budget, and Mid-Year Update has been implemented for a number of years.

Included in the previous year’s Recommended Budget Binder, Final Budget packet and Mid-Year Budget Report is a report showing the Teeter Fund’s beginning balance, expected revenue, budgeted uses and estimated ending balance. Furthermore, discussion of the Teeter Fund, the expected revenue and uses, and estimated balance is included in the Administrative Officers and Auditor/Controller’s presentation of the Recommended and Final Budgets and the Mid-Year Report to the Board of Supervisors during the Board meetings.

Finding 2/Recommendation 2

“County Administration (CAO, ACAO, Auditor/Controller) should ensure proposals to draw from the Teeter fund are not to fund ongoing budget expenses nor accommodate revenue shortfalls.”

Response to Finding 2/Recommendation 2:

The County Administrative Officer agrees with Finding 2 that proposals to draw from the Teeter fund should not be used to fund ongoing budget expenses nor accommodate revenue shortfalls. The County continues to work toward the implementation of this goal.

With the implementation of the Teeter Plan in 1998, it was the Board’s direction to use Teeter funds for technological infrastructure and advancements. It has been the contention of the Administrative Office that the use of Teeter funds to fund ongoing budget expenses or accommodate revenue shortfalls should only be used as a last resort. It became necessary to supplement the General Fund budget with Teeter Funds during the years following the recession as increased expenditures outpaced the growth of revenues. To that end, it was the recommendation of the Administrative Office to reduce departments’ FY 2014/15 General Fund contribution by 8-12%. This enabled the county to reduce its reliance on Teeter funds to balance the budget from \$3.4 million in FY 2013/14 to \$1.8 million in FY 2014/15. The County has been able to further reduce reliance on Teeter funds to under \$1 million to balance the FY 2015/16 budget. The FY 2015/16 includes an appropriation of \$1.5 million for technology infrastructure improvements, the original intent for Teeter funds.

Finding 4

“Independent audits of the County’s financial statements are a safeguard for the citizens of the county. Grand Jury participation provides oversight to ensure that audits conducted are free from internal influences. This participation is currently not mandated by policy or procedure.”

Finding 4/Recommendation 1

“The County Administration (CAO, ACAO, Auditor/Controller) ensures that the bid and selection process for outside auditors include Grand Jury participation from initial steps through awarding of contracts. (Pursuant to Penal Code sections 925, 926).”

Response to Finding 4/Recommendation 1:

The County Administrative Officer agrees with this finding. The Recommendation has been implemented.

The County Administrative Officer agrees with this finding. Grand Jury participation in the bid and selection process was implemented in 2010 when a Request for Proposal (RFP) was issued to conduct the examination of the Comprehensive Annual Financial Report (CAFR) and Compliance Audit for fiscal year ending June 30, 2010 for a single year. An Evaluation Committee, consisting of two Grand Jury members, the Auditor/Controller, the Treasurer/Tax Collector and the Assistant County Administrative Officer, reviewed, evaluated and scored the proposal submission according to the guidelines specified in the RFP. The Evaluation Committee recommended that the Board award the bid for annual audit services to Gallina LLC for fiscal year ending June 30, 2010. The following year, the County Administrative Office issued an RFP for annual audit service for the fiscal year ending June 30, 2011 with an option to extend the contract for each of the four subsequent years. Once again an Evaluation Committee consisting of two Grand Jury members, the Auditor/Controller and the Assistant County

Administrative Officer reviewed, evaluated and scored the proposals and recommended that the Board of Supervisors award the bid for annual audit services to Smith and Newell, CPAs for fiscal year ending June 30, 2013 with the option to extend the contract for each of the four subsequent years. On June 21, 2011, the Board of Supervisors, based on the recommendation of the Evaluation Committee, awarded the contract for annual audit services to Smith and Newell, CPAs for fiscal year ending June 30, 2011. On December 18, 2012, the Board by Minute Order exercised the option to extend the contract for each of the four subsequent years.

The contract with Smith and Newell, CPAs for annual audit services expires upon completion of the annual audit for fiscal year ending June 30, 2015. It is the intent of the Administrative Office and Auditor/Controller to continue the process that was instituted in 2010. The Grand Jury will be requested to review the RFP and to participate in the Evaluation Committee to review, evaluate and recommend the awarding of a contract for annual audit services to the Board of Supervisors.

Finding 8

"The Board of Supervisors and department heads lack the expertise in the budget process."

Finding 8/Recommendation

"Mandatory training, by qualified personnel, be instituted every February in advance of the start of new budget preparation for all Supervisors and Department Heads covering the State's *County Budget Act*, definition of terms and language used in budgets and budget discussions, fiscal reports required by the State, timelines and deadlines in statutes, and Calaveras County timelines for various budget activities in the coming Fiscal Year."

Response to Finding 8/Recommendation:

The County Administrative Officer disagrees in part with the finding that the Board of Supervisors and department heads lack the expertise in the budget process. The recommendation for mandatory training be instituted every February has been partially implemented.

While new Board members and new department heads experience a significant learning curve when dealing with the complexities of the County budget process, the Administrative Office is committed to providing any and all information that will assist them with learning the budget process. However, it should be noted that seasoned department heads should be well versed in the budget process, and the County Administrative Officer does not believe that mandatory annual training for these department heads is reasonable. Training for the Board and Department Heads take place in a number of different formats, beginning when a new Supervisor and/or Department Head take office. A "New Supervisor/Department Head Binder" is provided to each new Supervisor and Department Head. The binder includes information regarding the county budget process and, for department heads, a copy of their department's current year's budget. The offer of a one on one "Budget 101" session with the Administrative Office is extended to any new Supervisor. This provides the opportunity to review the budget process in detail and answer any questions. As part of the Mid-Year Budget report to the Board, the Board's Budget Principles are reviewed and the budget timeline is discussed. Based on the Board's direction upon receiving the Mid-Year Budget Report, on or about March 1st, budget instructions are sent to department heads. These instructions outline Board direction for submitting departmental budgets, required forms for budget submittal and the Budgeted Employee Costs (BEC). The budget process is also discussed at the monthly department head meetings. In addition, classes are held for department heads and their fiscal staff during the first weeks of March. The training includes a review

of the budget instructions, directions for updating BECs, review of required budget forms, entry of budgets into the county's financial system (Budget Item Detail or BID), reports that are available in BID that will assist departments in budget preparation, and budget timelines. Although the State's *County Budget Act* is not addressed in detail during the training sessions, it is included in each year's Recommended Budget Binder. Information on the State's *County Budget Act* will be included in future budget training sessions. While the County Administrative Office believes that it currently provides adequate training to the Board and staff, the Office will monitor department head and Supervisor satisfaction levels with the training currently provided to see if further training opportunities are warranted.

Finding 10

"Employee separation costs have not been budgeted. These costs can include unused vacation/sick days plus other contractual obligations."

Findings 10/Recommendation

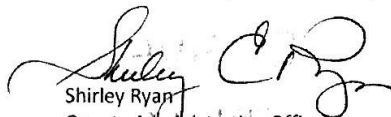
"The Grand Jury recommends the CAO add to the budget and Board of Supervisors allocate funds for employee separation costs."

Response to Finding 10/Recommendation:

The County Administrative Officer agrees with the finding that employee separation costs have not been budgeted. The recommendation to allocate funds for employee separation costs will not be implemented at this time.

It is the County's policy to permit employees to accumulate a limited amount of earned but unused vacation and compensatory time off (CTO). Employees may accumulate an unlimited amount of sick leave. Normally, sick leave, vacation and CTO are paid out as used in lieu of hours worked. One hundred percent of unused vacation benefits and CTO are paid to employees upon termination. Up to \$1,500 of unused sick benefits may be paid to employees only upon retirement, and the remaining available accumulated sick leave may be applied to retirement service credit. Employees have the option to apply all accumulated sick leave towards service credit for retirement purposes in accordance with CalPERS retirement laws. Unused sick leave benefits do not vest with the employee, and are lost and are not paid to the employee upon termination. Per the Comprehensive Annual Financial Report for fiscal year ending June 30, 2014, the unfunded liability for compensated absences totaled \$1,579,245.

The County continues to face a structural budget deficit, where current year expenses exceed current year revenues. Over the past two years, the County Administrative Officer and Auditor/Controller have worked to present a budget that has significantly reduced the reliance on one-time funds (cash carry and Teeter) to balance the budget. Only when the County is able to have a structurally balanced budget will the County be able to annually allocate funds for employee separation costs. At this time it is unknown at what point the County will be able to begin allocating funds for employee separation costs.


Shirley Ryan
County Administrative Officer

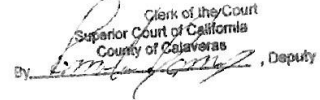
cc: Board of Supervisors

UNION PUBLIC UTILITY DISTRICT
339 Main Street, Murphys, California 95247
(209) 728-3651 Fax. No. (209) 728-0211

FILED

July 7, 2015

JUL 21 2015

Clerk of the Court
Superior Court of California
County of Calaveras
By:  Deputy

Honorable Judge Grant Barrett, Presiding Judge
Superior Court of California
County of Calaveras
891 Mountain Ranch Road
San Andreas, CA 95249

RE Union Public Utility District Response to the 2014-2015 Grand Jury Report

Dear Judge Barrett:

This response is submitted by the Union Public Utility District (UPUD) with respect to the 2014-2015 report of the Calaveras County Grand Jury.

Regarding **Groundwater and Wells** (pages 37-46):

Finding 2

Some wells throughout the county are failing. Calaveras County Environmental Health Department (EHD) does not have statistics regarding failed wells. EHD does issue permits for new wells and for extending old wells. Testing of these wells is done primarily to determine the potability of the water.

CCWD does not monitor the number or location of failing wells so the scope of the problem is not well known. CCWD is apprised of failed wells only when a resident contacts them in search of an alternate water source.

EHD has conducted surveys and data collection studies as part of the 2004 Calaveras County Ground Water Management Program and this information is available on-line (see sources listed above). This data includes information on well depth, productivity, and water collected at the time of permitting as well as tertiary channels. (EHD)

Drought conditions have an effect on well water, but the impact depends entirely on how the water is replenished. Wells on tertiary channels seem to be the most reliable. Wells on shattered rock are hit or miss. Wells on the San Joaquin County Ground Water Sub-basin (SJCGW Sub-basin) are dependent on depth and overdraft conditions.

CCWD provided the following data regarding the number of households obtaining water from their water pickup locations (taps) due to failing wells (April, 2015):

- 38 – Jenny Lind System (Valley Springs/Rancho Calaveras, Burson, Campo Seco, Wallace, Paloma)
- 12 – Copper System (Angels Camp, Copperopolis, Diamond XX)
- 2 – West Point System (West Point/Wilseyville area)

CCWD reported to the Grand Jury that there are five water pickup taps available to the public (2 in Jenny Lind, 1 in Arnold, 1 in Copperopolis, 1 in West Point). To gain access to these taps a form with a liability of release needs to be completed at which time CCWD will provide the location of the supply tap. All other public water companies reported they had 0 water tap locations.

Recommendation

The Grand Jury recommends that EHD and public water companies coordinate in developing and maintaining data regarding failing wells. In addition, both entities should also develop long term plans for extended drought conditions.

UPUD's Response

UPUD recommends Calaveras County Environmental Health Department (EHD) become the agency responsible for maintaining data regarding failing wells with the various water districts providing information on failed wells when notified by property owners within each District's sphere of influence. UPUD has a Drought Management Plan in place to deal with drought conditions.

Finding 3

Many wells in the western part of the county draw water from the San Joaquin County Ground Water Sub-basin and some have failed. The primary cause is serious overdraft of the sub-basin for many years. The reasons for this are well understood, but lay outside the scope of the Grand Jury.

Monitoring of some wells in the Calaveras County portion of the sub-basin indicate that the ground water level is dropping approximately one foot per year and is not recovering (CCWD, EHD).

Oakdale Irrigation District monitors 22 wells on the SJCGW Sub-basin and reports a 13 foot drop in the water table between 2005 and 2015. This is generally representative of the entire sub-basin as a whole.

Primary responsibility for the management of the "Ground Water Sustainability Act(s)" falls to the individual water districts of the County. Regulations for wells have not yet been determined and, according to the time schedule proposed, may not be decided for a few years. These are long term plans and won't reach full implementation until 2040.

EHD is also a stakeholder in the management of how these acts will affect wells using the San Joaquin County Ground Water Sub-basin within the county. EHD has previously conducted studies regarding groundwater and wells. There is presently no funding for further studies in this area.

Recommendation 1

The Grand Jury recommends the water companies publish quarterly updates regarding the management of the Ground Water Sustainability Acts.

UPUD's Response

UPUD's sphere of influence does not contain any ground water basins or sub-basins that are covered under the Ground Water Sustainability Act(s) and therefore will not be implementing management of the Act(s).

Finding 4

Options become limited when wells fail, particularly for communities with multiple failing wells. Those options include:

- Drill a new well or extend an existing well (permits required by EHD).
- Obtain water from the local district provider at a provided pickup location.
- Partner with other local community households to have infrastructure installed for water hookups.

Each of these options has its drawbacks. Drilling a new well or extending an old one is expensive with no guarantee of results. Water obtained from a provider at a pickup location requires the customer to obtain or provide his own conveyance, and water, once out of the "tap" is no longer considered potable unless the conveyance is a certified water carrier. Having infrastructure installed is expensive and is paid for by the community affected. Payment typically is in the form of an assessment applied to property taxes. The cost of infrastructure installation is sometimes so expensive as to be impractical.

In the instance of a county resident getting water from a pickup location, CCWD reports that a fee of \$10/month is charged for an "unlimited" amount of water (some restrictions apply). As mentioned, the responsibility for transport of the water lies with the customer.

In the instance of infrastructure installation, a request must be made by the affected property owners and a vote for approval by the affected community must be taken after the costs have been determined. This entire process can be lengthy.

The following chart represents the "hookup" fees. These fees are *in addition* to any infrastructure installation to bring the water lines into the community.

CCWD Capacity Fees 2014:

Copperopolis Water Only	\$10,977.00
Copperopolis Water & Wastewater	\$21,681.00
Ebbetts Pass Water	\$ 7,365.00
Ebbetts Pass Water and Wastewater	\$17,644.00
Forest Meadows Water & Wastewater	\$18,932.00
Jenny Lind Water Only	\$10,861.00
LaContenta Water & Wastewater	\$28,224.00
AD604 Water & Wastewater	\$21,075.00 current assessment
AD604 Water & Wastewater	\$28,224.00 delinquent assessment
West Point Water Only	\$11,198.00
West Point Water & Wastewater	\$16,768.00
Wallace Water Only	\$ 9,527.00
Wallace Water & Wastewater	\$18,597.00

UPUD Capacity Fees 2015 \$14,000.00 Domestic

VSPUD Capacity Fees 2015 \$ 3,500.00 Single family

CPUD Capacity Fees 2015 \$ 3,245.00 But no hookups allowed at this time.

The cost to install infrastructure to the community of Valley Springs (Rancho Calaveras – 2009 through 2010), excluding hookup costs (\$10, 750), was quoted in the CCWD Final Assessment Engineer’s Report totaling \$835,248. This resulted in a 30 year \$990,000 bond to be divided equally between 56 households. CCWD reported that some communities cannot afford the cost of infrastructure and have voted against it.

A portion of *all* property taxes goes to the assorted public water companies in the County. These funds are spent at the discretion of each company.

Recommendation 1

The Grand Jury recommends that a portion of the funds from property taxes be placed in a fund for future expansion of infrastructure and financial assistance for property owners with failed wells.

UPUD’s Response

UPUD and other water agencies rely on property tax revenue to fund on-going operations and maintenance of the Districts. Shifting of property tax revenues to other purposes would place an undue burden on agencies already suffering from income shortages due to the drought. All property owners within the UPUD currently pay taxes to the Calaveras County Water District with limited or no benefit. Should it be deemed prudent to provide funds for future expansion of infrastructure and financial assistance for property owners with failed wells within the District’s sphere of influence, the District recommends use of all or a portion of these CCWD allocated funds for that purpose.

Regarding the **Oversight of Calaveras County's Water Providers**

Finding 1

The Calaveras County Board of Supervisors has no authority over any utility agency or entity, yet CCWD and other water agencies receive property tax revenue regardless of services provided. There is no official mechanism for reporting information to the Board of Supervisors or anyone else in county government.

Recommendation

The Grand Jury recommends that all six public water companies submit a quarterly budget report to the Board of Supervisors.

UPUD's Response

Union Public Utility District is governed by a duly elected Board of Directors responsible for insuring the operation of the District is in conformance with all state laws and regulations, including fiduciary responsibility for continuous operation of the District. All budgets, operating expense reports, and yearly audits are available to the public and the County Board of Supervisors. Adding another level of oversight would not provide any benefit to the District, Calaveras County or the District's rate payers.

Finding 2

Residential water consumption includes outdoor (landscape irrigation and swimming pools), toilet, shower, cleaning, and kitchen uses. Information obtained by the Environmental Protection Agency (EPA) shows the following breakdown of consumption in percentages:

- 44% Outdoor
- 23% Toilet
- 18% Showering/bathing
- 12% Dishwashing/laundry

The remaining 3% of consumption relates to cooking and other kitchen uses.

Recommendation

The Grand Jury recommends that the county promotes water conservation efforts even in periods of amply water supply. The Planning Department and the Environmental Health Department should partner with water companies in establishing a water conservation management practice program to promote water use efficiency. For example: Promote climate appropriate landscaping to reduce water usage now and in the future.

UPUD's Response

Union Public Utility District has and will continue to promote water conservation efforts even in periods of ample water supply. Should the Calaveras County Planning Department or the Environmental Health Department establish a water conservation management practice program to promote water use efficiency, the District would promote said program to its customers.



Bill Airola, President
Union Public Utility District Board of Directors

cc Gary S. Ghio, District Engineer

#102/nlm

Response to Grand Jury Letter_7-7-2015

FILED

JUL - 8 2015

Clerk of the Court
Superior Court of California
County of Calaveras
By [Signature], Deputy

Calaveras Humane Society

P.O. Box 1390

San Andreas, CA 95249

The Calaveras Humane Society has the following comments to make regarding the Grand Jury 2014-15 Report and Recommendations concerning the County Animal Services Department – referred throughout the Report as “Animal Control Services”.

Recommendation 1: We agree. The budget for this department should be increased to provide adequate staffing.

Recommendation 3: We are sure that the present administration of this department has made every attempt to receive additional funds through “state grants, etc” Mr. Moss and his staff are quite proficient in ferreting out all available funding sources as he is with all of the departments under his direction. One example is “Friends of Animal Services” (FOCAS). This non-profit was established in 2014 to raise funds for the critical needs at the current shelter. This is an excellent example of resourcefulness on the part of the current administration in difficult budgetary times.

Finding 2: At the Budget Hearings 3 years ago, Sheriff Kuntz turned to the audience and said in effect “Who wants to take over Animal Services” This was after the staff was depleted and they had borrowed funds from Calaveras Humane Society to keep one of the staff members employed through the fiscal year. We wonder why the Grand Jury feels the Sheriff would want the department back.

The Grand Jury’s assertion that the shelter is somehow less responsive to citizens’ needs than formerly is, again, at variance with the facts. It was not unusual under the Sheriff’s tenure for AS to have a backlog of as many as 500 unanswered calls. That is no longer so. After hours emergency animal calls were forwarded to the Sheriff’s 24 hour center as they are now.

Finding 3: The present shelter facilities have been the subject of Grand Jury Reports for years. We are pleased with this Grand Jury's recognition of the obvious. The County Humane Society and the County Board of Supervisors and Staff are working closely together to form a Public/Private partnership under which the County will provide the land already designated for the construction of a new shelter and the Calaveras Humane Society will provide the building of the shelter. Calaveras Humane Society has over \$500,000 secured toward that effort and begins its Capital Campaign and Architectural selection this fall.

Finding 5: The Calaveras Humane Society strongly disagrees with this finding. Shelter volunteers provide and have provided the equivalent of **6 full time employees**. This is well documented. Volunteers are trained and supervised. This report seems to state that they are not serious participants and are responsible for any delays in response time by the office. Volunteers who represent CHS and FOCAS walk dogs, clean cat cages, transport animals to other resources thereby reducing the animals' time at this inadequate, archaic shelter. The Report states "volunteers are routinely tasked with responding to complaints and inquiries left by phone". Complaints are one area that volunteers specifically CANNOT handle. The working relationship between Shelter personnel and the volunteers is exceptional. Without the hard work of these dedicated volunteers, you can be assured there would be no shelter. A perfect example of this relationship occurred this past Saturday when an adoption event was held at the Shelter and with staff and volunteers working together 7 dogs and pups and 9 cats and kittens were adopted by the public.

One need only look at the changes in the numbers of animals euthanized now as opposed to those years under the Sheriff's tenure to see the incredible improvement in the care of animals under the direction of Environmental Management.

Year	Cats euthanized	Cats adopt/transpt	Dogs euthanized	Dogs adopt/transpt
2009	62%	38%	21%	79%
2012	61%	38%	23%	76%
2013	56%	44%	17%	83%
2014	38%	62%	15%	85%
2015	26%	73%	12%	88%

We do recognize the excellent efforts of Sgt. Laurie Murray and Captain Ed Ballard under very difficult circumstances, budgetary and otherwise, when they were directing the shelter.

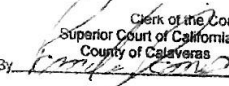
Lastly, we commend Brian Moss and Henning Schreiber, their staff and all of the Shelter Volunteers for completely changing the face of Animal Services in the past 2+ years. It is a much better place because of their efforts. We hope you will all support our efforts as we change its face again with a new Shelter.

The Calaveras Humane Society Board of Directors
Jo Ingraham, President

FILED

July 28, 2015

The Honorable Grant Barrett
California County Superior Court
400 Government Center Drive
San Andreas, CA 95249-9794

AUG - 3 2015
Clerk of the Court
Superior Court of California
County of Calaveras
By  , Deputy

Dear Judge Barrett,

Having volunteered at Calaveras County Animal Services since 2003, I was astonished at some of the errors contained in the Grand Jury Final Report 2014-2015 concerning Animal Services.

In the background they did not even get the name of the department correctly. It is Calaveras County Animal Services (CCAS) not The Calaveras County Animal Control Services (ACS). The report states the department was previously under the Sheriff's department and moved to Environmental Management in October 2012, inferring that it had previously always been under the Sheriff's department. In fact, prior to July 2005, the department had been under the Agricultural Department. The Sheriff's department took over in July 2005 and voluntarily gave up the department in 2012 and the BOS put it under Environmental Management at that time. It also states the kennel consists of 17 kennels divided between cats and dogs. This is also in error. There are 17 dog kennels and 4 kennels for feral cats. Domesticated cats are housed in separate cages in 3 other rooms of the shelter.

The Grand Jury's first finding is right on. Animal Services is totally inadequately funded and if properly funded could in the future be self sustaining. If it were not for Calaveras Humane Society (CHS) the shelter animals would not even receive the correct vaccines or be properly tested for disease. CHS totally funds all vaccines and testing which is terribly expensive and totally necessary for operation of a safe and healthy shelter.

The second finding that the Grand Jury can find no explanation for the moving of Animal Services to Environmental Management is perplexing as I am positive the tapes in the county archives would show the Sheriff asking "who wants the department" as he no longer wished to have it under his umbrella. The statistics show that under the present administration the euthanasia rate has fallen lower than it was under the sheriff's administration. Under the Sheriff, the shelter was closed three days a week and under Environmental Management it is now only closed two days a week with fewer staff. Even being open one more day a week has increased adoptions.

Finding number 3 states the facility is in need of an upgrade.

That is, in fact, totally true but the facility should just be blown up. An upgrade won't do it. Recently, the Board of Supervisors designated 6.9 acres where a new facility can be built. CHS is coming together with the county in a public/private partnership to build a new facility. The designation of the 6.9 acres and the partnership with CHS is all due to the present management under Environment Management. Also the two modularitys being added to Animal Services are funded by Friends of Calaveras Animal Services (FOCAS)

and this project is also directly due to present management under Environmental Management and is intended as a bridge to the housing dilemma of the cats until a new shelter can be constructed.

Finding number 4 is also right on about staffing. Animal Services is responsible for rabies control. This is a health and safety issue and the department only currently employs one officer with one additional officer being added to the department in the near future. The existing person cannot work 7 days a week responding to dog bites, roaming dogs killing livestock and endangering the public. Don't forget the other animals in the county that carry rabies such as bats and skunks. This year already 2 skunks and 1 coyote have tested positive for rabies and it is the Animal Services Officer who is responsible for sending the animal off for testing. Minimally, there should be 5 officers to cover this beautiful and large county of 1000 square miles. Shelter staffing for the kennel should be increased to two people and ideally the office staff should be two technicians. The number of phone calls each day is astronomical and one person cannot take all the calls immediately and do all the rest of the office work need for the department. As most people who have ever worked in an office know, phone calls that are not immediately answered sometime get lost in the mix.

Finding number 5 is totally incorrect concerning volunteers responding to complaints. Volunteers are NEVER tasked with responding to complaints and inquiries left by phone message.

Volunteers are not qualified to answer citizen complaints.

Volunteers walk, evaluate and socialize dogs, socialize cats and clean cat cages.

Volunteers also help with finding and transporting dogs and cats to rescues. There are presently 110 vetted volunteers at Animal Services and the hours they donate are equivalent to over 6 full time employees.

With the improvements already made under the direction of the present management and the plans for far sighted improvements in the near future, I must respectfully completely disagree with the conclusion the department should revert to the Sheriff's department. I would also state that the majority of 110 volunteers agree that the department should stay under the very forward thinking and capable management of Environmental Management. I fear an exodus of volunteers should it revert to the present Sheriff's Department.

Best Regards,



Debby Beaufort
CCAS volunteer coordinator/dog team lead
FOCAS Chair
Mokelumne Hill

cc:

Shirley Ryan, Calaveras County CAO

Brian Moss, Calaveras County Assistant CAO
Henning Schreiber, Manager CCAS
Dr. Rex Whisnand, Grand Jury Foreperson
Cliff Edson, District 1 Supervisor
Christopher Wright, District 2 Supervisor
Michael Oliveira, District 3 Supervisor
Debbie Ponte, District 4 Supervisor
Steve Kearney, District 5 Supervisor

