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NEVADA COUNTY
BOARD OF SUPERVISORS

CIVIL GRAND JURY



FINAL REPORT

2000 - 2001



GRAND JURY
of Nevada County, California
950 Maidu Avenue, Nevada City, CA 95959
530-265-1730

June 29, 2001

Hon. Carl F. Bryan, II
Presiding Judge of the Grand Jury
Nevada County Superior Court
201 Church Street
Nevada City, CA 95959

Dear Judge Bryan:

The 2000-2001 Civil Grand Jury is pleased to submit to you its final report, as required by the California Penal Code.

In a major change this year, the panel published its individual reports as soon as each was approved instead of waiting until the end of the year to release a volume of documents. Through use of the Internet, the panel simultaneously released the reports to the media, interested parties, and the public. The result was maximum circulation of our findings and a saving to the county of thousands of dollars in previous distribution costs. We are indebted to your Superior Court staff for its considerable help in posting our reports, which will remain available on your Internet site at:

<http://www.courts.co.nevada.ca.us/> (Click on "Grand Jury Reports")

We especially wish to thank you for your valuable guidance and support throughout the year. We also appreciated the helpful advice and assistance given us by County Counsel Charles McKee.

Respectfully submitted,

A handwritten signature in cursive script that reads "David Janison".

David Janison
Foreman

MEMBERS OF THE NEVADA COUNTY CIVIL GRAND JURY
2000 – 2001

David Janison
Foreman

Linda Pryor
Foreman Pro Tem

Cacey Tangney
Secretary

Eugene Fox
Sergeant-at-Arms

Leonard Schwartz
Business Manager

Donna Barker
Dorothy Foley
Barbara Guzzetta
Richard Hanson
Deborah Heller

Ray Hoffman
Larry Lutz
Judy Mooers
Richard Paulson
Edward Pope

Gareld Reifel
Robert Shoemaker
Barbara Smith
Ruby Totten

RESPONSE REQUIREMENTS

Following are the pertinent excerpts from the current California Penal Code concerning responses to the Civil Grand Jury report:

“Section 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 recommendations pertaining to matters under the control of the governing body and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the 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

in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

“Section 933(d): As used in this section, “agency” included a department.

“Section 933.05(a): For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

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

“Section 933.05(b): For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analyses, with an explanation and the scope and parameters of an analysis or discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

“Section 933.05(c): However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department of the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.”

The penal code also requires that the Grand Jury be available to the respondents for 45 days to clarify the recommendations of its report.

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NEVADA COUNTY AIRPORT MANAGEMENT

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury has the responsibility to review departments and organizations of Nevada County to see if they are meeting the needs of our community.

PROCEDURE FOLLOWED

The Grand Jury interviewed former airport executives, a county supervisor, the county administrative officer, an airport commissioner, a representative of the Federal Aviation Administration and county officers and executives. It also reviewed plans, board minutes and minute orders, deeds and agreements and other documents.

FINDINGS

1. The Nevada County Air Park, built in the 1930s, was given to the county in 1957 by Charles Litton's Loma Rica Industrial Park Corporation, subject to certain conditions. The conditions were stated in a signed agreement that specified, among other things, that:
 - "Said property will be maintained in such condition that airplanes and aircraft may use the same with safety on a year round basis."
 - "County agrees to appoint an airport commission to manage and control the operation of the property..."
2. Studies have found that continued operation of the airport has significant economic and safety value to the county.
3. The airport has operated under temporary operating permits since 1995 because of unsafe conditions. CalTrans, acting for the FAA, issued a letter of closure of the airport for night operations in 1996 because the county did not solve an obstruction problem. A second letter of closure was issued in 2000 because the county still had not solved the problem. Night landings were restricted in 1996 and then eliminated for a period in 2000, and the airport is *still* operating under a temporary permit.
4. In 1997 the county was offered free used light poles to support obstruction warning lights as required by the FAA. Two years later, the poles were sold to another buyer after the county failed to act.
5. The county now expects the lighting project to cost \$245,000, plus the cost of tree trimming and removal.
6. Boards of Supervisors did not enforce an existing Public Utility Code and a Nevada County Ordinance requiring residents to keep their trees from obstructing the runway. Consequently, the county paid for the purchase and installation of lights in 1997 instead of requiring trees to be trimmed. In 2000, the county required trees on private property to be trimmed or removed but paid the \$79,000 cost out of taxpayer funds.
7. The county established an Airport Commission in the 1980s. The commission's by-laws specify that it is an advisory body only, contrary to the Litton agreement. It has no authority over the airport, and no budgetary input.

8. Within Nevada County government structure, the airport is an "Enterprise Fund." An enterprise fund is to create its own operating revenue.
9. The airport's sources of operating revenue are fuel sales, hanger fees, aircraft tie-down fees, paid by the California Department of Forestry, as well as some tax revenue. The airport manager and the Airport Commission have no decision-making authority about airport revenues. The county has not clearly defined the decision-making authority for airport revenues.
10. The airport has typically operated at a deficit. Nevada County "loans" funds to the airport to cover expenses incurred to comply with FAA and CAITrans regulations. Debt presently owed to the County is nearly \$1 million.
11. The Grand Jury has not been able to track airport financial actions from BOS authorizations through to airport spending, despite questioning the Auditor-Controller, reviewing BOS records, interviewing the CAO, examining county financial statements, and examining airport financial records.
12. The airport's sources of funds for capital improvements are FAA grants, CAITrans grants, and local funds. When the airport underwent a \$5,900,000 improvement project in 1995, funding for the project was 90% FAA grant, 4.5% state grant, and 5.5% county funds (by way of a CalTrans-provided loan). The county loaned the funds to the airport, supposedly to be repaid through operating revenue.
13. The county employs an airport manager. The airport manager has reported to various county staff members, always ultimately reporting to the BOS by way of the CAO. A new manager, with extensive airport management experience, was hired effective February 5, 2001.
14. The BOS has adopted an Airport Master Plan and an Airport Business Development Plan. There is no operating plan.

CONCLUSIONS

1. Since 1957 Boards of Supervisors have disregarded the three basic requirements of the Litton agreement to keep the airport open, operate it in a safe manner, and to establish an airport commission to manage and control the airport.
2. Historically, Boards of Supervisors have authorized many of the actions and funds necessary to accomplish the safety and other needs of the airport, yet failed to follow through to assure completion.
3. Boards of Supervisors have spent an enormous amount of time on airport issues without fully resolving the problems of safety and financial viability.
4. Under the present system, there is no operating plan, no one with the authority to implement an operating plan, and woefully inadequate financial information and accountability.
5. Poor systems and weak oversight of the airport have resulted in emergency expenditure of taxpayer money by the Board of Supervisors to avoid airport closure.

RECOMMENDATIONS

The BOS should:

1. Empower a new Airport Commission, responsible to the board, to manage and control the operation of the airport.
2. Assure that an operating plan is produced that identifies and expedites a path to financial independence.
3. Assure that the \$1 million indebtedness is repaid to the county.
4. Develop an effective follow-up process to track progress against the plan and require strict financial accountability.
5. Track what happened to funds authorized by the BOS for the airport.

REQUIRED RESPONSES

Board of Supervisors, due July 10, 2001

County Administrative Officer, due June 10, 2001

Auditor-Controller, due June 10, 2001

Airport Commission, due July 10, 2001

Airport Manager, due June 10, 2001

NEVADA COUNTY SHERIFF'S DEPARTMENT

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury is responsible for reviewing law enforcement agencies within the county.

PROCEDURE FOLLOWED

The Grand Jury studied conditions at the Wayne Brown Correctional Facility, interviewed the County Director of Personnel, officials and staff at the Sheriff's Department and reviewed wages and benefits in comparable counties.

FINDINGS

At the time of this report, the deputy sheriffs are working without a contract and negotiations are still underway, according to the Personnel Department.

CONCLUSIONS

1. There are not enough sheriff's deputies to respond immediately to all emergency calls throughout western Nevada County. Likewise, unfilled positions at the jail result in serious safety risks to correctional officers and inmates and increase financial liability for taxpayers. This puts citizens and deputies alike in real peril because they lack the protection they have the right to expect.
2. Nevada County deputies' wages and retirement benefits are significantly lower than comparable counties. This has effectively stymied Nevada County's attempts to recruit and retain deputy sheriffs and correctional officers. Without wage hikes and upgrades to the retirement package, the situation will worsen.
3. The loss of experienced deputies and correctional officers to other counties is extremely costly and a waste of taxpayers' money. Nevada county residents pay for and deserve better police protection and adequate jail security.

RECOMMENDATIONS

The Nevada County Board of Supervisors should quickly improve deputies' and correctional officers' wages and benefits in order to recruit and retain qualified law enforcement officers.

RESPONSES REQUIRED

Sheriff, due June 4, 2001

Board of Supervisors, due July 2, 2001

CAPITAL FACILITIES

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury has the responsibility to review county departments and processes to determine if they are effectively meeting the needs of the community. The Grand Jury wants to insure timely planning for increased county facilities to meet projected growth in county population and services.

PROCEDURE FOLLOWED

The Grand Jury interviewed county personnel at all levels of county government, which included the 1999/2000 Chairman of the Board of Supervisors (BOS), Assistant County Administrator, Director of General Services/Purchasing, Director of Personnel, Auditor-Controller, and other county employees. The Grand Jury reviewed internal county documentation and reports prepared under contract to the county. The Grand Jury interviewed a consultant who assisted in preparing the 1999 VITETTA report referenced in the findings.

FINDINGS

1. In 1983 the county paid a consultant to prepare a report addressing future county workspace needs. A key recommendation in this report was to acquire a 55-acre parcel near the present Rood Center campus. The parcel was not purchased.
2. The 1995 county general plan included a second study on future space needs.
3. In 1999 the county paid a consultant (VITETTA) \$82,000 to prepare another report on future space needs. This report projected county employee growth from 1,197 to 1,867 for years 1999 to 2025 respectively, an increase of 56%. This employee increase would result in a facility space increase from 300,464 net usable sq. ft. to 486,061 sq. ft, an increase of 61%.
4. The VITETTA report recommended consolidating county services into four campuses; (Rood Center, Justice and Courts, Human Services, and remodeled Courthouse). The services planned for these four campuses are currently located in 33 county owned or leased locations.
5. A participant in preparing the VITETTA report suggested the county investigate private construction of future buildings on county owned land for leasing to the county. This is a common practice in other California counties where the occupant is reimbursed the leasing cost by the state.

6. The county currently owns 21 permanent buildings and 1 modular building containing about 414,000 gross sq. ft. Two buildings are located in Truckee. The county leases all or part of 11 buildings containing 30,111 gross sq. ft. at a yearly cost of \$467,128.
7. There is no county department tasked with canvassing the county for suitable facilities to accommodate employees and service clients. County department heads are free to seek out suitable building locations to house their employees and service their clients.
 - a. The Human Services Agency located a 2,300 sq. ft. building in Grass Valley and the Board of Supervisors (BOS) entered into a five-year lease for \$130,000. The BOS spent \$120,000 on improvements. The Human Services Agency cancelled its proposed use because of extremely limited parking.
 - b. The building is now planned to be occupied by the Information Systems computer programming staff of five, although these programmers will have to commute regularly to other facilities and will maintain duplicate work areas within other county locations.
8. In July 2000, the county formed a Capital Facilities Task Force to address short and long-term county space needs using the VITETTA report as the basis for all discussions. The task force is chaired by a member of the BOS with department heads or their representative as the membership.
 - a. Task force participation is voluntary.
 - b. Meeting agendas are published. The agendas show a proposed "campus" concept that would include a new justice and court facility, a human services facility, the present Rood Center, and a remodeled courthouse for the BOS and administration facilities.
 - c. Formal minutes are not taken. Participants are responsible for taking their own notes.
9. The 1999/2000 BOS Chairman stated the position that an additional building could be placed on the Rood Center campus and that future jail expansion could include a second story for the Sheriff's department.
10. Minutes of the County Administration Office department head meeting dated October 4, 2000 states "The consensus of the (Capital Facility) Task Force is that a new building needs to be constructed on the Government Center site. The Sheriff needs a law enforcement building conducive to the needs of the public, rather than being on the 2nd floor of the Administration Center and the Human Services Agency needs to find a suitable location."
11. The Human Services Agency was trying to obtain a lease of 40,000 to 70,000 sq. ft. at two locations but their requests for proposal were withdrawn because of neighborhood opposition. The latest county plan is to locate and lease an 80,000 to 100,000 sq. ft. facility. The Grand Jury has not been informed of the funding source.
12. Housing and Community Services is seeking a \$470,000 Community Development Block Grant to build a new facility in conjunction with an affordable-housing project slated for Grass Valley.

CONCLUSIONS

1. The county has spent thousands of dollars for professional consultants to prepare reports addressing future county workspace needs and possible solutions. These reports quickly become obsolete as the planning information contained within the reports changes.
2. County buildings are widely dispersed throughout Grass Valley, Nevada City, and to a much lesser degree within Truckee. The economic and service benefits from a "campus" setting are being lost as is the availability of suitable land to accommodate this concept.
3. The effectiveness of the Capital Facilities Task Force established to address short and long-term county space needs is impossible to evaluate because of the lack of action or formal minutes. Department heads appear to be independently looking to acquire additional workspace for county employees. This uncoordinated independent action can only cause further dispersion of facilities throughout the county.
4. Constructing a new building for the sheriff in the Rood Center campus may not be a viable option because of limited parking, drainage problems and possible design objections by Nevada City.

RECOMMENDATIONS

The BOS and/or the county administrator should:

1. Use the reports produced by the professional consultants as planning tools and update the planning information contained within these reports (i.e., projected number of county employees, facilities, and services) so that they can continue to be viable references.
2. Require departmental participation in the Capital Facilities Task Force and publish agendas and minutes of all meetings.
3. Require departments seeking additional workspace to submit updates to the planning information contained in existing reports (e.g., VITETTA report), and present their needs to the Capital Facilities Task Force so that a coordinated and comprehensive solution can be pursued.
4. Continue to develop the "campus" concept by locating employees and related services at a central location favorable to the intended clients.
5. Consider the option of purchasing land in proximity to existing "campus" sites for future projected growth.
6. Consider the option of private construction of future buildings on county owned land for leasing to the county where the occupant is reimbursed the leasing cost by the state.

7. Coordinate with other government entities (e.g., Nevada City and Grass Valley) to determine the feasibility of building design and location.
8. Look for an economic use of the leased 2,300 sq. ft. building (referred to in finding 7a.) in Grass Valley. If there is no economic use, negotiate to buy out the lease to save some portion of the \$250,000.
9. Complete the task force recommendation of increased development fees to finance other county building expansion.

RESPONSES

Board of Supervisors – no later than 90 days

County Administrator– no later than 60 days

COURT WORK RELEASE PROGRAM

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury has the responsibility to review county departments and processes to determine if they are meeting the needs of the community. The Grand Jury wanted to insure that appropriate procedures and practices are in place to minimize county liability and insure participant safety in the court sponsored work release program, hereafter referred to as "program."

PROCEDURE FOLLOWED

The Grand Jury interviewed county personnel at several levels of county government, which included the Director of General Services/Purchasing, County Risk Manager, County Chief Probation Officer, and county employees that supervise program participants. The Grand Jury reviewed county documentation pertaining to the program.

FINDINGS

1. The program was established by the Board of Supervisors (BOS) as a constructive alternative sentencing to that of fines or incarceration (Ordinance No. 1144, March 1983).
2. The BOS established a fee in the amount of \$16.00 per day to be paid by each participant of the program (Resolution No. 92107, February 1992).
3. During calendar year 2000, 240 program participants performed 8,676 hours of service.
4. The program is administered by the County Probation Department and available to qualifying individuals.
5. The County Risk Manager is responsible for identifying potential sources of liability and monitoring accident reports.
6. Ordinance No. 1144 required that agencies providing work for program participants provide workers compensation insurance and adequate liability insurance. The BOS deleted the agency requirement for workers compensation insurance (Ordinance No. 2045, March 2001). Coverage is now provided through the county's workers compensation insurance program. Any additional cost incurred from losses sustained by the participants will be allocated to the County Probation Department. The agencies are still required to provide adequate liability insurance.
7. The county's Senior Building and Grounds Specialist is responsible for the daily maintenance of fifteen county buildings. He has no permanent county staff to perform the work and therefore relies almost exclusively on the program for workers. In 1999, 105 program participants were assigned to Buildings and Grounds.

8. Worksite supervisors of program participants receive little guidance as to what is an appropriate job assignment. Written guidelines are not provided to the supervisors who directly monitor and supervise the work. Not all county employees assigned as worksite supervisors were aware of the requirements for workmen's compensation and liability insurance.
9. Adequate safety equipment is provided to match the job assignment.
10. Nevada County has a low number of reported program participant accidents.
11. Some assignments may be considered dangerous and inappropriate to program participants (e.g. working at great heights and icy conditions).

CONCLUSIONS

1. Even though the program has a good safety record, there is a potential for serious county liability that could be mitigated with properly written guidelines for the worksite supervisors.
2. The ability of the Senior Building and Grounds Specialist to meet job assignments requires a continuing availability of program participants.

RECOMMENDATIONS

1. The County Administrator should create and fill a Grounds Keeper position to assist the Senior Building and Grounds Specialist.
2. The Risk Manager should establish written guidelines and procedures for program worksite supervisors that identify their responsibilities in insuring participant safety. These guidelines should include, and need not be limited to:
 - Identifying specific hazardous jobs not appropriate for participants.
 - Consulting with participants to match jobs to physical and mental limitations.
 - Procedures to be followed when an accident occurs on the job involving a participant.

REQUIRED RESPONSES

County Administrator – no later than 60 days
County Risk Manager – no later than 60 days
County Probation Officer – no later than 60 days

NEVADA COUNTY UTILITY FRANCHISES

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury has the responsibility to review county departments, programs, and processes to determine if they are meeting the needs of the community. The Grand Jury wants to insure that appropriate procedures and practices are in place to guarantee that the county is receiving agreed-to fees from utility franchises operating within the county.

PROCEDURE FOLLOWED

The Grand Jury interviewed the three county managers responsible for franchises in the unincorporated areas of the county: the Transit Director for cable TV, the Department of Transportation and Sanitation for garbage collection, and the Auditor-Controller for gas and electric. The Grand Jury reviewed county documentation that included: (1) Ordinance Nos. 161, 162 and 670, (2) Article 1 Regulations Affecting Franchises in Nevada County, and (3) The Nevada County General Code Chapter II: Franchises, revised 3/7/00, hereafter referred to as County Code.

FINDINGS

1. The California Public Utilities Code Section 6201-6205.1, known as the Franchise Act of 1937, authorizes municipalities including counties to grant franchises to utilities to establish operations within the localities and to collect a franchise fee for using public facilities such as roads. Such fees apply to private-sector utilities only.
2. In Nevada County franchises are established by contract and documented in most cases in County Code and several ordinances. County Code establishes the fees a franchisee shall pay to the county. These regulations cover cable TV entertainment transmissions, garbage collection, and the Sierra Pacific Power Company. PG&E is not covered in the County Code and there is no general section that describes gas and electric franchises. PG&E operates under a 1948 contract with the county under the same general terms as for Sierra Pacific Power. Telephone service is not covered by code, and Pacific Bell pays no franchise fees as far as the Grand Jury can determine.
3. Franchise fees contribute approximately \$600,000 to the county general fund, or about 3% of total local fees and taxes. The breakdown by franchise type is as follows:

<i>Franchise Type</i>	<i>FY 1999/2000</i>
Cable TV	146,516.04
Garbage	226,107.47
Electric*	211,973.13
Gas*	25,617.26
Total	610,213.90

*Includes PG&E and Sierra Pacific Power

4. County Code specifies that cable TV franchisees pay a maximum of 5% of gross revenue each year. The Board of Supervisors sets the actual percentage paid. This is a non-exclusive franchise of fifteen years duration.
 - In practice, the county conforms to County Code in determining the revenue formula.
 - The county is not in conformance with the County Code requirement to audit the franchisee at least once every three years to assure that the county has received the appropriate amount of revenue.
5. County Code states, "The grantee of a [garbage] franchise hereunder shall pay to the county, during the term of such franchise, the sum of fifty dollars per calendar year or portion thereof." Taken literally, the county would receive a total of \$50 per year. This is a non-exclusive franchise, which is not to exceed twenty-five years duration.
 - In practice, the county does not conform to the County Code. Franchisees pay an annual fee of 4% of gross revenue where garbage service is mandatory. Where it is voluntary, fees are 3% of gross revenue.
 - The county is not required to conduct an audit. However, it has no method for assuring the accuracy of fee payments.
6. County Code says that the Sierra Pacific Power Company shall pay between 1% and 2% of the gross annual receipts. This is a non-exclusive franchise for fifty years.
 - County practice conforms to the County Code.
 - PG&E appears to be paying fees at a rate comparable to Sierra Pacific Power Company.
 - The county is not required to conduct an audit. However, it has no method for assuring the accuracy of fee payments.
7. Money received by the county is based upon statements and reports provided by each franchisee. The county has never conducted any type of audit of the current utility franchises.

CONCLUSIONS

1. There are no apparent procedures and practices in place to guarantee that the county is receiving agreed-to fees from all franchises operating within the county.
2. If the County Code requires an audit of the cable TV franchise, audits of the other franchises should also be required.
3. The County Code does not include all utility franchises within the county (i.e. PG&E). It does not guide the method for calculating all franchise fees due to the county.

RECOMMENDATIONS

The responsible county officials should:

1. Review and update the County Code (Nevada County General Code Chapter II: Franchises) to:
 - Include all utility franchises operating within the county.
 - Establish a definitive method for calculating each franchise fee.
 - Establish procedures to insure that the county is receiving all agreed-to fees from franchises operating within the county. These procedures should include audits and/or other reviews of each franchise.
2. Perform the required audits and/or reviews, as stated in the updated County Code, of each franchise at the earliest opportunity.

REQUIRED RESPONSES

Board of Supervisors – no later than 90 days
County Administrator – no later than 60 days
Auditor-Controller – no later than 60 days

NEVADA COUNTY SHERIFF'S SUBSTATION, TRUCKEE

REASON FOR INVESTIGATION

California Penal Code Section 919(b) requires the Civil Grand Jury to annually inspect all detention facilities within the county.

PROCEDURE FOLLOWED

The Grand Jury inspected the substation on July 27, 2000 and made a follow-up visit on August 4, 2000. The following were interviewed:

Sheriff
Facility Commanders
Truckee Town Manager
Truckee Fire Protection District Chief

FINDINGS

1. The substation has an 11-inmate capacity and currently employs five correctional officers; four females and one male. When no female officer is on duty, female inmates are transported to the Wayne Brown Correctional Facility in Nevada City.
2. The facility was clean, with fresh paint and new lighting in the cell area.
3. The substation is a test site for a new computer system designed to combine record management, dispatch and the jail booking system.
4. The county employs six civilian dispatchers; three computer workstations are now available for their use.
5. Wheelchair access has been provided at the entrance to the facility and an area near the evidence storage lockers has been improved to provide better access.
6. The facility commander has requested current fire safety inspection. A California State Fire Marshall inspected the facility on September 29, 2000. The facility received an A+ grade on the Fire Life Safety Inspection Report.
7. The town of Truckee has a contract with the Nevada County Sheriff's Department to provide law enforcement services. The contract may be canceled with a one year notice which was given to the Sheriff on September 1, 2000. Truckee intends to establish its own police department by September 1, 2001.

CONCLUSIONS

1. Improvements at the substation provide increased protection for inmates.
2. The additional computer workstations will allow personnel to better handle emergency situations.

RECOMMENDATIONS

None

REQUIRED RESPONSES

Sheriff Keith Royal, Due January 10, 2001

WAYNE BROWN CORRECTIONAL FACILITY

REASON FOR INVESTIGATION

California Penal Code Section 919(b) requires the Civil Grand Jury to inspect annually all detention facilities within the county.

PROCEDURE FOLLOWED

The Grand Jury inspected the Wayne Brown Correctional Facility on October 4, 2000, and made a follow up visit on October 26, 2000. The Jury interviewed Sheriff's personnel responsible for security at the facility. On November 15, 2000, The Personnel Director of Nevada County was also interviewed.

FINDINGS

1. Wayne Brown Correctional Facility has an inmate capacity numbering 230. These inmates may be sentenced for a period of up to one year. Male and female inmates are housed separately.
2. Visiting area is partitioned so there is no physical contact between inmate and visitors. Re-design of the front lobby provides improved security of main entrance. Facility is clean and well maintained.
3. Inmates can earn the privilege of working in the kitchen, laundry or on grounds.
4. Nevada County contracts with California Forensic Medical Group which provides medical care for inmates.
5. Currently inmates are transported to the Nevada County Courthouse to appear before a Judge for arraignment. They must be physically searched before leaving the Wayne Brown Correctional Facility and again upon return. However, video equipment being installed at the Wayne Brown Correctional Facility and the Courthouse will reduce the number of inmates transported.
6. The Board of Corrections recommends a staffing level of 55 to operate the Wayne Brown Correctional Facility. At the date of this report, 16 positions were either unfilled or vacant due to illness or injury with three additional officers scheduled to leave before the end of the year. Active recruitment by the personnel department is underway.
9. Correctional officers say their fatigue and stress are at the highest level in years.
10. Correctional officers are offered a salary and retirement package lower than neighboring counties.

CONCLUSIONS

1. The Wayne Brown Correctional Facility was understaffed 33% as of December 31, 2000. This situation jeopardizes officers and inmates. The risk of financial liability to the county also increases.

2. The county continues to lose qualified correctional officers. Reasons cited include low salaries, mandatory overtime, high levels of stress and an inadequate retirement plan.
3. Recommendations from the previous Grand Juries regarding bringing the number of staff at this facility up to the Board of Corrections requirement have not been met. The number of qualified staff continues to decline. The sheriff's department is having to supplement jail staff with a deputy from Truckee and a bailiff from the courthouse.

RECOMMENDATIONS

1. The staffing at this facility should be increased to 55 to meet the requirement of the Board of Corrections.
- 2, The Nevada County Board of Supervisors should adopt a competitive wage and benefit package.

REQUIRED RESPONSES

Sheriff, Due March 26, 2001

Board of Supervisors, Due April 25, 2001

JUVENILE ASSESSMENT CENTER

REASONS FOR INVESTIGATION

California Penal Code Section 919 (b) requires that the Civil Grand Jury inspect all detention facilities within Nevada County.

PROCEDURE FOLLOWED

The Grand Jury inspected the existing facility on January 8, 2001. The inspection of the new Carl F. Bryan, II Juvenile Assessment Center was completed on February 8, 2001. At the time of this inspection, the facility was under construction.

FINDINGS

1. The existing Juvenile Assessment Center was built in 1955. Its maximum capacity is 19 wards.
2. Wards undergo health, injury and mental health assessments upon entry.
3. Basic education is provided all wards. The school hours meet minimum state standards.
4. Rehabilitative programs such as Alcoholics Anonymous, Narcotics Anonymous, Anger Management and group and individual therapy are provided.
5. A new 4 x 4 vehicle was purchased to transport wards to and from Truckee or out of county. This purchase was in compliance with a previous Grand Jury recommendation.
6. The Board of Corrections has stated the "physical plant is old and in need of replacement." It has also commended the staff for "their hard work and ability to do their job with limited resources."
7. On March 29, 2000, groundbreaking ceremonies for the new juvenile assessment center took place. This new facility will be a 25,845 square foot building capable of housing 30 wards initially, and upon completion will be capable of handling up to 60 wards.
 - The housing units are designed in pods surrounding the central control center which has direct visual contact with all wards.
 - Each tiered housing unit has a dayroom with access to classrooms and outdoor recreation areas.
 - A full service kitchen, laundry and 4-bed medical isolation unit, located next to the medical clinic, are included.
8. The project is scheduled for completion in the fall of 2001.

CONCLUSIONS

The new Carl F. Bryan, II Juvenile Assessment Center will provide the staff with needed space and security to perform duties and provide wards with expanded educational and rehabilitation programs.

RECOMMENDATIONS

None

RESPONSES REQUIRED

None

PUBLIC HEALTH PROTECTION IN NEVADA COUNTY

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury has the responsibility to review departments of Nevada County to see if they are meeting the needs of our community.

PROCEDURE FOLLOWED

The Grand Jury interviewed management and staff of the Community Health Department, inspected various facilities, consulted professionals in other counties and health organizations and obtained legal guidance.

FINDINGS

1. Nevada County did not have a health plan at the time of the Grand Jury investigation. A health plan has been promised by June 2001.
2. According to the California Code of Regulations and the California Health and Safety Code, each county is required to have a county health officer.
3. The Nevada County Health Officer position was vacant for at least two years despite a California Department of Health Services letter (Appendix A) and a California Conference of Local Health Officers letter (Appendix B) stating the requirement for a full-time county health officer.
4. In the absence of a full-time county health officer, the county contracted with a physician to provide four hours per week of health clinic coverage.
5. The Grand Jury was told by a health official that, during the absence of a full-time county health officer, the professional staff and facilities such as schools were handicapped by lack of medical and professional guidance.
6. The Nevada County Board of Supervisors appointed a qualified individual to fill the county health officer position on a part-time (46%) temporary basis effective November 9, 2000.
7. The current county health officer cannot work more than part-time for Nevada County due to personal obligations.
8. The Grand Jury learned that key public health positions are unfilled.

9. The total Nevada County Human Services Agency budget is \$38 million; of this total, the public health budget is \$3.5 million of which \$61,000 (less than 2%) comes from the county general fund (county taxpayers). The remainder comes to the county from federal and state grants.
10. The Grand Jury learned that money is available through Tobacco and Realignment Funds to employ a full-time county health officer and fill needed public health positions at competitive compensation.
11. As classified by the California Government Code, the county health officer is an officer of the county, on a level with the elected positions of sheriff, district attorney, tax collector and assessor, who have full authority over their departments.
12. Although he is an officer of the county, the current Nevada County Health Officer, a medical doctor with an additional degree in public health, reports to the Director of Community Health, a non-medical administrator who is not an officer of the county.
13. An admission was made to the Grand Jury that public health decisions might be dependent upon political implications.
14. Under state law, the county health officer holds authority for preventive medicine, substance abuse programs, disease control, food safety, and environmental health and safety to ensure the public health.
15. Under current county organization, many of the above programs have been fragmented and parceled out to other departments. For example, the Environmental Health Department is responsible for food establishment inspections. Currently such inspections are scheduled to be carried out once a year. As another example, the Behavioral Health Department carries out mental health medical functions under the supervision of a non-medical administrator.
16. The California Code of Regulations and the California Health and Safety Code specify 10 county duties and responsibilities (Appendix C) and 38 county health officer duties and responsibilities (Appendix D).
17. Title 17, Chapter 3, California Code of Regulations states that the county health officer should devote "full time to official duties and these duties shall constitute his primary responsibility and no other activities shall interfere with performance of his official duties".

CONCLUSIONS

1. The fragmentation of public health duties and responsibilities across county departments impedes the development and implementation of a coordinated county health plan.
2. The Grand Jury believes that the county's responsibilities are not being met. See Appendix C.

3. Nevada County has lacked the guidance and professional leadership that would be available from a full-time county health officer.
4. The Grand Jury is concerned by information received that political implications would be considered before making public health decisions.
5. The Grand Jury is convinced that a part-time county health officer cannot carry out the full range of duties listed by the National Association of County and City Health Officials and by State Regulations. See Appendix D.

RECOMMENDATIONS

1. The Grand Jury recommends that the county prepare a comprehensive health plan that includes specific duties, responsibilities, goals and activities of the county health officer and the county health department.
2. The Grand Jury recommends that the county use available funds to hire a full-time county health officer to establish and direct priorities in public health.
3. The Grand Jury recommends that the county assure that no administrator or officer is allowed to interfere with the county health officer's public health decisions for any political or other consideration.

REQUIRED RESPONSES

Board of Supervisors, due by July 5, 2001
County Administrative Officer, due by June 5, 2001
Director, Human Services Agency, due by June 5, 2001
Director, Community Health, due by June 5, 2001
County Health Officer, due by June 5, 2001

APPENDIX A

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

PETE WILSON, D.

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
P.O. BOX 94792
SACRAMENTO, CA 95834-7920
(916) 657-1425

MAR 29 1993



Bill Schultz, Chairman
Nevada County Board of Supervisors
P.O. Box 6100
Nevada City, CA 95959-6100

Dear Mr. Schultz:

We understand that the Health Officer in Nevada County recently retired. It is also our understanding that you are considering filling that position with a part-time individual under contract.

I am writing to remind you that the California Health and Safety Code (H&S) and the California Code of Regulations (CCR) contain requirements pertaining to the county Health Officer. These specify that the Board of Supervisors shall appoint a Health Officer who is a county officer (H&S 451); that the Health Officer shall be a graduate of a medical school of good standing and repute and shall be eligible for a license to practice medicine and surgery in the State of California (H&S 454; CCR 1300), and that the health department shall be under the direction of the Health Officer devoting full time to official duties (CCR 1260). In addition, it is the opinion of the Attorney General that the Health Officer is declared a county officer and no independent contractual arrangement may be made for appointment of a county officer (26 Ops. Atty. Gen. 14, 7-15-55, enclosed).

Not only is the Health Officer responsible for assessing the community's health status and for directing the county's mandated health protection functions, the Health Officer also exercises police powers to enforce laws, ordinances and orders of the State Department of Health Services to protect the public's health. For these reasons, it is important that the Health Officer be a physician employed full-time and have experience in public health.

Please contact Ms. Tameron Mitchell, Acting Deputy Director, Health Information and Strategic Planning if you have questions. She can be reached at (916) 654-1643. We may be able to offer assistance in recruiting qualified individuals to serve your county as Health Officer.

Very truly yours,

Molly Joel Coye
Molly Joel Coye, M.D., M.P.H.

Molly Joel Coye, M.D., M.P.H.
Director

Enclosures

cc: Dick Webb, Personnel Director
Nevada County

APPENDIX B

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY

FACTS AND FIGURES

CCLHO

California Conference of Local Health Officers
Health Information & Disease Planning, Department of Health Services
16 P STREET, ROOM 3716
OAKLAND, CALIFORNIA 94612
TELEPHONE (415) 833-4000 FAX (415) 833-4000
HAROLD M. KAMMANN, Executive Secretary



February 24, 1993

Bill Schultz, Chairman
Nevada County Board of Supervisors
P.O. Box 6100
Nevada City, CA 95959-6100

Dear Mr. Schultz:

Several members of the California Conference of Local Health Officers have received your County's Request for Proposal for a Contract as the part-time medical officer to serve as the health officer. We want to make sure that you are aware that the laws of California require a full-time physician health officer.

The duty of the health officer is to assure the health of the community. He or she is responsible for assessing the community's health status and for directing the county's mandated health protection functions including services related to communicable disease control, maternal and child health, disaster and emergency response, public health laboratory services, vital statistics, environmental health and public health nursing.

The health officer enforces the public health statutes, regulations, and local health orders and ordinances. Enforcement functions include the exercise of police powers, as in quarantine situations. Many health laws are subjective or general in nature and require medical expertise and experience for rational interpretation and enforcement.

To protect the health of your community, it is imperative that you have the counsel of a full-time, medically trained health officer who will put the health of the community first, over and above the needs of a private practice or personal time off.

Enclosed is a copy of "The Local Health Officer in California, An Analysis by the California Conference of Local Health Officers." This will provide a broader description of the duties and functions of health officers within a local government setting. CCLHO is available to assist you in your recruitment efforts for this position. Please feel free to contact me if you have any questions or if you would like our assistance.

Sincerely,

A handwritten signature in cursive script that reads "Betta G. Hinton M.D.".

Betta G. Hinton, M.D., M.P.H.
President

cc: See next page

APPENDIX C

COUNTY'S DUTIES AND RESPONSIBILITIES

(as compiled by the Nevada County Counsel)

1. The board of supervisors of each county shall take measures as may be necessary to preserve and protect the public health in the unincorporated territory of the county.(Health & Safety Code (H&S) 101025)
2. Each county health department shall be the local lead agency for its county for preventive health education/anti-tobacco programs. (H&S 104400)
3. Local health departments shall provide services in occupational health to promote the health of employed persons, including educational, consultative, statistical, investigative and other activities. (H&S 105150)
4. The local health department may be authorized to enforce regulations pertaining to retail food establishments. (H&S 111015)
5. The State Department of Health may grant funds to a county to administer a program to provide drug treatments to persons inflicted with HIV. (H&S 120955)
6. The governing body of each county shall establish a community child health and disability prevention program for the purpose of providing early and periodic assessments of the health status of children in the county. (H&S 124040)
7. The board of supervisors, by adopting a resolution to that effect, may elect to participate in the County Medical Services Program. The County Medical Services Program shall have responsibilities for specified health service to county residents certified eligible for those services by the county (Welfare & Institutions (W&I) 16809)
8. Every county shall relieve and support all incompetent, poor, indigent persons and those incapacitated by age, disease or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, by their own means, or by state hospitals or other state or private institutions. (W&I 17000)
9. The health department shall offer at least the following basic services:
 - a. Collection, tabulation and analysis of all public health statistics, including population data, natality, mortality and morbidity records, as well as evaluation of service records. (Title 17 California Code of Regulations (17 CCR) 2502)
 - b. Health education programs.
 - c. Communicable disease control.

(17 CCR 2501)

- d. Medical, nursing, educational, and other services to promote maternal and childhealth.
- e. Laboratory service
- f. Services in nutrition.
- g. Services in chronic disease.
- h. Services directed to the social factors affecting health.
- i. Services in occupational health.
- j. Appropriate services in the field of family planning.
- k. Public health nursing services. (17 CCR 1276, 1371)
- l. Environmental health and sanitation services and programs relating to the following:
 - (1) Food. (17 CCR 13671; H&S 110440, 111020)
 - (2) Housing and institutions.
 - (3) Radiological health in local jurisdictions contracting with the State Department of Health to enforce the Radiation Control Law.
 - (4) Milk and dairy products in local jurisdictions maintaining an approved milk Inspection service.
 - (5) Water oriented recreation.
 - (6) Safety.
 - (7) Vector Control.
 - (8) Waste management.
 - (9) Water supply.
 - (10) Air sanitation.
 - (11) Additional environmentally related services and programs as required by the county board of supervisors, city council, or health district board
 - (12) May include land development and use.

Each county shall submit to the State Department of Health, annually for approval, program plans in each of the categories (1) through (10). (17 CCR 1373)

10. Each local health department in the county where a newborn resides shall be responsible for making every reasonable effort to obtain specimens when requested by the department approved area genetic center or the State Department of Health with regard to testing for preventable heritable disorders. to it as a case of a disorder characterized by lapses of consciousness. (H&S 103900)

BEHAVIORAL HEALTH SERVICES

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury has the responsibility to review citizen complaints concerning a department of Nevada County, as well as to review county departments, programs, and processes to determine if they are meeting the needs of the community.

PROCEDURE FOLLOWED

The Grand Jury interviewed management and staff of the Behavioral Health Services, the County Administrator, the Assistant County Administrator, the Human Services Director, the retiring Behavioral Health Director, the acting Behavioral Health Director, the new Behavioral Health Director, contractual workers, the Sheriff and a county financial analyst.

FINDINGS

1. The Behavioral Health Services serves approximately 1300 "at risk" clients and has an annual budget of \$6.5 million, a staff of approximately 77 full-time-equivalents, and a similar number of outside contractors including psychiatrists, therapists, crisis workers and others.
2. The department is funded primarily by managed care reimbursements, client fees, and federal and state grants. Discretionary money is provided via state "realignment funds," the sources of which are state sales taxes and vehicle license fees. The County General Fund, as required by state rules, provides \$30,893 each year.
3. The Grand Jury was told that the Behavioral Health Services was not billing MediCal for a significant portion of the reimbursable services that it provides to clients. The department was also incurring rising hospitalization and transportation costs, some of which are not reimbursable. As a result, the department is drawing down discretionary funds that will be depleted in 2002. The new Behavioral Health Director's charge is to solve a projected \$1,000,000 shortfall in the behavioral health budget.
4. The Grand Jury was told that the Behavioral Health Services is understaffed and turnover is high. Many management positions turned over in the past one to two years. Both internal and contracted positions are difficult to fill due to low compensation. The former Behavioral Health Director retired in September 2000, yet the new Behavioral Health Director was not on staff until March 2001. About 11 staff positions are unfilled. Five or six employees are on medical leave and cannot be replaced except by temporary workers, who are difficult to find. Some employees, including some on medical leave, are suffering from post-traumatic stress as a result of the January 10, 2001 shootings at the Behavioral Health Services. The Grand Jury was informed that productivity and morale were low even before the shootings.
5. Both staff and the Behavioral Health Director stated that psychiatric resources were inadequate. The current director stated that staffing should consist of a full-time, employee medical director and the equivalent of two full-time psychiatrists. At the time of this report, seven part-time independent contractor psychiatrists were providing the equivalent of about

two full-time doctors, a low level that resulted when one of the contracting psychiatrists recently left his county position. No one provides medical supervision of the doctors and their treatments.

6. The California Code of Regulations, Title 9, section 620 defines the requirements to be a mental health director. The new Behavioral Health Director satisfies these requirements in that he has a master's degree in clinical social work and a master's degree in public administration.
7. The California Code of Regulations, Title 9, section 622 states that if the mental health director does not have a physician's license, there shall be a medical officer who holds a physician's license. To correct this deficiency, the Behavioral Health Director recommends that a full-time medical director be hired as soon as possible to oversee psychiatric staff and client treatment.
8. The Behavioral Health Services is required to accept all clients who qualify. This creates challenges in managing resources, especially during periods of peak demand for services. Nonetheless, for more than a year clients have often faced waits of six weeks or longer to get an appointment. The Grand Jury was informed that one client was told there would be a wait of several weeks to obtain authorization for a prescription refill. The authorization was provided when a senior county official intervened on the client's behalf.
9. The Grand Jury was informed that, although contracts provide for a wide range of services, psychiatrists are used primarily to prescribe medications and are not used to provide psychotherapy or case review. Psychiatrists are allowed about an hour with a new patient and 20 minutes for a follow-up visit. During those periods, the doctor diagnoses the patient, prescribes medication or adjusts dosages, and completes the paperwork for cost reimbursement.
10. Social worker interns or private therapists provide psychotherapy. The interns are temporary county employees who are working toward licenses and are supervised by an independent contractor who is a licensed clinical social worker.
11. The Grand Jury was told that non-medical staff could override psychiatrists' recommendations. A psychiatrist who ordered a patient hospitalized later learned that a non-medical staff member reversed his order.
12. It was admitted to the Grand Jury that no one person is specifically responsible for overseeing the progress of a patient.

CONCLUSIONS

1. The shootings at the Behavioral Health Services were the catalyst that led to an examination of the operations of that department. In its investigation, the Grand Jury was dismayed to find an organization with severe problems in management, in fiscal planning, and in providing services to its clients. Further, the county has failed to pursue initiatives to acquire sufficient state, federal and private grant funding.
2. The department has had a great deal of management turnover, which is always a source of turmoil, and little focus by county senior management. Problems have been allowed to persist. Poor financial planning has led the department to use up its discretionary reserves to meet normal operating costs. This has occurred when the economy was booming and sales tax

- revenue was at a high level. The department faces empty reserves just as the economy is slowing and tax revenue could decline.
3. Despite spending beyond its means, the department has been over-focused on meeting budget to the detriment of the client. For example, to save money the department experimented with processing applicants for mental health services in a group, rather than individually discussing their problems and needs. This was done despite warnings from mental health professionals that this would only discourage people from seeking needed help. There is little medical influence. Expensive psychiatrists are independent contractors working part-time for the county who are used in a limited role and are not involved in department decision-making. Non-medical people cannot oversee psychiatrists, nor can county employees supervise independent contractors. There is no one in charge of the individual client's case.
 4. The new Behavioral Health Director has taken on the massive job of curing many problems in this organization. He appears to be an experienced and able administrator with a good understanding of what is needed. He should be fully supported in his efforts to make needed changes, beginning with his proposal to hire a full-time medical officer who can provide medical direction.

RECOMMENDATIONS

The Grand Jury recommends that:

1. The county find the funds to hire the legally required and urgently needed full-time medical director.
2. The Behavioral Health Services meet client needs and achieve good financial management.
3. The county support the Behavioral Health Director while he makes the changes needed to stabilize and improve the department, even if additional General Funds are required.
4. The County Administrator should develop a constructive oversight process that can detect issues before they become severe.
5. The county pursue initiatives to acquire sufficient funding for behavioral health.

REQUIRED RESPONSES

Board of Supervisors, due August 22, 2001

County Administrator, due July 23, 2001

Director, Human Services Agency, due July 23, 2001

Director, Behavioral Health Services, due July 23, 2001

NEVADA IRRIGATION DISTRICT

REASON FOR THE INVESTIGATION

The Nevada County Civil Grand Jury is responsible for reviewing Special Districts within Nevada County.

PROCEDURE FOLLOWED

The Grand Jury reviewed the 1998-99 Grand Jury report on the Nevada Irrigation District (NID) and the response by NID to the Grand Jury findings and recommendations. The Grand Jury met with the NID General Manager.

FINDINGS

1. The 1998-99 Nevada County Civil Grand Jury recommended that: "NID develop a standard formula based on future delivery costs that will be used for determining future user rate adjustments. Further, the Grand Jury recommends that factors used in producing user rates be published each year."
2. The NID, in its response to the above recommendation, stated: "The District's Water Rate committee has directed staff at its May 26, 1999 meeting to prepare a request for proposal to solicit assistance in performing a cost of service study of user fees. Once this study is completed, the District will review the findings and consider adoption of the results. The anticipated completion date of the study is February 2000. At the conclusion of the study, a determination will be made as to how customers will be informed in regards to annual changes in rates and fees for services provided by the District."
3. The Cost of Service Study has not been completed and is now projected to be finished by April 2001 – 14 months later than promised. The study is being performed by Economic Engineering Services, Inc. of Bellevue, Washington. A preliminary report and interim document was to be presented to the NID Water Rates Committee on December 13, 2000 at a Board of Directors meeting.
4. Although the rate-setting study was not completed, the NID Water Rates Committee on November 29, 2000 recommended a 1.8 percent water rate increase next year in its proposal to the NID Directors.
5. At the November meeting, only one of the five members of the NID Board of Directors objected to the rate increase, stating that NID should hold off on any rate increases until the Cost of Service Study is completed as recommended by the 1998-99 Nevada County Civil Grand Jury.

6. Information presented to the Grand Jury indicates that NID's current reserve funds have grown from \$8,279,000 to \$42,960,000 since 1990.
7. Anticipated income to be generated from the proposed 1.8 percent water rate increase is \$168,000 per year.

CONCLUSIONS

1. The NID Water Rates Committee and Board of Directors do not have a completed Cost of Service Study to use as a guide in recommending and justifying user rate changes.
2. The anticipated income from the proposed water rate increase is a minuscule portion of NID's reserves and would have little effect on the total value of NID reserves.

RECOMMENDATIONS

1. The Grand Jury recommends that the NID Board of Directors postpone implementation of any water rate increase until it has received the Cost of Service Study and has presented its contents to the public.
2. The Grand Jury further recommends that, if based on the above mentioned study, the Board of Directors still believes \$168,000 in additional revenue is in order, funds should be taken from current reserves.

REQUIRED RESPONSE

NID Board of Directors: February 20, 2001

NEVADA COUNTY LIBRARY SYSTEM

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury has the responsibility to review departments of Nevada County to determine the degree to which they are meeting community needs.

PROCEDURE FOLLOWED

The Grand Jury toured three local libraries and interviewed library personnel and other knowledgeable persons.

FINDINGS

1. The Nevada County libraries are the Madelyn Helling, Grass Valley, Foley Historical and Truckee.
2. The passage of County Measure B, the one-eighth of one percent sales tax, in 1998, has resulted in the collection of approximately \$900,000 per year, which is about half of the total operating revenue for the libraries.
 - This tax expires on October 31, 2003.
 - At present, there is no identified replacement source of funds for Measure B.
 - Measure B money has funded major increases in hours of operation, circulation, staff, and number and quality of adults' and children's programs. Among the special programs introduced is the free literacy service open to all ages.
 - The number of library volunteers has increased to 238 who contribute approximately 35,000 hours per year.
3. State Proposition 14, the Library Bond Act, which passed in March 2000, provides for more than \$350 million for construction and expansion of libraries.
 - The Nevada County Library plans to apply for a grant when monies become available in 2002.
 - Grant money will be used to increase the capacities of the Grass Valley and Truckee Libraries.
4. Future plans include multi-use libraries in conjunction with Bear River High School and Ready Springs Middle School in Penn Valley as well as an additional branch in North San Juan.

CONCLUSIONS

1. If no new funding source is found when Measure B expires, the gains of the last two years would be lost, resulting in drastically reduced services.
2. In order to receive consideration, grant applications for construction projects must include preliminary plans, specifications and costs.

RECOMMENDATIONS

1. The Grand Jury recommends that the county identify a permanent source of funds to maintain the present level of library services.
2. The Grand Jury recommends that all necessary preliminary work accompany the grant application for Proposition 14 funds.

RESPONSES REQUIRED

Nevada County Board of Supervisors, due August 9, 2001

Nevada County Librarian, due July 10, 2001

GRASS VALLEY WATER TREATMENT PLANT

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury has responsibility to review departments of the cities in Nevada County.

PROCEDURE FOLLOWED

The Grand Jury inspected the Grass Valley water treatment plant on August 15, 2000, interviewed supervisors and based its findings on its observations supplemented by city personnel's statements.

FINDINGS

1. Untreated water is supplied to the Grass Valley water treatment plant by the Nevada Irrigation District (NID).
2. The water treatment plant has a capacity of 5 million gallons of treated water per day. Usage during the summer is about two million gallons per day and during the winter about one million gallons per day.
3. A well-maintained emergency power system is in place. During plant shutdowns or yearly cleaning of the settling ponds, treated water can be supplied by NID from their Elizabeth George treatment plant, thus assuring a constant supply of treated water to Grass Valley. Alternatively the Grass Valley plant can supply treated water to NID. A 2- million gallon covered reservoir for treated water is sited at the plant and another 2.5- million gallon covered storage tank is located on Empire Street.
4. Treated water samples are analyzed on a fixed schedule for pH, turbidity, residual chlorine and coliform bacteria at the Grass Valley wastewater treatment plant laboratory. Analyses for copper, lead and other compounds are done at an outside laboratory. All of the compounds analyzed are well below the levels set by the California Department of Health Services. Monthly reports are sent to the state and the state inspects the plant twice a year.
5. All potable water plant operators and wastewater plant operators are state certified in both disciplines and can operate either plant.
6. The water treatment plant was in spotless condition and all electrical and mechanical equipment is kept in excellent condition.
7. Since the plant operates automatically there is no need for staffing the second and third shifts each day. Any equipment failures on un-staffed shifts are automatically alarmed and an operator is called out.
8. The plant is protected by a chain-link fence topped with barbed wire. Some vandalism has occurred in the past and plans have been made to install an outside electronic monitoring system to detect intruders.

CONCLUSION

The Grass Valley water treatment plant is well operated and is a credit to the city.

RECOMMENDATION

The Grand Jury recommends that the city upgrade the security system as soon as possible.

REQUIRED RESPONSE

The Grass Valley City Council, due January 3, 2001.

GRASS VALLEY WASTEWATER TREATMENT PLANT

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury has responsibility to review departments of the cities in Nevada County.

PROCEDURE FOLLOWED

The Grand Jury inspected the Grass Valley wastewater treatment plant on September 20, 2000, interviewed plant supervisors and based its findings on observations supplemented by city personnel's statements.

FINDINGS

1. Collection of Grass Valley's wastewater is done partially by gravity and also by eight pumping installations throughout the city. Storm water is collected separately and discharged to Wolf Creek.
2. The wastewater treatment plant has a present capacity of 1.7-million gallons of wastewater per day in the summer and 4.8-million gallons per day in the winter. The difference is mostly infiltration of surface water to old and broken collection piping. Replacement of a main collector line beside the bed of Wolf Creek earlier this year should substantially reduce infiltration. The city is actively pursuing a program of finding and replacing broken pipes to lower the amount of surface water infiltration.
3. The plant is currently undergoing an expansion to 7-million gallons per day and will attain that capacity in mid-2001. This capacity is expected to be adequate to take care of the contemplated growth of the city until the year 2015.
4. The expansion cost will be \$9.2 million, most of which is on hand from user and connection fees. The much larger processing equipment that is being installed is of the latest design and the new state-of-the-art computer system should permit control of most plant functions from the operator's control room.
5. Emergency power is provided by diesel-powered generators that are tested under load at proper intervals.
6. Most odors at the plant have their source at the head works of the plant where the incoming wastewater is screened to remove cloth, plastics, wood fibers, etc. which can plug up plant pumps and piping. Some cloth that passed the screen in May, 2000 resulted in a pump plug and a spill of several thousand gallons of sludge to Wolf Creek.
7. An activated carbon odor control system at the head works is being expanded and upgraded to minimize odors emanating from the plant. The remainder of the plant processes are relatively odor free, although occasionally certain uncontrollable combinations of water temperature, contained chemical compounds and atmospheric conditions will cause some odors to be emitted.
8. The final products from the plant are water and a digested sludge. The water discharged to Wolf Creek meets California standards. The sludge is collected in a lagoon before being

filtered and trucked once a year to a company that sells it to apply to certain agricultural crops or sends it to a certified land-fill.

9. Management states the expansion project is on budget although the finding of some mercury from an old gold amalgamation plant on the property will cause some extra expense that should be covered by a contingency fund.

CONCLUSIONS

The expansion of the Grass Valley wastewater treatment plant is one of the largest public works projects ever done in Nevada County and is the result of commendable forward planning by the city

RECOMMENDATIONS

None

RESPONSES REQUIRED

None

NEVADA CITY WATER TREATMENT PLANT

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury has responsibility to review departments of the cities in Nevada County.

PROCEDURE FOLLOWED

The Grand Jury inspected the Nevada City water treatment plant on August 30, 2000, interviewed the supervisor and based its findings on its observations supplemented by city personnel's statements.

FINDINGS

1. Untreated water is taken from Little Deer Creek and supplemented by up to 30 acre feet of water from Nevada Irrigation District's Cascade Canal.
2. Average treated water usage during the winter and summer periods is 0.5 and 1.2 million gallons per day respectively. Treatment capacity could be as much as 2 million gallons per day. Any increase in present usage is limited by filter capacity and would require either more filtering capacity or staffing of more than one shift per day.
3. A well-maintained emergency power system is in place. Storage capacity of treated water is ample, with one 1.4-million gallon tank, a second 640,000 gallon tank, and a third 1.1-million gallon tank.
4. Treated water samples are analyzed on a fixed schedule for pH, turbidity, aluminum and residual chlorine. Organics and bacterial analyses are contracted to an outside laboratory. All of the analyzed compounds are well below the levels set by the California Department of Health Services. Monthly reports are sent to the state and the state inspects the plant twice a year.
5. Potable water plant operators and wastewater plant operators are state certified in both disciplines and can operate either plant.
6. The water treatment plant is in spotless condition and all electrical and mechanical equipment is kept in excellent condition.
7. The plant operates automatically except for backwashing the filters and thus there is no need at the present time for staffing the second and third shifts. Any equipment failures on un-staffed shifts are automatically alarmed and an operator responds.
8. The plant is surrounded by a 6-foot high chain link fence that the Grand Jury deems inadequate to protect against vandalism that has occurred at other county water treatment plants. One of the two sets of gates has an opening large enough to admit a small person. There is no alarm system to detect intruders.

CONCLUSION

The Nevada City water treatment plant is well-operated and maintained and water supply is ample.

RECOMMENDATIONS

The Grand Jury recommends that the city immediately revise the plant fencing by raising its height, installing security wire to prevent intruders from entering the plant premises and adding an intruder alarm system.

REQUIRED RESPONSE

The Nevada City City Council. due May 2, 2001.

FOLLOW-UP REPORT ON 1999-2000 GRAND JURY REPORT

REASON FOR INVESTIGATION

The 1999-2000 Civil Grand Jury final report contained findings and recommendations concerning various county, city and other local government entities. The California Penal Code Section 933(b) requires that each agency respond to the Grand Jury's findings and recommendations in a specific manner and a specified time period.

PROCEDURE FOLLOWED

The 2000-2001 Civil Grand Jury received and reviewed responses to the 1999-2000 Grand Jury Reports.

FINDINGS

1. The 1999-2000 Grand Jury report was given to each government entity, which was required to respond. It was also made available to libraries, the local newspaper, radio stations and published on the internet at [http://www.co.sno.wa.us/grandjury](#).
2. The 1999-2000 Grand Jury final report contained the following areas of concern, which included 128 findings and 38 recommendations.

Assessor's Office (two reports)
County Courthouse
Earl Jamieson High School
Donner Lake Water Co.
Donner Summit PUD
Juvenile Assessment Center (two reports)
St. Joseph's Cultural Center
Sheriff's Substation – Truckee
Nevada County – Employee/Independent Contractors
Wayne Brown Correctional Facility
Fire Departments
Grand Jury Follow-Up Report

3. The 1999-2000 Grand Jury requested responses from the following:

Board of Supervisors (BOS)	Chief Probation Officer
Nevada County Assessor	Donner Summit PUD Directors
Nevada County Board Of Education	Donner Summit PUD Manager
Nevada County Health Dept.	NJUHSD Supt. of Schools
Nevada County Mental Health Dept.	NJUHSD School Board
Nevada County Personnel	Grass Valley Bldg. Dept.
Nevada County Probation Dept.	Grass Valley City Council
Nevada County Sheriff	Grass Valley City Manager
Nevada County Supt. of Schools	Truckee Town Council
Nevada City Council	Truckee Town Manager
Nevada City Manager	Del Oro Water Company
St. Joseph Cultural Center Director	Donner Summit Fire Dept.
Peardale/Chicago Park Fire Dept.	Penn Valley Fire Dept.
Ophir Hill Fire Dept.	Higgins Fire Dept.
Nevada County Cons. Fire Dept.	Rough & Ready Fire Dept.
49er Fire Dept.	Grass Valley Fire Dept.

4. As of this date, no response has been received from the, Donner Summit Fire Department or the director of St. Joseph's Cultural Center. All other entities responded.
5. Those who submitted incomplete responses were sent a letter informing them of the required format and provided with a copy of the California Penal Code Section 933.05. The BOS has overall responsibility in seven of the reports included in the 1999-2000 final report. The BOS agreed to implement or continue to study 9 of 20 recommendations in its responses to the 1999-2000 report. However, as of this date, the BOS have not met three (3) of their own required dates for further study responses or implementation and have not addressed these failures.

CONCLUSIONS

1. Respondents did not always adhere to the time frame given in the California Penal Code in their responses to the Grand Jury.
2. Some entities are unfamiliar with the response procedure for a Grand Jury report. A copy of the California Penal Code Section 933.05, Response Format, has been included with all 2000-2001 Grand Jury reports.

RECOMMENDATION

The Nevada County Civil Grand Jury commends those who have responded to the 1999-2000 Grand Jury report in compliance with Penal Code Section 933.05. Those who do not comply will be issued a 30 day notice to do so as required by the California Penal Code Section 933.05(a).

REQUIRED RESPONSES

None.