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NEVADA COUNTY
BOARD OF SUPERVISORS



Nevada County Civil Grand Jury

**2005—2006
Final Report
With
Responses**



GRAND JURY
COUNTY OF NEVADA
Eric Rood Administration Center
950 Maidu Avenue
Nevada City, California 95959

June 30, 2006

Honorable Albert Dover
Presiding Judge of the Civil Grand Jury
Superior Court of Nevada County
201 Church Street
Nevada City, California 95959

Dear Judge Dover,

As required by the California Penal Code, the members of the 2005 – 2006 Grand Jury are pleased to submit to you our final report. This report shows in detail the findings, conclusions and recommendations of each individual investigation undertaken by this year's Grand Jury. The reports became available to public officials, media and the general public. The reports are published on the Internet as well at our website www.civilgrandjury.com/reports.

The Grand Jury investigated topics that are of general interest to all citizens of Nevada County. We expect that our recommendations will be accepted and hope that the recommendations are implemented to the betterment of the citizenry of the county.

The Nevada County Grand Jury wishes to express their appreciation to you and your staff for your valuable assistance and support that we have received throughout the year.

Respectfully submitted,

A handwritten signature in cursive script that reads "Raymond H. Hoffman".

Raymond H. Hoffman
Foreman, Nevada County Grand Jury 2005-2006

MEMBERS OF THE NEVADA COUNTY CIVIL GRAND JURY 2005-2006

Ray Hoffman
Foreman

Linda Pryor
Foreman Pro Tem

Janet Arbuckle
Secretary

Richard Avilla
Sergeant-at-Arms

Robert Thompson
Business Manager

Charles Bess
Larry Hartshorn
Herbert Lindberg
Barbara Pixley

Lawrence Channel
John Hartmann
Robert McAffe
Charles Schroeder

Ian Dobson
Virginia Kirkley
Colin Phillips
Harold Sproul, Jr.

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 or 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" includes 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 993, 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 time frame 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. The time frame 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.

**NEVADA COUNTY CIVIL GRAND JURY
2005-2006 FINAL REPORT**

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THE ROLE OF OUTSIDE SERVICE PROVIDERS IN NEVADA COUNTY

REASON FOR INVESTIGATION

While investigating several issues, the Nevada County Grand Jury was often referred to some social services that are normally considered part of local government but are currently being provided by various agencies outside of Nevada County government.

California Penal Code Section 925 charges grand juries with oversight responsibilities for county operations. This report reviews financial resources provided by or through County government to various agencies.

BACKGROUND

A significant number of Nevada County residents volunteer to serve in one or more organizations within the County that contribute to the lifestyle and culture of the County and the wellbeing of its residents. This spirit of involvement and commitment is to be applauded and encouraged. Organizations providing such services include service clubs, churches and religious based groups, sports and culture related groups, and non-profit organizations dedicated to providing social services.

In Nevada County, some service organizations receive significant funding through the County from Federal, State and County programs to provide governmental type social services. Such groups receiving funding through the County to provide social services are referred to as Outside Service Providers (OSPs) in this report.

PROCEDURE FOLLOWED

The Grand Jury reviewed documents and interviewed representatives from the Human Services Agency, the Office of the County Executive Officer, the Superintendent of Schools office and the non-profit community. The Grand Jury attended meetings sponsored by various non-profits on substance abuse and family assistance. The Grand Jury reviewed a report issued by the 2002-2003 Santa Clara County Civil Grand Jury titled "Listing of Special Districts, Joint Powers Agencies, Designated Non-profit Corporations and Other Governmental Entities".

The Grand Jury worked with the Office of the County Executive Officer to compile a list of OSPs receiving funds to provide services often considered part of local government. The information compiled is summarized in the attached appendices.

FINDINGS

1. For the fiscal year 2005-2006, Nevada County projected to distribute 72 monetary programs totaling \$4,195,995 to various Outside Service Providers (OSPs).
2. Nevada County is responsible for monitoring programs issued by the County to OSPs to ensure they provide the funded service in an effective and efficient manner.
3. Selected services are provided by OSPs because they are more cost effective than equivalent services provided directly by the County.
4. In reviewing the information obtained from the Office of the County Executive Officer many acronyms were used and are defined in a glossary (see Appendix A).
5. These programs are funded as follows (see Appendix B):
 - a. 6 programs totaling \$208,771 from County funds
 - b. 5 programs totaling \$456,674 from Federal funds
 - c. 30 programs totaling \$2,216,964 from a combination of Federal, State and County funds
 - d. 4 programs totaling \$360,495 from other sources
 - e. 27 programs totaling \$953,091 from State funds
6. These programs are directed to the following areas (see Appendix C):
 - a. 6 programs totaling \$520,595 are focused on economic development
 - b. 61 programs totaling \$3,558,203 were awarded to various outside service providers (including non-profits) to provide social services including child care, elder care, drug abuse treatment, transportation, and mental health
 - c. 5 programs totaling \$117,197 were provided to the County Superintendent of Schools office and various schools to support programs for children
7. Of the 61 OSP programs mentioned above in 6b, 7 totaling \$432,537 provided funds to organizations outside of Nevada County (see Appendix D). These programs include mental health and child care services being provided by agencies outside Nevada County because there are no known facilities and/or OSPs available within Nevada County capable of providing or having the capacity to provide these services.
8. Nevada County does not currently maintain an ongoing consolidated listing of the programs funding the OSPs.

CONCLUSIONS

1. Citizens of Nevada County should be aware that in 2005-2006, the County will distribute more than \$4 million of Federal, State, and County money to various Outside Service Providers (OSPs) helping to improve the effectiveness of social services provided to citizens.
2. Funds provided to OSPs are usually targeted for specific services.
3. The County must use certain types of mental health and child care facilities located outside of the County because there are no known facilities or OSPs available within the County that are capable of serving or have the capacity to serve those specific needs. The use of such facilities outside the County can cause a hardship to citizens and their families.
4. A computer aided County system to track over \$4 million in programs to the various OSPs would enhance responsible fiscal management and be a tool for identifying possible duplication of services.

RECOMMENDATIONS

1. The Board of Supervisors should direct County staff to create, maintain, update and utilize a computer aided County system for administering programs to Outside Service Providers.

RESPONSES

Nevada County Board of Supervisors – August 14, 2006

APPENDIX A: ACRONYMS
GLOSSARY OF ACRONYMS USED IN APPENDICES B, C, & D
2005 - 2006 GRAND JURY REPORT

ACRONYMS:	DEFINITIONS:	REMARKS:
5150	Mental Health Designation	Indicates that a person is dangerous to self or others. 72 hour hold.
aka	Also Known As	
BH	Behavioral Health	
CalLearn	Name of Grantor	Pays for services to pregnant teenagers.
CalWORKs	Name of Grantor	Pays for welfare and employment services for unemployed adults with children.
CAPIT	Community Assessment Prevention, Intervention, & Treatment	
CBFRS	Community Based Family Resource Services	Contracted out to CORR.
CDA	Community Development Agency	
CDBG	Community Development Block Grant	Specifies & supports a series of Block grants. Does not reimburse any Nevada County overhead costs.
CEO	County Executive Office or Officer	
CORR	Community Recovery Resources	
CPS	Child Protection Services	
CSBG	Community Service Block Grant	Supports Nevada County internal overhead costs associated with administering CDBG programs and other selected Nevada County community service programs.
dba	Doing Business As	
Detox	Name of Grantor	
DOTS	Department of Transportation & Sanitation	
EMSA	Emergency Medical Services Account	
FREED	Name of Grantee	An OSP that serves the seniors and disabled.
HCS	Housing and Community Services	
HIV	HIV (Aids) Services	
HOPWA	Housing Apartment for Persons with Aids	
HSA	Human Services Agency	
N/A	Not Applicable or Not Available	
NGO	Non-Government Organization	
NPO	Non-Profit Organization	
OSP	Outside Service Provider	
PSSF	Promotes Safe & Stable Forest	Established by Proposition 36.
SACPA	Substance Abuse & Crime Prevention Act	
SAMHSA	Substance Abuse & Mental Health Act	
SAPT	Substance Abuse Prevention & Treatment	
SEDD	Sierra Economic Development District	Finances Economic & Business Development Programs.
SNCS	Sierra Nevada Children's Services	
SPIRIT	Mental Health Peer Group Program	
STEP	Systematic Training for Effective Parenting	
TCM	Targeted Case Management	Receives Federal funds.

**APPENDIX B: FUNDING SOURCES
NEVADA COUNTY FY 2005-2006 FUNDING OF OUTSIDE SERVICE PROVIDERS (OSPs)
2005 - 2006 GRAND JURY REPORT**

OSP Recipients	Types of Service	Funding Sources	Funds
Child Abuse Council of Western Nevada County	Child abuse prevention activities	Birth Certificate Fees	\$9,671
Economic Resource Council (ERC)	Economic development activities	General Fund	49,100
FREED (Fixit Program)	Fix-It Program	General Fund	8,000
RSVP Area 4 Agency on Aging	Mileage reimbursement to volunteers	General Fund	16,000
"Lutz" Adult Day Services	NA	General Fund	15,000
Joint Chambers of Commerce (COC)	Visitor information & tourist promotion services	General Fund	111,000
		COUNTY Subtotal	\$208,771
Fire Safe Council	Administrative support for program	Forest Reserve Funds	\$69,950
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	BH substance abuse treatment services.	Federal SAMHSA	144,038
Sierra Watershed Education Partnership	Forest related education	Forest Reserve Funds	7,500
Fire Safe Council	Fuels reduction program	Forest Reserve Funds	18,500
Progress House, Inc.	Residential alcohol/drug treatment at Lovett House	Federal SAPT	216,686
		FEDERAL Subtotal	\$456,674
Lutz Adult Care Center	Adult Day Care	Community Service. Block Grant (CSBG) & General Fund	\$8,272
Nevada Joint Union High School District for Silver Springs High School	CalLearn Case Management	State & Federal CalWORKs	22,380
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	CalWORKs services at Hopc House	State & Federal CalWORKs	45,000
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	Case Management for HIV Persons (HOPWA)	State & Federal HOPWA Grant	7,000
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	Case Management for HIV Persons (Ryan White)	State & Federal Ryan White Grant	17,600
Child Advocates of Nevada County	Child Abuse Prevention	Community Service. Block Grant (CSBG) & General Fund	8,042
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	Counseling, residential, & outpatient substance abuse services for participants of SACPA (Prop 36) program.	State - Proposition 36 Grant	113,738
Krisis Kare Nursery (1-time payment)	Crisis & emergency nursery	Community Service. Block Grant (CSBG) & General Fund	95,000
Sierra Nevada Children's Services (SNCS)	Differential Response	Child Welfare Services (State/Federal)	5,000
Tahoe Women's Services, aka Crisis Intervention Services	Domestic Violence Prevention & Treatment	Community Service. Block Grant (CSBG) & General Fund	6,302
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	Drug testing for Child Protective Services (CPS)	State & Federal - Child Welfare Services	50,000

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NEVADA COUNTY FY 2005-2006 FUNDING OF OUTSIDE SERVICE PROVIDERS (OSPs)
2005 - 2006 GRAND JURY REPORT**

OSP Recipients	Types of Service	Funding Sources	Funds
Nevada County Housing Development Corp. & Manzanita House	Emergency assistance services at Manzanita Center & CalWORKS	State & Federal CalWORKs	75,000
Food Bank of Nevada Co.	Emergency Food Assistance	Community Service, Block Grant (CSBG) & General Fund	8,077
Nevada County Housing Dev. Corp.	Emergency Housing Assistance	Community Service, Block Grant (CSBG) & General Fund	8,542
FREED	Fix-It Program	Community Service, Block Grant (CSBG) & General Fund	16,490
Child Advocates of Nevada County	Foothills Healthy Babies under PSSF	State & Federal Grant: PSSF	8,432
Nevada County Superintendent of Schools	Foster Education Program at Imaginarium	State/Federal Foster Care	2,092
Nevada Joint Union Adult Education	GED Classes at One Stop Center	State & Federal CalWORKs	11,023
RSVP Area 4 Agency on Aging	Help Line Assistance	Community Service, Block Grant (CSBG) & General Fund	3,644
Nevada County Superintendent of Schools	Independent Living Program	State/Federal Foster Care	79,362
Truckee-Tahoe Senior Council	Meals for Seniors	Community Service, Block Grant (CSBG) & General Fund	8,382
Senior Citizens Fund. of Western Nevada County,	Meals on Wheels	Community Service, Block Grant (CSBG) & General Fund	8,392
N.Gold Senior Mountaineers	Nutritional Meals	Community Service, Block Grant (CSBG) & General Fund	3,790
Sierra Nevada Children's Services (SNCS)	PSSF portion/ CNCF, Truckee Resource, Family Outreach	State & Federal	5,432
Sierra Nevada Children's Services (SNCS)	Stage 1 Childcare Services	State & Federal CalWORKs	606,720
Sierra Council on Alcoholism & South Placer Center	Substance Abuse Services	State, Federal, & General Fund	5,000
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	TCM for persons with substance abuse & HIV	State & Federal - Targeted Case Management Funds	7,266
Tele-Care	Transportation Services for Seniors & Disabled	State & Federal Funds	961,884
Tahoe Women's Services/aka Crisis Intervention Services	Truckee Prevention Project- Child Assault Prevention & Hands are not For Hitting	State & General Fund	11,000
Sierra Services for the Blind	Vision Impairment Assistance.	Community Service, Block Grant (CSBG) & General Fund	8,102
		COMBINED FUNDS Subtotal	\$2,216,964
SEDD (Sierra Economic. Development District) Total grant: \$360,495, including \$204,950 subcontracts to the Economic Resource Council, Golden Capital Network, and to Grass Valley and Nevada City Chambers of Commerce.	County Economic Development	CDBG (Community Development Block Grants) comprised two grants from Micro-Enterprise and from Technical Assistance Grant totaling \$360,495. Both of these multi-year grants expired on 8/31/05. \$155,545 was used by SEDD and \$204,950 of the total \$360,495 was subcontracted to the Economic Resource Council, Golden Capital Network, and to Grass Valley and Nevada City Chambers of Commerce.	\$155,545

**APPENDIX B: FUNDING SOURCES
NEVADA COUNTY FY 2005-2006 FUNDING OF OUTSIDE SERVICE PROVIDERS (OSPs)
2005 - 2006 GRAND JURY REPORT**

OSP Recipients	Types of Service	Funding Sources	Funds
Economic Resource Council	County Economic Development	SEDD Subcontract to the Economic Resource Council	29,950
Golden Capital Network	County Economic Development	SEDD Subcontract to the Economic Resource Council Golden Capital Network.	170,000
Grass Valley & Nevada City Chambers of Commerce.	County Economic Development	SEDD Subcontracts to the Grass Valley and Nevada City Chambers of Commerce.	5,000
		OTHER SOURCES Subtotal	\$360,495
Rosewood Care Center	24-hr long-term residential care for mentally disabled adults	Medi-Cal & Realignment	\$32,850
St Helena Hospital	5150 Placement	State Realignment	10,000
St Helena Hospital dba California Specialty Hospital	5150 Placement	State Realignment	18,000
Sutter Center for Psychiatry	5150 Placement	State Realignment	10,000
Woodlan Memorial Hospital	5150 Placement	State Realignment	10,000
Hospice of the Foothills, Inc.	Administrative services for Long-Term Care	State Realignment	4,000
Nevada Joint Union Adult Education	Adult Ed. Classes to BH	State Realignment	2,340
Sierra Nevada Children's Services (SNCS)	CBFRS portion & CNCF, Truckee Resource Center, Family Outreach	Community Based Family Resource Services (CBFRS)	34,400
Penn Valley Community Foundation	Community Facility Development	Community Development Block Grant (CDBG). Multi year grant, ended on 8/31/05	50,000
Help Line Information for Area 4 consortium.	Community Resources Database.	State Realignment	3,000
Sierra Family Services, Inc.	Crisis Intervention Services	State Realignment	309,687
SPIRIT	Drop-In Center Funding to support peer counseling activities	State Realignment	6,000
Placer County Receiving Home & Placer Children's System of Care	Emergency Shelter for CPS	Child Welfare Services (State)	7,000
Child Advocates of Nevada County	Healthy Babies & Child Abuse Prevention In Schools	State CAPIT Grant	45,000
Team 3 Family Counseling Center	Provide Postpartum Depression Counseling	State Grant	10,000
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	Provide substance abuse treatment services for juvenile justice crime prevention act participants in their recovery from alcohol/drug dependency.	State Board of Corrections	18,000
Area 4 Agency on Aging	Provision of home health care to seniors	State Realignment	67,742
TGIF- NOW WELLSRING COUNSELING CENTER	Recruiting, scheduling, & providing interns for Truckee's BH clinic.	State Realignment	21,415
Emergency Medical Services Fund (EMSA)	Reimburse uncompensated emergency services	State EMSA Grant	84,358
Willow Glen Hospital	Residential Treatment	State Realignment	35,000
Progress House, Inc.	Residential treatment and recovery program for adult drug court participants.	State Dept of Alcohol & Drug Program	37,800

**APPENDIX B: FUNDING SOURCES
NEVADA COUNTY FY 2005-2006 FUNDING OF OUTSIDE SERVICE PROVIDERS (OSPs)
2005 - 2006 GRAND JURY REPORT**

OSP Recipients	Types of Service	Funding Sources	Funds
Sierra Council on Alcoholism and Drug Dependency	Residential treatment and recovery program for adult drug court participants.	State Dept of Alcohol & Drug Program	36,000
Crisis Intervention Services dba Tahoe Women's Services	Services to victims of domestic violence and their children. (approximately \$2,000 annually)	State Fees & Fines	2,000
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	STEP Systematic Training Program for Effective Parenting	State CAPIT/CBFRS	11,000
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	Substance Abuse Prevention & Treatment	Community Development Block Grant (CDBG). Multi year grant, ended on 8/31/05	6,965
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR).	Substance abuse treatment services for adult drug court participants.	State Dept of Alcohol & Drug Program	70,534
Domestic Violence and Sexual Assault Coalition	Victims of domestic violence and their children. (approximately \$10,000 annually)	State Fees & Fines	10,000
		STATE Subtotal	\$953,091
		GRAND TOTAL	4,195,995

Summary of Funding Sources:

Description	Number of Programs	Funds
COUNTY	6	\$208,771
FEDERAL	5	456,674
COMBINED FUNDS	30	2,216,964
OTHER SOURCES	4	360,495
STATE	27	953,091
Grand Totals	72	\$4,195,995

APPENDIX C: RECIPIENTS
NEVADA COUNTY FUNDING OF OUTSIDE SERVICE PROVIDERS (OSPs)
2005 - 2006 GRAND JURY REPORT

OSP Recipients	Types of Service	Funding Sources	Funds
SEDD (Sierra Economic. Development District). Total grant: \$360,495, including \$204,950 subcontracts to the Economic Resource Council, Golden Capital Network, and to Grass Valley and Nevada City Chambers of Commerce.	County Economic Development	CDBG (Community Development Block Grants) comprised two grants from Micro-Enterprise and from Technical Assistance Grant totaling \$360,495. Both of these multi-year grants expired on 8/31/05. \$155,545 was used by SEDD and \$204,950 of the total \$360,495 was subcontracted to the Economic Resource Council, Golden Capital Network, and to Grass Valley and Nevada City Chambers of Commerce.	\$155,545
Economic Resource Council (ERC)	Economic development activities	General Fund	49,100
Joint Chambers of Commerce (COC)	Visitor information & tourist promotion services	General Fund	111,000
Golden Capital Network	County Economic Development	SEDD Subcontract to the Economic Resource Council Golden Capital Network.	170,000
Grass Valley & Nevada City Chambers of Commerce.	County Economic Development	SEDD Subcontracts to the Grass Valley and Nevada City Chambers of Commerce.	5,000
Economic Resource Council	County Economic Development	SEDD Subcontract to the Economic Resource Council	29,950
		ECONOMIC DEVELOPMENT	
		Subtotal	\$520,595
Child Abuse Council of Western Nevada County	Child abuse prevention activities	Birth Certificate Fees	\$9,671
Placer County Receiving Home & Placer Children's System of Care	Emergency Shelter for CPS	Child Welfare Services (State)	7,000
Sierra Nevada Children's Services (SNCS)	Differential Response	Child Welfare Services (State/Federal)	5,000
Sierra Nevada Children's Services (SNCS)	CBFRS portion & CNCF, Truckee Resource Center, Family Outreach	Community Based Family Resource Services (CBFRS)	34,400
Penn Valley Community Foundation	Community Facility Development	Community Development Block Grant (CDBG). Multi year grant, ended on 8/31/05	50,000
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	Substance Abuse Prevention & Treatment	Community Development Block Grant (CDBG). Multi year grant, ended on 8/31/05	6,965
Lutz Adult Care Center	Adult Day Care	Community Service. Block Grant (CSBG) & General Fund	8,272
Child Advocates of Nevada County	Child Abuse Prevention	Community Service. Block Grant (CSBG) & General Fund	8,042
Krisis Kare Nursery (1-time payment)	Crisis & emergency nursery	Community Service. Block Grant (CSBG) & General Fund	95,000
Tahoe Women's Services, aka Crisis Intervention Services	Domestic Violence Prevention & Treatment	Community Service. Block Grant (CSBG) & General Fund	6,302

**APPENDIX C: RECIPIENTS
NEVADA COUNTY FUNDING OF OUTSIDE SERVICE PROVIDERS (OSPs)
2005 - 2006 GRAND JURY REPORT**

OSP Recipients	Types of Service	Funding Sources	Funds
Food Bank of Nevada Co.	Emergency Food Assistance	Community Service, Block Grant (CSBG) & General Fund	8,077
Nevada County Housing Dev. Corp.	Emergency Housing Assistance	Community Service, Block Grant (CSBG) & General Fund	8,542
FREED	Fix-It Program	Community Service, Block Grant (CSBG) & General Fund	16,490
RSVP Area 4 Agency on Aging	Help Line Assistance	Community Service, Block Grant (CSBG) & General Fund	3,644
Truckee-Tahoe Senior Council	Meals for Seniors	Community Service, Block Grant (CSBG) & General Fund	8,382
Senior Citizens Fund. of Western Nevada County.	Meals on Wheels	Community Service, Block Grant (CSBG) & General Fund	8,392
N. Gold Senior Mountaineers	Nutritional Meals	Community Service, Block Grant (CSBG) & General Fund	3,790
Sierra Services for the Blind	Vision Impairment Assistance.	Community Service, Block Grant (CSBG) & General Fund	8,102
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	BH substance abuse treatment services.	Federal SAMHSA	144,038
Progress House, Inc.	Residential alcohol/drug treatment at Lovett House	Federal SAPT	216,686
Fire Safe Council	Administrative support for program	Forest Reserve Funds	69,950
Sierra Watershed Education Partnership	Forest related education	Forest Reserve Funds	7,500
Fire Safe Council	Fuels reduction program	Forest Reserve Funds	18,500
FREED (Fixit Program)	Fix-It Program	General Fund	8,000
RSVP Area 4 Agency on Aging	Mileage reimbursement to volunteers	General Fund	16,000
"Lutz" Adult Day Services	NA	General Fund	15,000
Rosewood Care Center	24-hr long-term residential care for mentally disabled adults	Medi-Cal & Realignment	32,850
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	Counseling, residential, & outpatient substance abuse services for participants of SACPA (Prop 36) program.	State - Proposition 36 Grant	113,738
Sierra Nevada Children's Services (SNCS)	PSSF portion/ CNCF, Truckee Resource, Family Outreach	State & Federal	5,432
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	Drug testing for Child Protective Services (CPS)	State & Federal - Child Welfare Services	50,000
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	TCM for persons with substance abuse & HIV	State & Federal - Targeted Case Management Funds	7,266
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	CalWORKs services at Hope House	State & Federal CalWORKs	45,000
Nevada County Housing Development Corp. & Manzanita House	Emergency assistance services at Manzanita Center & CalWORKS	State & Federal CalWORKs	75,000
Sierra Nevada Children's Services (SNCS)	Stage 1 Childcare Services	State & Federal CalWORKs	606,720
Tele-Care	Transportation Services for Seniors & Disabled	State & Federal Funds	961,884
Child Advocates of Nevada County	Foothills Healthy Babies under PSSF	State & Federal Grant: PSSF	8,432
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	Case Management for HIV Persons (HOPWA)	State & Federal HOPWA Grant	7,000
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	Case Management for HIV Persons (Ryan White)	State & Federal Ryan White Grant	17,600

**APPENDIX C: RECIPIENTS
NEVADA COUNTY FUNDING OF OUTSIDE SERVICE PROVIDERS (OSPs)
2005 - 2006 GRAND JURY REPORT**

OSP Recipients	Types of Service	Funding Sources	Funds
Tahoe Women's Services/aka Crisis Intervention Services	Truckee Prevention Project- Child Assault Prevention & Hands are not For Hitting	State & General Fund	11,000
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	Provide substance abuse treatment services for juvenile justice crime prevention act participants in their recovery from alcohol/drug dependency.	State Board of Corrections	18,000
Child Advocates of Nevada County	Healthy Babies & Child Abuse Prevention In Schools	State CAPIT Grant	45,000
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR)	STEP Systematic Training Program for Effective Parenting	State CAPIT/CBFRS	11,000
Progress House, Inc.	Residential treatment and recovery program for adult drug court participants.	State Dept of Alcohol & Drug Program	37,800
Sierra Council on Alcoholism and Drug Dependency	Residential treatment and recovery program for adult drug court participants.	State Dept of Alcohol & Drug Program	36,000
Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR).	Substance abuse treatment services for adult drug court participants.	State Dept of Alcohol & Drug Program	70,534
Emergency Medical Services Fund (EMSA)	Reimburse uncompensated emergency services	State EMSA Grant	84,358
Crisis Intervention Services dba Tahoe Women's Services	Services to victims of domestic violence and their children. (approximately \$2,000 annually)	State Fees & Fines	2,000
Domestic Violence and Sexual Assault Coalition	Victims of domestic violence and their children. (approximately \$10,000 annually)	State Fees & Fines	10,000
Team 3 Family Counseling Center	Provide Postpartum Depression Counseling	State Grant	10,000
St Helena Hospital	5150 Placement	State Realignment	10,000
St Helena Hospital dba California Specialty Hospital	5150 Placement	State Realignment	18,000
Sutter Center for Psychiatry	5150 Placement	State Realignment	10,000
Woodlan Memorial Hospital	5150 Placement	State Realignment	10,000
Hospice of the Foothills, Inc.	Administrative services for Long-Term Care	State Realignment	4,000
Help Line Information for Area 4 consortium.	Community Resources Database.	State Realignment	3,000
Sierra Family Services, Inc.	Crisis Intervention Services	State Realignment	309,687
SPIRIT	Drop-In Center Funding to support peer counseling activities	State Realignment	6,000
Area 4 Agency on Aging	Provision of home health care to seniors	State Realignment	67,742
TGIF- NOW WELLSRING COUNSELING CENTER	Recruiting, scheduling, & providing interns for Truckee's BH clinic.	State Realignment	21,415
Willow Glen Hospital	Residential Treatment	State Rcalignment	35,000
Sierra Council on Alcoholism & South Placer Center	Substance Abuse Services	State, Fcderal, & General Fund	5,000
		SOCIAL SERVICES Subtotal	\$3,558,203
Nevada Joint Union High School District for Silver Springs High School	CalLearn Case Management	State & Federal CalWORKs	\$22,380
Nevada Joint Union Adult Education	GED Classes at One Stop Center	State & Federal CalWORKs	11,023

**APPENDIX C: RECIPIENTS
NEVADA COUNTY FUNDING OF OUTSIDE SERVICE PROVIDERS (OSPs)
2005 - 2006 GRAND JURY REPORT**

OSP Recipients	Types of Service	Funding Sources	Funds
Nevada Joint Union Adult Education	Adult Ed. Classes to BH	State Realignment	2,340
Nevada County Superintendent of Schools	Independent Living Program	State/Federal Foster Care	79,362
Nevada County Superintendent of Schools	Foster Education Program at Imaginarium	State/Federal Foster Care	2,092
		SCHOOLS Subtotal	\$117,197
		GRAND TOTAL	\$4,195,995

Summary of Recipients:

Description	Number of Programs	Funds
ECONOMIC DEVELOPMENT	6	\$520,595
SOCIAL SERVICES	61	3,558,203
SCHOOLS	5	117,197
Grand Totals	72	\$4,195,995

**APPENDIX D: OUT-OF-COUNTY SERVICES
NEVADA COUNTY FUNDING OF OUTSIDE SERVICE PROVIDERS (OSPs)
2005 - 2006 GRAND JURY REPORT**

OSP Recipients	Types of Service	Funding Sources	Funds
Placer County Receiving Home & Placer Children's System of Care	Emergency Shelter for CPS	Child Welfare Services (State)	\$7,000
St Helena Hospital	5150 Placement	State Realignment	10,000
St Helena Hospital dba California Specialty Hospital	5150 Placement	State Realignment	18,000
Sutter Center for Psychiatry	5150 Placement	State Realignment	10,000
Sierra Family Services, Inc.	Crisis Intervention Services	State Realignment	309,687
Willow Glen Hospital	Residential Treatment	State Realignment	35,000
Rosewood Care Center	24-hr long-term residential care for mentally disabled adults	Medi-Cal & Realignment	32,850
Woodland Memorial Hospital	5150 Placement	State Realignment	10,000
		GRAND TOTAL	\$432,537

Response

COUNTY OF NEVADA

STATE OF CALIFORNIA

950 Maidu Avenue • Nevada City • California 95959-8617

BOARD OF SUPERVISORS

Nate Beason, 1st District (Chair)
Sue Horne, 2nd District
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Robin Sutherland, 4th District
Ted S.Owens, 5th District



Cathy R. Thompson
Clerk of the Board

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July 19, 2006

The Honorable Judge Al Dover
Presiding Judge of the Nevada County Courts
Nevada County Court House
Nevada City CA 95959

Subject: Board of Supervisors Responses to the 2005-2006 Nevada County Civil Grand Jury Report,
The Role of Outside Service Providers in Nevada County

Dear Judge Dover:

The attached responses by the Board of Supervisors to the 2005-2006 Nevada County Civil Grand Jury Report, dated May 15, 2006, entitled "The Role of Outside Service Providers in Nevada County," are submitted as required by California Penal Code §933.

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on July 18, 2006. Responses to Findings and Recommendations are based on either personal knowledge, examination of official County records, review of information received from the County Executive Officer, the Auditor-Controller, or testimony from the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the 2005-2006 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Sincerely,


John C. Spencer

Vice-Chair, Board of Supervisors

Attachment

cc: Foreman, Grand Jury
County Executive Officer
Auditor-Controller

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO
2005-2006 CIVIL GRAND JURY REPORT
DATED MAY 15, 2006**

THE ROLE OF OUTSIDE SERVICE PROVIDERS IN NEVADA COUNTY

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of information received from the County Executive Officer, or testimony from the Board of Supervisors and County staff members.

I. GRAND JURY INVESTIGATION:

The Role of Outside Service Providers in Nevada County.

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

Findings:

1. **For the fiscal year 2005-2006, Nevada County projected to distribute 72 monetary programs totaling \$4,195,995 to various Outside Service Providers (OSPs).**

Agree

This total is based on a November 1, 2005 cut-off date.

2. **Nevada County is responsible for monitoring programs issued by the County to OSPs to ensure they provide the funded service in an effective and efficient manner.**

Agree

3. **Selected services are provided by OSPs because they are more cost effective than equivalent services provided directly by the County.**

Partially agree.

This is true in some instances, however the decision to use an OSP may be due to the OSP's expertise in providing a particular service, the County's desire to build specific delivery capacity in the community or the fact that the County has not already established this service.

4. **In reviewing the information obtained from the Office of the County Executive Officer many acronyms were used and are defined in a glossary (see Appendix A).**

Partially agree.

Acronyms were used, and for the most part Appendix A reflects accurate definitions, however, there are a few corrections as follows:

- CalLearn is a State Program, not a Grantor
- CalWORKS is a State Program, not a Grantor
- The remark for CDBG stating that this grant “does not reimburse any Nevada County overhead costs” is incorrect; this program does reimburse a small amount of overhead costs.
- Detox is the name of a drug and alcohol service (detoxification), not a Grantor
- HOPWA stands for Housing Opportunities for Persons With AIDS.
- PSSF stands for Promoting Safe and Stable Families. The Prop 36 program did not establish this program.

5. These programs are funded as follows (see Appendix B):

a) 6 programs totaling \$208,771 from County funds

Agree

These six identified programs are funded with either County General Funds or with County Birth Certificate Fees.

b) 5 programs totaling \$456,674 from Federal funds

Partially agree

The Progress House contract in the amount of \$216,686 is funded by a combination of Federal, State and County funds. The 4 other programs referenced total \$239,998.

c) 30 programs totaling \$2,216,964 from a combination of Federal, State and County funds

Agree

d) 4 programs totaling \$360,495 from other sources

Partially agree.

There is only one Grantor to the County (CDBG) for a total amount of \$360,495 that spanned multiple years including both FY 04-05 and part of FY 05-06. The grant ended 8/31/05.

e) 27 programs totaling \$953,091 from State funds

Disagree

Only 8 of the listed programs in this category are purely State funds. These total \$203,758. Many of the funds from the State include federal dollars passed through to the County along with state dollars. MediCal dollars are federal funds. Realignment dollars are county funds provided through state sales tax and Motor Vehicle License Fee receipts. Community Development Block Grants are federal dollars passed through the state. Funding from the State Board of Corrections includes federal dollars. State Department of Alcohol and Drug Programs include federal dollars.

Additionally, the Nevada County Council on Alcoholism, dba Community Recovery Resources (CORR) contract for substance abuse prevention and treatment is funded through

the Community Services Block Grant and County General funds instead of "the Community Development Block Grant (CDBG). Multi year grant, ended on 8/31/05."

6. These programs are directed to the following areas (see Appendix C):

a) 6 programs totaling \$520,595 are focused on economic development

Agree

b) 61 programs totaling \$3,558,203 were awarded to various outside service providers (including non-profits) to provide social services including child care, elder care, drug abuse treatment, transportation, and mental health

Agree

c) 5 programs totaling \$117,197 were provided to the County Superintendent of Schools office and various schools to support programs for children

Partially agree

Only 2 of these contracts, totaling \$81,454 are with the County Superintendent of Schools. The others are with Nevada Joint Union High School, and include programs for Adult GED classes.

7. Of the 61 OSP programs mentioned above in 6b, 7 totaling \$432,537 provided funds to organizations outside of Nevada County (see Appendix D). These programs include mental health and child care services being provided by agencies outside Nevada County because there are no known facilities and/or OSPs available within Nevada County capable of providing or having the capacity to provide these services.

Partially agree.

These contracts are for mental health placements, emergency shelter for children involved with Child Protective Services, and for crisis intervention services provided locally by a contractor whose headquarters are outside the County.

The out of county mental health services are primarily Institutes for Mental Disease, inpatient psychiatric hospitals, board and care facilities, residential treatment facilities and placement. Placement out of county can be inconvenient for consumers and family members. However, Nevada County (and most small counties) is too small to support the total array of mental health services needed, making it necessary and cost effective to contract with out of county providers.

8. Nevada County does not currently maintain an ongoing consolidated listing of the programs funding the OSPs.

Partially agree.

(See response to Recommendation No.1)

Recommendations:

- 1. The Board of Supervisors should direct County staff to create, maintain, update and utilize a computer aided County system for administering programs to Outside Service Providers.**

The Recommendation has been partially implemented. The desirability of full implementation requires further analysis to be completed by January 31, 2007.

The County does not presently have a fully centralized computer system that can track all financial and contractual provisions of Outside Service Provider (OSP) program activity. The County does have however, a functional OSP contract financial management system that is primarily administered at the departmental level and monitored through the county financial system (FinPlus) and by the Auditor-Controller.

County departments presently manage and track their own contracts through multiple computer-aided systems including the County accounting system, individual databases and spreadsheet programs. Department directors are responsible for ensuring deliverables are met and appropriate payments are made.

When a contract with an OSP is approved, it is entered into the County's accounting system as an encumbrance. The encumbrance for each individual contract is tracked separately and the system automatically deducts each payment and calculates the balance remaining. The system generates a warning if a proposed payment exceeds the balance remaining on the encumbrance.

Vendor payment records are available in the accounting system and built in reports track all payments to individual vendors as well as the date, fund, budget unit and account that each payment is made from.

Other specific contract detail is available through on-line records of Board of Supervisors Resolutions and Administrative Contracts. Every current contract is scanned into one of these Internet-accessible document folders. These on-line folders can be searched by date, document number or by key words.

This system has worked well, is easy to use, and has allowed each department to closely monitor programs they are responsible for administering through contracts with OSPs. Although not a fully centralized system, it has been reliable, accurate, and an effective tool for management of OSP contracts that will continue to be used until the desirability and cost effectiveness of an enhanced system can be evaluated. The ongoing effort by the County in the last few years to enhance our contracting process has also resulted in better-written contracts that more clearly define what services are to be accomplished, how well they must be performed, and when they should be completed. The contracting process now also includes better county oversight and control processes, facilitating the effective management of OSP contracts using the present contract management system.

The Auditor-Controller has indicated it would be possible to consolidate into the County financial system, OSP contract financial administration systems such as spreadsheets and grant claim forms presently being used by some departments. This would potentially provide a greater degree of centralization of the financial management of OSP contracts, but would not provide, on its own, a comprehensive contract or grant management system. Although there are no present plans to fully consolidate department contract administration systems into FinPlus, there have been informal discussions between the CEO's staff and the Auditor-Controller's office regarding the closer integration and consolidation of some contract financial administration systems.

The Board of Supervisors believes that an enterprise-wide contract management system should be evaluated. The goal of finding cost effective ways to provide both financial and contractual information in a consistent manner and allow centralized access by all authorized and interested parties is desirable. Such a system could possibly also help ensure services from OSPs were not duplicative and were being provided to the County in the most efficient and cost effective way possible.

A conceptual design for a centralized contract management system, which would provide financial accounting and management tools for all County contracts, including those for OSPs, should be initiated and completed by December 31, 2006 and then considered for funding with other priorities in the FY 2007-2008 budget process. Key components for inclusion in the system will include the ability to:

- Organize contract information in one place and manage contract details
- Efficiently compile various types of contracts.
- Access information and generate reports
- Cross reference to the County's accounting software
- Ensure contract monitoring & reporting

As part of the evaluation of potential centralized contract management systems, consideration will also be given to using the county financial system, FinPlus, in conjunction with other existing County software applications, to provide a comprehensive and cost effective system that can meet present and future contract management needs for OSPs.

By this response, the Board of Supervisors directs the County Executive Officer (CEO) in cooperation with the Auditor-Controller to explore options to create an-enterprise wide contract management system for the administration and management of all County contracts, including those for Outside Service Providers (OSPs), and report back to the Board by January 31, 2007.

REQUIRED RESPONSES

Board of Supervisors – by August 14, 2006

CITY GOVERNMENT

What is Happening with Our Homeless?

WHAT IS HAPPENING WITH OUR HOMELESS?

REASON FOR INVESTIGATION

The Grand Jury undertook this investigation to call attention to the issue of homelessness and its impact on Nevada County and its citizens.

BACKGROUND

The U.S. Department of Housing and Urban Development (HUD) identifies homelessness as follows: *temporary* homelessness describes the 80% who stay in the system for brief periods and do not return, *episodic* homelessness describes the 10% who move in and out of the system on a fairly regular basis, and *chronic* homelessness describes the 10% who have been transient for a year or more or have a disabling condition.

PROCEDURE FOLLOWED

The Grand Jury interviewed representatives from the Nevada County Department of Social Services (DSS), Hospitality House (HH), the Emergency Assistance Coalition (EAC), and local law enforcement agencies. The Grand Jury also examined documents provided by these representatives.

FINDINGS

General

1. Major factors contributing to homelessness in Western Nevada County are the lack of affordable housing, low-paying entry-level employment opportunities, and substance abuse.
2. According to statistics gathered by HH and EAC, 90% of the homeless in Western Nevada County are local citizens.
3. In June 2005 a count by HH found 238 homeless individuals in Western Nevada County, of which 46 were children. This street count includes only a portion of the homeless population. Some may be living deep in the woods, in abandoned buildings, or sleeping on private property. According to HH testimony, HUD recommends that such counts be doubled to reflect the number of homeless.

4. DSS determines an individual's eligibility for and administers numerous programs that provide ongoing long-term assistance to Nevada County citizens. These programs include CalWorks, Medi-Cal, and Welfare-to-Work.
5. Many of the homeless are part of the workforce, and some of the children attend local schools.

Emergency Assistance Coalition

1. The Emergency Assistance Coalition has been in operation since November 6, 1989. It provides assistance via a central telephone number (530-272-6659) for those needing emergency food, shelter and/or gasoline. The service is for people experiencing a temporary crisis situation who lack the funds or resources to meet those needs. Trained volunteers assess the need and arrange for appropriate help, and also identify resources for further help as needed.
2. EAC operates under the auspices of the Nevada County Housing Development Corporation, a non-profit developer of self-help housing, transitional living facilities, and emergency shelters.
3. All services are free, using funds provided by the faith-based community, including local churches, private organizations, and individuals.
4. Services are provided 24 hours per day, 7 days per week. Phone calls go to Helpline Information and Assistance. These calls are routed to DSS during normal business hours, to EAC volunteers between 3:00 pm and 9:00 pm, and to the Sheriff's Department after 9:00 pm. Referrals to EAC for persons needing service are also made by local law enforcement agencies. Services are limited to temporary emergencies; long-term needs are referred to other agencies.
5. After making contact with an EAC representative, persons needing assistance respond to a comprehensive telephonic questionnaire. These are first used to explore other ways of getting assistance, for example from friends and relatives. They are also used to identify those with exceptional needs, to eliminate habitual callers, and to create a database of user profiles and services rendered.
6. DSS helps coordinate EAC services by hosting a weekly case management meeting.
7. EAC responded to 1,186 calls in 2005. These calls involved 1,402 clients: 469 adult males, 606 adult females, and 327 children. Since its inception 16 years ago, EAC has responded to more than 10,700 calls.
8. Services provided in 2005 were: 359 nights of lodging for 585 persons, 133 meals, and 297 gasoline vouchers.
9. The monthly average of donations received in 2005 was \$2,869. The monthly average spent to meet emergency needs was \$2,908.

Hospitality House

1. Hospitality House is a non-profit volunteer organization that provides shelter for homeless individuals in the Nevada City and Grass Valley areas. It was instituted in October 2005 to provide overnight housing through the coldest months of the year, October – April. Hospitality House operates a Welcome Center which serves as an intake gathering place that is opened to the homeless at 4 pm, seven days a week. Clients can do laundry and take showers at the Welcome Center. At 6 pm they are bused to a local church where they are provided a meal and sleeping arrangements. Breakfast is provided in the morning before they are returned to the Welcome Center.
2. A nine member volunteer Board of Directors oversees the program. Hospitality House has a paid staff of five, which includes a Program Manager and employees who stay overnight at each church. Hospitality House often has the assistance of a nurse and an occasional volunteer social worker.
3. Hospitality House is supported by the faith-based community including 20 participating churches, eight of which are able to provide overnight accommodations. These and many community volunteers provide meals and social interaction with the clients.
4. Hospitality House received a \$1,000 start-up grant. Ongoing funds come from private individuals, the faith-based community, and service clubs.
5. An average of 18 clients participate nightly, some of whom are children. As many as 27 individuals have been provided shelter in one night. The program can accommodate a maximum of 30 clients each night.
6. When possible, Hospitality House refers homeless to County agencies. Many homeless do not have transportation or the resources to follow-up with public assistance.
7. Hospitality House is seeking a new location for the Welcome Center in a non-residential area accessible to public transportation.

CONCLUSIONS

1. Homelessness in Nevada County is not an individual city or community issue; it is a regional issue. Regardless of why people are homeless, the fact remains that we have a segment of our population, many of whom are children, who do not have a place to live. Their first recourse is the Nevada County Department of Social Services. Temporary assistance and shelter is available from volunteer organizations, which include the Emergency Assistance Coalition and Hospitality House.
2. A positive attitude toward the homeless is needed to continue raising funds to provide needed services.
3. Substance abuse, lack of affordable housing, and low-paying entry-level employment opportunities are barriers to those who are trying to become self-sufficient.

RECOMMENDATIONS

1. The Nevada County Department of Social Services and the Nevada County Housing Development Corporation should continue to encourage and cooperate with self-financed private service groups such as Hospitality House and the Emergency Assistance Coalition. These groups provide unique and needed services to our homeless citizens and to those who need temporary assistance through a difficult or unforeseen situation, and thereby extend the reach of county-funded social services.
2. Law enforcement agencies should continue to refer those in need to Hospitality House and the Emergency Assistance Coalition, whichever is appropriate for the need.
3. To the extent possible, law and government agencies should ensure that homeless citizens are integrated into our larger community without casting them as a threat to business or the community.

RESPONSES

None

COUNTY GOVERNMENT

Small-Time Sewage is a Big-Time Challenge

SMALL-TIME SEWAGE IS A BIG-TIME CHALLENGE

REASON FOR INVESTIGATION

The 2003-2004 Nevada County Civil Grand Jury investigated the status of wastewater treatment plants in unincorporated Western Nevada County because plant operators and customers were facing large upgrade expenditures to meet new state and federal requirements. This year the 2005-2006 Grand Jury investigated Sanitation District No. 1, which manages the wastewater treatment plants, because: 1) a spill that was reported in the newspaper resulted in the threat of substantial fines, 2) large upgrade expenditures are still looming, and 3) sewage rates continue to increase.

REGULATION FRAMEWORK

The U.S. Environmental Protection Agency (EPA), State Water Resource Control Board (SWRCB), and the Central Valley Regional Water Quality Control Board (CVB) regulate wastewater treatment plants (WWTPs).^a

These treatment plants, regulated by multiple levels of governmental authority, operate within a complex and unsettled regulatory framework that includes the following:

- The EPA as regulator of the Clean Water Act, 33 USC 1311, and the Federal Water Pollution Control Act, 33 USC 1251 et seq.,
- The SWRCB and the Porter-Cologne Water Quality Control Act, California Water Code Division 7, effective January 1, 2003, sometimes called the “California Toxics Rule” (CTR), and
- The CVB, whose jurisdiction includes Western Nevada County.

Environmental Protection Agency

The EPA's mission is to protect human health and to safeguard the natural environment – air, water, and land – upon which life depends. The Clean Water Act (CWA) of 1972 and amended in 1987 is the primary Federal statute regulating the protection of the nation's waters. With respect to *funding* for EPA-mandated changes, it is important to note:

United States Code, Title 33, Chapter 26, Subchapter I, Sec. 1251 (4) which states ... “it is the national policy that Federal financial assistance be provided to construct publicly owned waste treatment works.”

^a All acronyms used in this report are listed in a glossary on the final page.

State Water Resources Control Board

The California Water Code is the principal state regulation governing water quality protection and the use of water resources. This code established the State Water Resources Control Board (SWRCB) and the California Regional Water Quality Control Boards. The SWRCB develops rules to implement federal and state law to protect the State's waters, and establishes enforcement policy to be carried out by the regional boards.

Regional Water Quality Control Boards

The mission of the nine Regional Water Quality Control Boards is to enforce these rules and thereby protect the State's waters. The CVB protects the quality of the waters within the central valley region, which includes Western Nevada County.

The CVB has authority over any wastewater system within its jurisdiction. The CTR (California Toxic Rule) requires that any person or organization discharging or proposing to discharge waste, even individual septic systems for single-family residences, file a report with their regional office. In the early 1950's, the CVB waived the filing of reports for individual sewage disposal systems in counties with satisfactory ordinances or regulations. In Nevada County, septic systems are regulated by the County's Environmental Health Department (EH).

BACKGROUND

Nevada County Sanitation District No. 1 (SD#1) was formed in 1965 to provide a management umbrella for wastewater treatment plants in the County. This is a dependent special district governed by the County Board of Supervisors acting as the SD#1 Board of Directors. Costs incurred under SD#1 are paid entirely by its ratepayers, not by County taxes. However, the County may be at risk in the event that ratepayers default in payments.

SD#1 administers, operates and maintains sewage collection systems and treatment facilities in ten financially independent zones: Lake of the Pines (LOP), Lake Wildwood (LWW), North San Juan, Gold Creek, Penn Valley, Mountain Lakes Estates, Cascade Shores, Eden Ranch, Dark Horse, and Higgins Village. Of these, LOP, LWW, and Cascade Shores are primarily stream-discharge plants; the others are strictly land-discharge plants. Customer representation and advisory guidance of SD#1 is provided by the Sanitation Advisory Committee, comprised of unpaid representatives from each of these zones and appointed by the SD#1 Board of Directors.

The Wastewater group within the Department of Transportation and Sanitation (DOTS) serves as SD#1 staff to the Board of Directors. The County provides this staff under contract to SD#1. DOTS reports to the County Executive Officer (CEO). Assistance in health-related matters is provided by the Environmental Health Department in the Community Development Agency, which also reports to the CEO.

METHOD OF INVESTIGATION

The Grand Jury interviewed County wastewater operations management and staff, a member of the SD#1 Board of Directors, a CVB staff member, members of the Sanitation Advisory Committee, and a former member of SWRCB management. The Grand Jury also attended multiple SD#1 outreach meetings, reviewed documents prepared by County-employed consultants, and researched the topic of wastewater in California through multiple sources.

Key Written Sources

1. California Water Code, Sections 13276-13389.
2. *Water Quality Enforcement Policy*, State Water Resources Control Board, 50 pages plus 15 pages of appendices, February 19, 2002.
3. Letter/FAX of May 12, 2005, *Sewage Spill Response Activities, Nevada County Sanitation District No. 1, Cascade Shores Wastewater Treatment Plant, Nevada County*, from the California Regional Water Quality Control Board, Central Valley Region (CVB), Thomas R. Pinkos, Executive Director, to Michael Hill-Weld, Director, Nevada County Department of Transportation and Sanitation (DOTS).
4. Letter of May 13, 2005, *Sewage Spill Beginning on Monday, May 9, 2005, within Cascade Shores, Zone 8, Nevada County Sanitation District No. 1*, w/encl., from Michael P. Hill-Weld, Director, DOTS, under signature of Gordon Plantenga, Wastewater Operations Manager, to Thomas Pinkos, Exec. Officer, CVB.
5. Letter of June 9, 2005, *Notice of Violation, California Water Code Section 13267 Order, Transmittal of Inspection Report, Cascade Shores Wastewater Treatment Plant, NPDES No. CA0083241, Nevada County*, from Richard McHenry, CVB, to Michael Hill-Weld, DOTS; with enclosure: Inspection Report by Melissa Hall, CVB.
6. Letter of June 24, 2005, *Notice of Violation, Cascade Shores Wastewater Treatment Plant, NPDES No. CA0083242*, w/encl., from Michael P. Hill-Weld, Dir. DOTS under signature of Gordon Plantenga, Wastewater Operations Manager, to Richard McHenry, Senior Engineer, CVB.
7. California Regional Water Quality Control Board, Central Valley Region, ACL Complaint No. R5-2005-0518, *Administrative Civil Liability Complaint in the Matter of County of Nevada, County of Nevada Sanitation District No. 1, Cascade Shores Wastewater Treatment Plant, Nevada County*, signed by Thomas R. Pinkos, Executive Officer, and mailed with accompanying letter to Mr. Michael Hill-Weld, Director, DOTS, on 10 August 2005.
8. Letter of February 6, 2006, *Lake of the Pines and Lake Wildwood Mandatory Minimum Penalties (MMPs)*, from Gordon Plantenga, Wastewater Operations Manager, to Michael Hill-Weld, Director of DOTS.
9. Agenda and Presentation to the Nevada County Sanitation District No. 1 Advisory Committee, at the regular meeting of February 22, 2006, 10:00 a.m. to noon, prepared by Gordon Plantenga and other SD#1 staff, 96 pages. Sewer rates updated April 28, 2006.

FINDINGS

1. Much of the upgrade expenditures to meet increasing state and federal water quality requirements are tracked as *Capital Improvements* in the SD#1 portion of County Budgets. In the table below, these expenditures, listed as SD#1 and paid entirely by the sewage services ratepayers, are compared with the County capital expenditures in DOTS and with the capital expenditures for all of Nevada County. As the table illustrates, SD#1 expenditures dominate within DOTS and exceed total County capital improvement expenditures. In FY 2005/06, SD#1's \$9,480,000 budget is 115% of the total County budget for Capital improvements, and in FY 2006/07 SD#1's \$29,140,000 is 444% of the total County budget for Capital improvements.

CAPITAL IMPROVEMENT BUDGETS FOR FY 2005/06 AND FY 2006/07						
Functional Areas	FY 2005/06 ^a		FY 2006/07 ^b		Change	
	Amount (thousands)	% of County	Amount (thousands)	% of County	Increase (thousands)	% Increase (decrease)
Roads & other DOTS	\$3,764	46%	\$5,856	89%	\$2,092	56%
All Other County Departments	\$4,445	54%	\$700	11%	(\$3,745)	(84%)
Total County	\$8,209	100%	\$6,556	100%	(\$1,653)	(20%)
SD#1 (not part of County)	\$9,480	115%	\$29,140	444%	\$19,660	207%

^a Based on projected actual FY 2005/06 Budget,

^b Based on FY 2006/07 Budget requests, 5/18/06

2. As shown in the table below, sewer rates per equivalent dwelling unit (EDU) have been increasing substantially to pay for the SD#1 capital improvements in the table above, plus WWTP operations. Future rates in the table are proposed by SD#1 and are subject to ratepayer approval following public hearings.

HISTORICAL & PROJECTED ANNUAL SEWER RATES PER CONNECTED EDU										
Fiscal Year	Zone 1 LWW	Zone 2 LOP	Zone 4 N. San Juan	Zone 5 Gold Creek	Zone 6 Penn Valley	Zone 7 Mtn. Lakes	Zone 8 Cascade Shores	Zone 9 Eden Ranch	Zone 10 Dark Horse	Zone 11 Higgins Village
	2,903*	2,056	85	44	347	40	83	29	54	48
2001/02	\$260	\$315	\$318	\$145	\$449	\$315	\$680	\$355		
2002/03	\$315	\$315	\$451	\$145	\$539	\$315	\$910	\$355		
2003/04	\$315	\$315	\$451	\$145	\$539	\$315	\$1,795	\$355	\$1,550	\$1,675
2004/05	\$650	\$550	\$451	\$145	\$720	\$365	\$1,795	\$410	\$1,550	\$1,675
2005/06	\$750	\$890	\$451	\$145	\$720	\$415	\$1,795	\$465	\$1,550	\$1,675
2006/07	\$905	\$1,075	\$660	\$145	\$950	\$465	\$1,995	\$520	\$1,550	\$1,675
2007/08	\$905	\$1,075	\$660	\$195	\$950	\$465	\$2,810	\$520	\$1,825	\$1,875
2008/09	\$1,125	\$1,125	\$730	\$195	\$950	\$465	\$2,810	\$575	\$1,900	\$1,975

*Entries in this row are the numbers of sewer system customers in each zone.

The proposed rates include estimates of possible future assessments by CVB of Mandatory Minimum Penalties (such as discussed in findings below). The numbers of connected EDUs (i.e., sewer system customers) as of February 2006 are included in the column headings (all data from Source 9). The district also collects sewer charges for unconnected EDUs on unimproved land, but these are omitted here for simplicity.

3. State law establishing effluent regulations for stream-discharge WWTPs was passed in 2000. A report establishing detailed water quality enforcement policy was issued by the SWRCB in 2002 (Source 2). The CVB has been enforcing WWTP regulations in subsequent years.
4. Wastewater treatment regulations are a very complex combination of federal and state law, as are the state enforcement policies of the SWRCB and CVB, and require intense effort for understanding, compliance, and record keeping. (Sources 1 and 2)
5. The SWRCB and its Regional Boards impose regulations and penalties based on "one size fits all." For example, the Mandatory Minimum Penalty (MMP) for an individual violation would be \$3000 in Cascade Shores, with 83 ratepayers, just as it is for the City of Los Angeles with about two million ratepayers. Thus, the cost of every \$3000 MMP would be \$36.14 for each ratepayer in Cascade Shores, whereas the cost would be a small fraction of a penny for each ratepayer in Los Angeles. (Source 2)
6. Twenty-two full-time equivalent employees constitute the Wastewater group in DOTS, and act as SD#1 staff responsible for managing the operations and upgrades of WWTPs in all ten SD#1 zones.
7. In addition to these operations and plant upgrade activities, the Wastewater group is also responsible for: (i) communicating with the CVB, (ii) keeping abreast of applicable rules and regulations, (iii) monitoring the quality of water entering and exiting WWTPs, (iv) maintaining compliance records and their financial implications, and (v) training new hires in these topics.
8. SD#1 staff members are on duty at the Cascade Shores WWTP only a few days per week, and generally not at all during nighttime hours, as a cost-saving measure.
9. The main sewer line of the Cascade Shores WWTP was ruptured by a rain-triggered landslide on May 9, 2005. As a result, raw sewage spilled into Gas Canyon Creek at an average rate of approximately 20,000 gallons per day (gpd) for nine days. (Source 4)
10. The CVB representatives stated in written reports that, out of concern for the public safety and protection of the beneficial uses of the downstream waters, SD#1 should capture this sewage spill with one of two County-owned vacor trucks and transport it to another WWTP. (Sources 3, 7)
11. SD#1 and Environmental Health Department staff stated in a written response to the first (Source 3) of these reports that the environmental impact of the spill was small because of: (i) its relatively small average flow of 20,000 gpd (equivalent to the flow from a 1-inch hose), (ii) limited use by humans of Gas Canyon Creek during the time of the spill (only one dwelling was inhabited near Gas Canyon Creek downstream of the accident),

- (iii) substantial dilution of the raw sewage by heavy water flow in the creek from the severe winter storms that precipitated and followed the accident, and (iv) tests by the Nevada Irrigation District (NID) indicated that the spill was not causing a measurable negative impact on the source of its water supply. (Source 4)
12. SD#1 staff decided at the time of the accident to focus their efforts immediately on installing a replacement pipe to transport the sewage to the Cascade Shores WWTP, rather than on creating a temporary containment for the spill, piping the contained sewage into vector trucks, and transporting it to another WWTP.
 13. Lines of communication between SD#1 and outside resources and agencies, including the CVB, are specified in myriad emergency plan documents for each WWTP zone. These documents include Emergency Action Plans, Sanitary Sewer Overflow Response Plans, and Business Plans.
 14. Specification of lines of communication from the CVB to SD#1 are included in an annual report submitted by SD#1 to the CVB for each of the three stream-discharge WWTPs.
 15. According to The Union (December 13, 2003), during the week of December 9, 2003, the town of Colfax, less than a square mile in area with a population of about 1,600, located just east of the Nevada County line, was penalized about \$350,000 by CVB for a myriad of wastewater permit violations spanning several years.
 16. A 2003/2004 Grand Jury Report identified the possibility of substantial fines being levied against SD#1.
 17. In a letter dated August 10, 2005, the CVB proposed a total penalty (Administrative Civil Liability) against the SD#1 Cascade Shores WWTP, in the amount of \$574,000. This amount was an accumulation of (i) 177 mandatory minimum \$3000 penalties totaling \$531,000 for violations dating back to April 30, 2000, (ii) a \$33,000 CVB-estimated economic benefit of allowing the landslide sewage spill to continue for nine days, plus (iii) \$10,000 to cover estimated CVB administrative costs (Source 7). In subsequent discussions between SD#1 staff and the CVB, the 177 MMPs were reduced to 166 MMPs totaling \$498,000.
 18. At the time the \$574,000 penalty was proposed, SD#1 was keeping a file of CVB-required self-reported violations, but it was not keeping a running log of violations and MMPs, nor their cumulative financial magnitude, for any of the three stream-discharge WWTPs (Cascade Shores, LOP, and LWW).
 19. SD#1 later prepared lists of MMPs and their cumulative dollar amounts for LOP and LWW and documented them in a memo of February 6, 2006 (Source 8).
 20. The SWRCB has indicated that the Cascade Shores WWTP may be qualified, by virtue of its ratepayers' low median income level, to apply the \$498,000 of MMPs toward the required upgrade of the WWTP by September 2007. Funding to cover upgrade costs is being sought from grants, insurance claims, and low interest loans.

21. The median income of the ratepayers in the other two stream-discharge WWTPs in SD#1 (LOP and LWW) may be too high to permit application of their cumulative MMP fines against the cost of their required upgrades.
22. SD#1 consultant reports state that the LWW WWTP cannot meet the required higher effluent water quality standards prior to scheduled plant upgrades (Source 8).
23. The Board of Supervisors has approved a request to add a Principal Engineer in DOTS to help with the numerous demands on SD#1 staff.
24. Minutes from SD#1 Board of Directors meetings are included as part of the Nevada County Board of Directors meetings, and now are also published separately. All these documents are available via <http://new.mynevadacounty.com/clerkofboard/>.
25. Hearings are in progress for California Senate Bill 1733 on water quality civil penalties. Among several paragraphs explaining the purpose of the bill, its author states, "Senate Bill 1733 attempts to provide assistance to [small rural] communities that are trapped in a cycle that vacillates between non-compliance and the inability to upgrade to meet compliance standards."

CONCLUSIONS

1. Projected annual capital improvement expenditures to upgrade Sanitation District No. 1 (SD#1) wastewater treatment plants (paid by ratepayers, not with County funds) are larger than the total Nevada County budgeted capital improvements for FY 2005/06 and FY 2006/07.
2. Annual sewage rates in SD#1 have been increasing markedly in recent years, and are projected to continue increasing. From fiscal years 2001/02 to 2005/06 (a four-year interval) rates increased by an average of 168% (were 2.68 times larger) for the 5,587 customers in then existing Zones 1 through 9. From fiscal years 2005/06 to 2008/09 (a three-year interval) rates are forecast to increase by an average of 39% for the 5,689 customers in Zones 1 through 11. The average annual sewer bill across zones will have increased from \$299 to \$1,133 in the total seven-year interval. The largest increases have been in the three stream-discharge zones, which are upgrading their wastewater treatment plants to meet ever stricter water quality requirements.
3. SD#1 policy of staffing the Cascade Shores Wastewater Treatment Plant only part time puts a premium on equipment reliability, an emergency holding tank, and automatic accident control systems.
4. Effective communications between SD#1 staff and the California Central Valley Regional Water Quality Control Board appear to have broken down during the immediate aftermath of the Cascade Shores landslide.
5. Although the DOTS Wastewater Operations organization chart, complete with names, titles and phone numbers of each SD#1 staff member, is included in annual reports to the

CVB for each of the three stream-discharge WWTPs, there appears to have been considerable doubt on the part of the CVB as to who was the on-site person in charge at various stages of the Cascade Shores landslide and spill.

6. Large fines (Administrative Civil Liabilities), such as the \$574,000 proposed against the Cascade Shores Wastewater Treatment Plant, are a real possibility at Lake Wildwood and Lake of the Pines.
7. It is unlikely that LWW or LOP would qualify as a low median income area, as is Cascade Shores, in order to apply any fines toward required upgrades of their WWTPs; thus, fines may result in increased LWW and LOP sewage rates.
8. Because there was no running log of violations until recently, the SD#1 Board of Directors and the County Executive Officer did not have sufficient information to make appropriate management decisions and to address the mounting potential financial impact of the Mandatory Minimum Penalties.
9. The \$350,000 Central Valley Regional Water Quality Control Board penalty in December 2003 against the Colfax Wastewater Treatment Plant should have provided a warning to the SD#1 Board of Directors that similarly large cumulative penalties could be imposed against the three stream-discharge plants in SD#1.
10. Little consideration is given for the special circumstances of small, rural communities served by small Wastewater Treatment Plants. For example, fixed Mandatory Minimum Penalties impact rural sewage service ratepayers significantly more than they impact ratepayers in larger districts, resulting in an unfair burden on rural customers. A \$3000 fine levied against Cascade Shores would translate to \$36.14 for each of its 83 ratepayers, whereas the same fine for the same violation levied against Los Angeles would translate to a small fraction of a penny for each of its more than two million ratepayers.
11. The complexities of water quality control regulations put a severe burden on small Wastewater Treatment Plant staffs.

RECOMMENDATIONS

1. The Sanitation District No. 1 (SD#1) Board of Directors, acting as the Nevada County Board of Supervisors, should give wastewater treatment matters higher priority and its staff expanded capability by directing DOTS to add a Principal Engineer with formal training in sanitation engineering.
2. The SD#1 Board of Directors, acting independently and also together with leaders from other rural counties and cities, should aggressively and relentlessly lobby state government for equitable treatment of rural communities concerning water quality control matters and their financial impact per ratepayer. One goal should be to modify the structure of the MMP fine system from the present fixed \$3,000 for any WWTP, regardless of size, to a variable fine that bears a reasonable relationship to the number of EDUs served by the WWTP.

3. The SD#1 Board of Directors should direct SD#1 staff to develop a system to monitor and analyze violations associated with Self-Monitoring Reports in order to determine their potential penalties and cumulative financial impact for each zone.
4. The SD#1 Board of Directors should direct SD#1 staff to provide recommendations to the CEO and to the Board of Directors for dealing with the cumulative financial impact of potential violations and related fines.
5. The SD#1 Board of Directors should direct SD#1 staff to: (i) develop a formal system to analyze violations that result in mandatory minimum penalties, (ii) examine what failures have occurred, and (iii) take appropriate action to ensure they are less likely to occur in the future.
6. The SD#1 Board of Directors should establish appropriate protocols to ensure effective communication with the State Water Quality Resource Control Board and the Central Valley Regional Water Quality Control Board, in order to establish optimal ongoing relationships, more effective coordination, and mutual understanding during emergencies and incidents such as the Cascade Shores landslide and resulting spill that occurred in May 2005.

REQUIRED RESPONSES

Sanitation District No. 1 Board of Directors: September 26, 2006
Nevada County Board of Supervisors: September 26, 2006

GLOSSARY OF ACRONYMS

CEO	County Executive Officer
CRWA	California Rural Water Association
CTR	California Toxic Rule
CVB	California Regional Water Quality Control Board, Central Valley Region
CWA	Clean Water Act
CWEA	California Water Environmental Association
DOTS	Department of Transportation and Sanitation
EDU	equivalent dwelling unit
EH	Environmental Health Department
EPA	Environmental Protection Agency
gpd	gallons per day
LOP	Lake of the Pines
LWW	Lake Wildwood
MMP	Mandatory Minimum Penalty
NID	Nevada Irrigation District
SD#1	Sanitation District No. 1
SMR	Self Monitoring Report
SWRCB	State Water Resources Control Board
WWTP	wastewater treatment plant

Response

COUNTY OF NEVADA

STATE OF CALIFORNIA

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September 12, 2006

The Honorable Judge Al Dover
Presiding Judge of the Nevada County Civil Grand Jury
Nevada County Court House
Nevada City CA 95959

Subject: Nevada County Board of Supervisors Responses to the 2005-2006 Nevada County Civil Grand Jury Report, *Small-Time Sewage Is A Big-Time Challenge*

Dear Judge Dover:

The Board of Supervisors has reviewed the attached responses by the Directors of Nevada County Sanitation District No. 1 to the 2005-2006 Nevada County Civil Grand Jury Report, dated June 28, 2006 entitled *Small-Time Sewage Is A Big-Time Challenge*, and is in agreement with the responses.

In particular, we would like to highlight the response to Recommendation No. 2, which recommends that SD#1 Board of Directors lobby the government for equitable treatment of rural counties concerning water quality control matters. Over the last several years, the Board of Supervisors and individual Board members have been aggressive and relentless in lobbying our legislators for legislation, regulatory considerations and funding. One significant outcome has been the introduction of Senate Bill 1733 by Senator Sam Aanestad. Another result was approval by the Central Valley Regional Valley Water Quality Control Board for the Sanitation District to apply the Mandatory Minimum Penalties for the Cascade Shores plant to the cost of building the new wastewater treatment plant.

The Nevada County Board of Supervisors would like to thank the members of the 2005-2006 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Sincerely,

Nathan H. Beason
Chair, Board of Supervisors

Attachment

cc: Foreman, Grand Jury ✓
Nevada County Sanitation District No. 1 Board of Directors
Rick Haffey, County Executive Officer
Michael Hill-Weld, Director of Transportation and Sanitation

**NEVADA COUNTY SANITATION DISTRICT NO. 1 BOARD OF DIRECTORS
RESPONSES TO 2005-2006 CIVIL GRAND JURY REPORT
DATED JUNE 28, 2006**

SMALL-TIME SEWAGE IS A BIG-TIME CHALLENGE

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the Nevada County Board of Supervisors, the Nevada County Sanitation District No. 1 (NCSD #1) Board of Directors, County Executive Officer, or testimony from the Board Chair and county staff members.

I. GRAND JURY INVESTIGATION:

Small-Time Sewage is a Big-Time Challenge

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

Findings:

1. **Much of the upgrade expenditures to meet increasing state and federal water quality requirements are tracked as Capital Improvements in the SD#1 and paid entirely by the sewage service ratepayers, are compared with the County capital expenditures in DOTS and with the capital expenditures for all of Nevada County. As the table illustrates, SD#1 expenditures dominate within DOTS and exceed total County capital improvement expenditures. In FY 2005/2006, SD#1's \$9,480,000 budget is 115% of the total County budget for Capital improvements and in FY 2006/07 SD#1's \$29,140,000 is 444% of the total County budget for Capital improvements.**

CAPITAL IMPROVEMENT BUDGETS FOR FY 2005/06 and FY 2006/07						
Functional Areas	FY 2005/06 ^a		FY 2006/07 ^b		Change	
	Amount (thousands)	% of County	Amount (thousands)	% of County	Increase (thousands)	% Increase (decrease)
Roads & other DOTS	\$3,764	46%	\$5,856	89%	\$2,092	56%
All Other County Departments	\$4,445	54%	\$700	11%	(\$3,745)	(84%)
Total County	\$8,209	100%	\$6,556	100%	(\$1,653)	(20%)
SD#1 (not part of County)	\$9,480	115%	\$29,140	444%	\$19,660	207%

^a Based on projected actual FY 2005/06 Budget, ^b Based on FY 2006/07 Budget requests, 5/18/06

Agree

2. **As shown in the table below, sewer rates per equivalent dwelling unit (EDU) have been increasing substantially to pay for the SD#1 capital improvements in the table above, plus WWTP operations. Future rates in the table are proposed by SD#1 and are subject to ratepayer approval following public hearings.**

HISTORICAL & PROJECTED ANNUAL SEWER RATES PER CONNECTED EDU										
Fiscal Year	Zone 1 LWW	Zone 2 LOP	Zone 4 N.San Juan	Zone 5 Gold Creek	Zone 6 Penn Valley	Zone 7 Mtn. Lakes	Zone 8 Cascade Shores	Zone 9 Eden Ranch	Zone 10 Dark Horse	Zone 11 Higgins Village
	2,903*	2,056	85	44	347	40	83	29	54	48
2001/02	\$260	\$315	\$318	\$145	\$449	\$315	\$680	\$335		
2002/03	\$315	\$315	\$451	\$145	\$539	\$315	\$910	\$355		
2003/04	\$315	\$315	\$451	\$145	\$539	\$315	\$1795	\$355	\$1,550	\$1,675
2004/05	\$650	\$550	\$451	\$145	\$720	\$365	\$1,795	\$410	\$1,550	\$1,675
2005/06	\$750	\$890	\$451	\$145	\$720	\$415	\$1,795	\$465	\$1,550	\$1,675
2006/07	\$905	\$1,075	\$660	\$145	\$950	\$465	\$1,995	\$520	\$1,550	\$1,675
2007/08	\$905	\$1,075	\$660	\$195	\$950	\$465	\$2,810	\$520	\$1,825	\$1,875
2008/09	\$1,125	\$1,125	\$730	\$195	\$950	\$465	\$2,810	\$575	\$1,900	\$1,975

* Entries in this row are the numbers of sewer system customers in each zone.

The proposed rates include estimates of possible future assessments by CVB of Mandatory Minimum Penalties (such as discussed in findings below). The numbers of connected EDUs (i.e., sewer system customers) as of February 2006 are included in the column headings (all data from Source 9). The district also collects sewer charges for unconnected EDUs on unimproved land, but these are omitted here for simplicity.

Agree

3. State law establishing effluent regulations for stream-discharge WWTPs was passed in 2000. A report establishing detailed water quality enforcement policy was issued by the SWRCB in 2002 (Source 2). The CVB has been enforcing WWTP regulations in subsequent years.

Partially agree.

The California Toxics Rule (CTR), enacted in 2000, supplemented prior laws that established effluent regulations for stream discharge for Wastewater Treatment Plants (WWTPs).

4. Wastewater treatment regulations are a very complex combination of federal and state law, as are the state enforcement policies of the SWRCB and CVB, and require intense effort for understanding compliance, and record keeping (Sources 1 and 2).

Agree

5. The SWRCB and its Regional Boards impose regulations and penalties based on "one size fits all." For example, the Mandatory Minimum Penalty (MMP) for an individual violation would be \$3000 in Cascade Shores, with 83 ratepayers, just as it is for the City of Los Angeles with about two million ratepayers. Thus, the cost of every \$3000 MMP would be \$36.14 for each ratepayer in Cascade Shores, whereas the cost would be a small fraction of a penny for each ratepayer in Los Angeles. (Source 2)

Agree

6. **Twenty-two full-time equivalent employees constitute the Wastewater group in DOTS, and act as SD#1 staff responsible for managing the operations and upgrades of WWTPs in all ten SD#1 zones.**

Agree

7. **In addition to these operations and plant upgrade activities, the Wastewater group is also responsible for: (i) communicating with the CVB, (ii) keeping abreast of applicable rules and regulations, (iii) monitoring the quality of water entering and exiting WWTPs, (iv) maintaining compliance records and their financial implications, and (v) training new hires in these topics.**

Agree

8. **SD#1 staff members are on duty at the Cascade Shores WWTP only a few days per week, and generally not at all during nighttime hours, as a cost-saving measure.**

Partially agree.

The Cascade Shores WWTP was designed for extended unmanned operation with an automated alarm and auto dialer system to call and report problems. Sanitation District No. 1 (SD No.1) staff regularly visits the site on three weekdays and once on the weekends. These visits include visual inspection, sampling, testing, and adjusting the equipment as required to maintain compliance with the permit. There is also a paid standby treatment operator to respond to any after hour alarms.

9. **The main sewer line of the Cascade Shores WWTP was ruptured by a rain-triggered landslide on May 9, 2005. As a result, raw sewage spilled into Gas Canyon Creek at an average rate of approximately 20,000 gallons per day (gpd) for nine days. (Source 4)**

Agree

10. **The CVB representatives stated in written reports that, out of concern for the public safety and protection of the beneficial uses of the downstream waters, SD#1 should capture this sewage spill with one of two County-owned vector trucks and transport it to another WWTP. (Sources 3, 7)**

Agree

11. **SD#1 and Environmental Health Department staff stated in a written response to the first (Source 3) of these reports that the environmental impact of the spill was small because of: (i) its relatively small Average flow of 20,000 gpd (equivalent to the flow from a 1-inch hose), (ii) limited use by humans of Gas Canyon Creek during the time of the spill (only one**

dwelling was inhabited near Gas Canton Creek downstream of the accident), (iii) substantial dilution of the raw sewage by heavy water flow in the creek from the severe winter storms that precipitated and followed the accident, and (iv) tests by the Nevada Irrigation District (NID) indicated that the spill was not causing a measurable negative impact on the source of its water supply. (Source 4)

Agree

12. SD#1 staff decided at the time of the accident to focus their efforts immediately on installing a replacement pipe to transport the sewage to the Cascade Shores WWTP, rather than on creating a temporary containment for the spill, piping the contained sewage into vector trucks, and transporting it to another WWTP.

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13. Lines of communication between SD#1 and outside resources and agencies, including the CVB, are specified in myriad emergency plan documents for each WWTP zone. These documents include Emergency Action Plans, Sanitary Sewer Overflow Response Plans, and Business Plans.

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15. According to The Union (December 13, 2003), during the week of December 9, 2003, the town of Colfax, less than a square mile in area with a population of about 1,600, located just east of the Nevada County line, was penalized about \$350,000 by CVB for a myriad of wastewater permit violations spanning several years.

Agree

16. A 2003/2004 Grand Jury Report identified the possibility of substantial fines being levied against SD#1.

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17. In a letter dated August 10, 2005, the CVB proposed a total penalty (Administrative Civil Liability) against the SD#1 Cascade Shores WWTP, in the amount of \$574,000. This amount was an accumulation of (i) 177 mandatory minimum \$3000 penalties totaling \$531,000 for violations dating back to April 30, 2000, (ii) a \$33,000 CVB-estimated economic benefit of allowing the landslide sewage spill to continue for nine days, plus (iii) 10,000 to cover estimated CVB administration costs (Source 7). In subsequent discussions

between SD#1 staff and the CVB, the 177 MMPs were reduced to 166 MMPs totaling \$498,000.

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19. SD#1 later prepared lists of MMPs and their cumulative dollar amounts for LOP and LWW and documented them in a memo of February 6, 2006. (Source 8)

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20. The SWRCB has indicated that the Cascade Shores WWTP may be qualified, by virtue of its ratepayers' low median income level, to apply the \$498,000 of MMPs toward the required upgrade of the WWTP by September 2007. Funding to cover upgrade costs is being sought from grants, insurance claims, and low interest loans.

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21. The median income of the ratepayers in the other two stream-discharge WWTPs in SD#1 (LOP and LWW) may be too high to permit application of their cumulative MMP fines against the cost of their required upgrades.

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22. SD#1 consultant reports state that the LWW WWTP cannot meet the required higher effluent water quality standards prior to scheduled plant upgrades. (Source 8)

Agree

23. The Board of Supervisors has approved a request to add a Principal Engineer in DOTS to help with the numerous demands on SD#1 staff.

Agree

24. Minutes from SD#1 Board of Directors meetings are included as part of the Nevada County Board of Directors meetings, and now are also published separately. All these documents are available via <http://new.mynevadacounty.com/clerkofboard/>.

Agree

25. **Hearings are in progress for California Senate Bill 1733 on water quality civil penalties. Among several paragraphs explaining the purpose of the bill, its author states, "Senate Bill 1733 attempts to provide assistance to [small rural] communities that are trapped in a cycle that vacillates between non-compliance and the inability to upgrade to meet compliance standards."**

Agree

Recommendations:

1. **The Sanitation District No; 1 (SD#1) Board of Directors, acting as the Nevada County Board of Supervisors, Should give wastewater treatment matters higher priority and its staff expanded capability by directing DOTS to add a Principal Engineer with formal training in sanitation engineering.**

This recommendation has been implemented.

On April 3, 2006, the County Executive Officer (CEO) approved the creation of a Principal Civil Engineer position to oversee the Wastewater and Solid Waste Divisions. The Board of Supervisors subsequently ratified this action by amending the County Staffing Resolution. When the first recruitment did not result in qualified candidates, the Department of Transportation and Sanitation's (DOTS) staff worked with the Human Resources Director to modify the minimum qualifications in the job description to expand the pool of eligible applicants. The application period closed August 16, 2006, and interviews are being scheduled as of this writing.

2. **The SD#1 Board of Directors, acting independently and also together with leaders from other rural counties and cities, should aggressively and relentlessly lobby state government for equitable treatment of rural communities concerning water quality control matters and financial impact per ratepayer. One goal should be to modify the structure of the MMP fine system from the present fixed \$3,000 for any WWTP, regardless of size, to a variable fine that bears a reasonably relationship to the number of EDUs served by the WWTP.**

This recommendation has been implemented.

Supervisors Sue Home and Nate Beason have been very active in lobbying for reform in the wastewater area. They have succeeded in getting the issues on the agenda of both the California State Association of Counties (CSAC) and the Regional Council of Rural Counties (RCRC). In addition, they worked with Senator Sam Aanestad, resulting in his submitting SB 1733 for consideration by the Legislature. SB 1733 would enable Regional Water Quality Boards to apply Mandatory Minimum Penalties (MMPs) to the cost of upgrading wastewater treatment plants to meet the provisions of the operating permit.

At the time of this writing, SB 1733 is still pending in the Legislature.

Supervisor Beason, in his role as Vice-Chair of the Sierra Economic Development District (SEDD), was instrumental in getting SEDD to sponsor a Wastewater Forum in Nevada City. The Forum included Federal, State and local regulators and operators as well as representatives from Congressman John Doolittle and Assemblyman Rick Keene. In addition to panel discussions by regulators and operators, the Forum included a tour of the Cascade Shores wastewater treatment plant so that the Regional Board staff could actually see the plant and the locale.

In addition to Senator Aanestad's bill SB 1733, various governmental agencies and organizations are proposing a variety of bills, many of which address the mandatory minimum penalties. Staff is monitoring and participating in this process and will be providing information to the Sanitation District Board for their consideration.

- 3. The SD#1 Board of Directors should direct SD#1 staff to develop a system to monitor and analyze violations associated with Self-Monitoring Reports in order to determine their potential penalties and cumulative financial impact for each zone.**

This recommendation has been implemented.

The Wastewater Division staff has developed a system to monitor and analyze violations associated with Self-Monitoring Reports. Following the preparation and submittal of the Self-Monitoring Reports, staff created a spreadsheet that lists date, time, nature of the violation, corrections, repairs, and potential costs. The spreadsheet also contains notes on corrections made and/or references to the monthly Self-Monitoring report for further detailed explanations. This allows any questions to be answered and serves as a quick reference in the event of repeat problems and costing questions.

This information is used to identify potential penalties and their financial impacts (as recommended by the Grand Jury), and provides important information on the operations of the plants. When indicated by the analysis of the data, modifications in the plant or the plant operations are made to avoid future incidents.

- 4. The SD#1 Board of Directors should direct SD#1 staff to provide recommendations to the CEO and to the Board of Directors for dealing with the cumulative financial impact of potential violations and related fines.**

This recommendation has been implemented.

Based on the information from the Self-Monitoring Reports, staff made projections of the potential MMPs that could be imposed while upgrades are being made to the Lake of the Pines, Lake Wildwood and Cascade Shores WWTPs. These projections were reviewed with the Sanitation District Advisory Committee in March 2006 and the Budget Subcommittee, which includes CEO staff and two District Board members, in April 2006. Based on their recommendation, the projections were incorporated in the Fiscal Year 2006/07 budgets.

The MMPs imposed on Cascade Shores will not be paid to the State. Instead, they are being applied to the cost of building the new WWTP. If penalties are proposed for Lake of the Pines or Lake Wildwood, the actual decision of whether to protest or pay the penalties will be made by the Sanitation District Board on a case-by-case basis. As recommended by the Grand Jury, staff will make recommendations at that time.

District staff is recommending that future budgets include an amount for MMPs based on anticipated violations. Running logs of actual Mandatory Minimum Penalties will be monitored by SD#1 staff. If MMPs exceed those expected and budgeted (approximately 4 per year for each of the three zones subject to them) then this will be reported to the CEO and the Board of Directors of SD#1 in a timely manner to ensure that they are sufficiently informed of the potential financial impacts of cumulative MMP's.

5. **The SD#1 Board of Directors should direct SD#1 staff to: (i) develop a formal system to analyze violations that result in mandatory minimum penalties, (ii) examine what failures have occurred, and (iii) take appropriate action to ensure they are less likely to occur in the future.**

This recommendation has been implemented.

As stated under Recommendation 3, Wastewater Division staff has developed a system to monitor and analyze violations associated with Self-Monitoring Reports. This information is used not only to identify potential penalties and their financial impacts, but to provide important information on the operations of the plants. When indicated by analysis of the data, modifications to the plant or the plant operation are made to avoid future incidents.

6. **The SD#1 Board of Directors should establish appropriate protocols to ensure effective communication with the State Water Quality Resource Control Board and the Central Valley Water Quality Control Board, in order to establish optimal ongoing relationships, more effective coordination, and mutual understanding during emergencies and incidents such as the Cascade Shores landslide and resulting spill that occurred in May 2005.**

This recommendation has been implemented.

The Sanitation District Board and staff work very hard to communicate with and to provide information to the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board and their staff members. We have several different reporting protocols including our sewer spill reporting, as identified in the most recent update (October 7, 2005) of the District's Sanitary Sewer Overflow Response Plan. There are also specific reporting protocols for violations identified in the most recently adopted 2001 and 2002 discharge permits. These efforts include information submitted with the annual operations reports and the monthly Self-Monitoring reports as well as telephone calls, letters and emails providing updates on staffing changes, operational matters, and other District business.

In addition, DOTS staff is working directly with Central Valley Regional Water Quality Control Board staff members Ken Landau, Principal Water Resources Control Engineer; and Dave Carlson, Environmental Program Manager. The goal is better understanding of Sanitation District operations and compliance efforts. Judging by recent actions by the Regional Board

staff, these efforts are resulting in decisions that better reflect the needs of the Sanitation District residents.

The Central Valley Regional Water Quality Control Board is currently undergoing a major reorganization, staff reassignments and recruitment of new staff. As new Regional Board staff are assigned to Sanitation District permits, DOTS staff is making a concerted effort to bring them up to speed and to develop strong working relationships. These will be valuable not only in day-to-day operations and permit matters, but also in the event of any emergency.

REQUIRED RESPONSES

Sanitation District No. 1 Board of Directors – September 26, 2006

Nevada County Board of Supervisors – September 26, 2006

**HEALTH
and
ENVIRONMENT**

Elder Abuse in Nevada County

ELDER ABUSE IN NEVADA COUNTY

REASON FOR INVESTIGATION

Statistics uncover a frightening picture of elder abuse in California. One of every 20 elderly people will be a victim of neglect or physical, psychological or financial abuse this year. By the year 2020, the number of elderly in California is expected to double to 6.6 million.

As the elderly population multiplies, so will the incidence of elder abuse if action is not taken. The seriousness of the problem must be recognized and the services available to combat the problem must be understood by all county residents.

The Grand Jury believes that it is important for all residents of Nevada County to understand what constitutes elder abuse, how elder abuse affects both victims and the community as a whole, and what resources are available from governmental, business and non-profit groups to detect and prevent such abuse.

BACKGROUND

The California Legislature has recognized that the state has a special responsibility to protect elders because they are more subject to risks of abuse, neglect and abandonment and are all too frequently unable to obtain help and protection. Therefore elder abuse has been designated a criminal as well as a civil matter for which there are special protections under California law.

A large portion of the population of Nevada County is in the category of elderly or dependent adult as defined in State law. More residents will enter this category in the next few years.

Many governmental entities are involved in protecting elders from abuse including Adult Protective Services, local and state law enforcement, and the Nevada/Sierra Counties Ombudsman/Advocate group. There are many non-profit groups dedicated to assisting elders in living a productive and fulfilling life without being victimized by abuse. Many private companies, including banks and hospitals, have internal programs to train their employees to recognize and deal with suspected elder abuse.

PROCEDURE FOLLOWED

The Grand Jury interviewed representatives of Adult Protective Services, Behavioral Health, the Victim/Witness Assistance Center and the Nevada County Elder Abuse Advocacy and Outreach Program. Interviews were also conducted with a retired FBI Agent who specialized in investigating white collar crime, a Supervising Special Agent with the California Department of Justice who specializes in investigating medical fraud and elder abuse in long term care facilities, and a member of the Nevada/Sierra Counties Ombudsman/Advocate group. The Grand Jury also reviewed documents from the Nevada County District

Attorney's office, Adult Protective Services, the California Department of Social Services, the California Department of Finance and the Nevada County Economic Resource Council.

FINDINGS

1. Elder abuse laws cover seniors 65 years of age or older and dependent adults 18 through 64 years of age who have a physical or developmental disability.
2. California's Elder Abuse and Dependent Adult Civil Protection Act provides protection for elders from financial abuse, physical abuse and neglect. Under the Act, elder abuse is defined as:
 - a. Physical abuse
 - b. Neglect
 - c. Financial abuse
 - d. Abandonment
 - e. Isolation
 - f. Abduction
 - g. Other treatment of an elder which results in physical harm or pain or mental suffering
 - h. A caregiver depriving an elder of goods or services necessary to prevent physical harm or mental suffering
3. Physical abuse includes assault, battery, unreasonable physical constraint, deprivation of food or water, sexual assault or inappropriate use of physical or chemical restraint.
4. Neglect includes failure by a caregiver to provide food, clothing or shelter, failure to assist in personal hygiene, failure to provide medical care, failure to protect the elder from safety hazards, or failure to prevent malnutrition/dehydration.
5. Financial abuse includes situations where one or both of the following apply: (1) a person, including a caregiver or other trusted person, takes an elder's money or property for wrongful use, or with intent to defraud; (2) a person gets property from an elder who lacks mental capacity and refuses in bad faith to return the property when the elder or his/her representative requests it.
6. The U.S. Census Bureau projects that California's elderly population will nearly double within the next 20 years from 3.7 million to more than 6.6 million.
7. Nevada County has the 7th highest proportion of elder population per county in California. Nearly 30% of Nevada County residents were over 55 years of age as of the 2000 census.
8. One of every 20 elderly people will be a victim of neglect or physical, psychological or financial abuse this year.

9. Elders control 70% of the wealth in our country making them obvious targets of financial abuse.
10. Abusers are most often family members or care givers.
11. Adult Protective Services is the primary contact for suspected elder abuse that does not immediately jeopardize the life or well being of the victim and occurs outside a licensed care facility.
12. The Office of the Ombudsman is the primary contact for suspected elder abuse that occurs in a licensed care facility.
13. Law enforcement is the primary contact for suspected elder abuse that immediately jeopardizes the life or well being of the victim.
14. Under California law, certain individuals are legally mandated to report known or suspected instances of elder abuse. Mandated reporters include physicians and medical professionals, clergy, employees of health care facilities, law enforcement and any individual who assumes responsibility for the care or custody of an elderly person.

CONCLUSIONS

1. Recognizing and reporting incidents of suspected elder abuse is critical to protecting our senior citizens.
2. Education aids seniors in ascertaining risk of abuse and how to avoid or counter it.
3. Information is available regarding health and financial questions, investment fraud prevention and scams involving home improvements.
4. Law enforcement and the courts can aid in preventing elder abuse through effective enforcement when acts of abuse do occur.
5. Senior services can help deter abuse through education and assistance programs.

RECOMMENDATIONS

1. Any person who suspects that abuse of an elder has occurred can and should report it immediately. Another's assets, health, dignity and/or life may depend on the courage to act.
2. Suspected elder abuse outside of a licensed care facility should be immediately reported to Nevada County Adult Protective Services at (530) 265-1639 or (888) 339-7248. These numbers are available 24-hours per day seven days per week.

3. Suspected elder abuse inside a licensed care facility in Nevada County should be immediately reported to the Long Term Care Ombudsman at (530) 274-2825 or (916) 376-8910.
4. All member agencies in the criminal justice system should ensure that effective programs and polices are in place and that laws and ordinances are enforced to guarantee prosecution of family or other offenders who commit crimes and acts of abuse against elders.
5. Social services programs, both governmental and private, affecting seniors at risk should be supported and strengthened. The areas include housing, nutrition, health and transportation. These programs provide for a healthy constructive life environment, offsetting opportunities for abuse to occur, identifying where abuse does occur, and implementing effective remedial action.

RESPONSES

No Response Required

**LAW
ENFORCEMENT**

Inspection of Wayne Brown Correctional Facility

GRAND JURY INSPECTIONS OF CORRECTIONAL FACILITIES IN NEVADA COUNTY WAYNE BROWN CORRECTIONAL FACILITY

REASON FOR INVESTIGATION

California Penal Code section 919(b) requires the Grand Jury to inquire annually into the condition and management of the public prisons within the county. An essential element of these inquiries is an inspection tour of each facility.

PROCEDURE FOLLOWED

The Grand Jury inspected the Wayne Brown Correctional Facility located at Eric W. Rood Administrative Center, 950 Maidu Avenue, Nevada City, toured the facility, reviewed documents and interviewed representatives from the Nevada County Sheriff's Department.

BACKGROUND

The Wayne Brown Correctional Facility (WBCF) was dedicated December 17, 1991. It was designed to house 237 inmates, with adjacent land available to double this capacity. It is a Type II facility that houses individuals pending arraignment, during trial, and upon sentencing. Inmates are housed according to the following classification criteria: sex, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior, and other criteria which will provide for the safety of inmates and staff. Classification of inmates is not based on an inmate's race, color, creed, or national origin.

FINDINGS

1. A Nevada County Sheriff's Captain directs and oversees Wayne Brown Correctional Facility.
2. WBCF provides a variety of programs and opportunities for the inmates, including educational programs. In 2005, inmates received 6 high school diplomas and 23 G.E.D.s.
3. WBCF contracts with the California Forensic Medical Group (CFMG) to provide and coordinate medical services for the inmates.
4. Many inmates have mental health issues due to substance abuse.

5. WBCF contracts for a psychiatrist to be on site 5 hours per week and a psychologist 10 hours per week. When a mental health provider is not on site, services are obtained through the on-call provider and/or county behavioral health.
6. The number of assaultive inmates is increasing due to methamphetamine use.
7. WBCF provides a grievance procedure for the inmates.
8. Installation of additional security cameras has been scheduled since last year's Grand Jury inspection.
9. All inmates go through a classification process to determine where they will be housed.
10. The Maximum Security section is used to house inmates who are violent offenders, on parole holds, are going through the court process, or inmates who have been sentenced to County jail but fail to meet the qualifications for Minimum Security housing.
11. The Minimum Security section has 94 beds in a dorm style setting. Male and female inmates are housed separately but share a co-ed dayroom.
12. On the date of the Grand Jury's inspection, 40 female inmates were housed in a facility designed for sixteen.
13. Lone correctional officers perform inmate counts and room checks without being visually monitored.
14. WBCF operates with a "No Hostage" policy according to Nevada County Sheriff's Office, Corrections Division Directive; "Under no circumstance will weapons be given to any inmate, suspect, or hostage taker. Employees will NOT offer themselves in exchange for any hostage...."
15. Minimum Security inmates work at various job assignments inside and outside the facility and are given the opportunity to acquire basic work skills. Facility job assignments include the kitchen, laundry, library, and maintenance.
16. Minimum Security inmates may be assigned to work outside the facility with other government agencies and non-profit organizations. Inmates provide the community with over 22,000 hours of service each year.
17. Inmates are not always thoroughly searched when they return from outside of WBCF, nor is the holding area or multi-purpose room routinely searched prior to or after their presence.

CONCLUSIONS

1. The Wayne Brown Correctional Facility is not adequate to accommodate inmates who must be segregated according to classification guidelines.
2. Officer safety and facility security can be compromised when lone, unmonitored officers perform inmate counts within the inmate housing area.
3. Inmates who are not thoroughly searched when they return from outside of Wayne Brown Correctional Facility could import contraband and jeopardize the security of the facility.
4. Holding areas and multi-purpose rooms not routinely searched prior to or after inmate presence could jeopardize the security of the facility and the safety of staff and inmates.
5. The inmate grievance procedure appears adequate. There is a well-established protocol for the review process by higher-ranking officers.

RECOMMENDATIONS

1. The Board of Supervisors should consider immediate expansion or alteration of the Wayne Brown Correctional Facility to alleviate the inmate classification issues.
2. The Sheriff should direct all officers entering an inmate housing area to be visually monitored.
3. The Sheriff should direct the officers assigned to Wayne Brown Correctional Facility to thoroughly search all inmates upon return from outside the facility.
4. The Sheriff should direct the officers assigned to Wayne Brown Correctional Facility to thoroughly search all multi-purpose rooms and holding areas before and after inmates are present.

RESPONSES REQUIRED

Nevada County Board of Supervisors – September 11, 2006
Nevada County Sheriff – August 13, 2006

Response



NEVADA COUNTY SUPERIOR COURT

201 CHURCH STREET, SUITE 6

NEVADA CITY, CA 95959

(530) 265-7209

ALBERT P. DOVER
*Presiding Judge of the Civil
Grand Jury*

MICHELLE OLIVER-SPEIGHTS
Deputy Jury Commissioner

July 14, 2006

Sheriff Keith Royal
Nevada County Sheriff's Office
950 Maidu Avenue
Nevada City, CA 95959

Re: Response to the Grand Jury Report

Dear Sheriff Royal:

We are in receipt and thank you for your response to the Civil Grand Jury's report regarding "Inspection of Correctional Facilities in Nevada County – Wayne Brown Correctional Facility."

Very truly yours,

A handwritten signature in black ink, appearing to read "A. Dover", written over a circular scribble.

Albert P. Dover
Presiding Judge of the Civil Grand Jury

APD:mos

Cc: Civil Grand Jury ✓

**NEVADA COUNTY
SHERIFF'S OFFICE**



**KEITH ROYAL
SHERIFF/CORONER
PUBLIC
ADMINISTRATOR**

July 10, 2006

Honorable Judge Al Dover
Presiding Judge of the Civil Grand Jury
Superior Court of Nevada County
201 Church Street
Nevada City, CA 95959

Re: 2005-2006 Grand Jury Report: Inspection of Correctional Facilities in Nevada
County-Wayne Brown Correctional Facility

Dear Judge Dover:

This correspondence is prepared in response to the 2005-2006 Grand Jury Report, dated June 20, 2006, relative their findings, conclusions and recommendations as they pertain to the Nevada County Sheriff's Office Wayne Brown Correctional Facility (WBCF).

FINDINGS

Wayne Brown Correctional Facility

1) *A Nevada County Sheriffs' Captain directs and oversees Wayne Brown Correctional Facility.*

Agree.

2) *WBCF provides a variety of programs and opportunities for their inmates, including educational programs. In 2005, inmates received six high school diplomas and 23 G.E.D.'s.*

Agree.

3) *WBCF contracts with the California Forensic Medical Group (CFMG) to provide and coordinate medical services for inmates.*

Agree

- 4) *Many inmates have mental health issues due to substance abuse.*

Agree. The purchase of a secure Mental Health bed, Mental Health Court, and continued close relationship with Nevada County Behavioral Health Department, greatly help to mitigate these problems.

- 5) *WBCF contracts for a psychiatrist to be on site five hours per week and a psychologist 10 hours per week. When a mental health provider is not on site, services are obtained through the on-call provider and/or County Behavioral Health.*

Agree. The new contract with CFMG includes a tele-psychiatric component to enhance these services.

- 6) *The number of assaultive inmates is increasing due to methamphetamine use.*

Agree.

- 7) *WBCF provides a grievance procedure for the inmates.*

Agree.

- 8) *Installation of additional security cameras has been scheduled since last year's Grand Jury inspection.*

Agree. This project has been delayed until FY 2006/07 due to unforeseen costs to repair the showers in the Minimum Security Section.

- 9) *All inmates go through a classification process to determine where they will be housed.*

Agree.

- 10) *The Maximum Security Section is used to house inmates who are violent offenders, on parole holds, are going through the court process, or inmates who have been sentenced to County jail but fail to meet the qualifications for Minimum Security housing.*

Agree.

- 11) *The Minimum Security Section has 94 beds in a dorm style setting. Male and female inmates are housed separately but share a co-ed dayroom.*

Agree.

- 12) *On the date of the Grand Jury's inspection, 40 female inmates were housed in a facility designed for sixteen.*

Disagree. The Maximum/Medium Security housing area is designed to hold up to 16 female inmates. At the time of the Grand Jury visit all Maximum/Medium housing was utilized to house male inmates due to classification issues. All Maximum/Medium Security females were housed in the Minimum Security Unit dormitories which house 8 to 16 inmates. Female inmates who qualify for minimum security housing are housed there. We do not, nor have we housed 40 inmates in space designed to house 16.

- 13) *Lone correctional officers perform inmate counts and room checks without being visually monitored.*

Agree. See #8 above.

- 14) *WBCF operates with a "No Hostage" policy according to Nevada County Sheriff's Office, Corrections Division Directive; "Under no circumstance will weapons be given to any inmate, suspect, or hostage taker. Employees will NOT offer themselves in exchange for any hostage..."*

Agree

- 15) *Minimum Security inmates work at various job assignments inside and outside the facility and are given the opportunity to acquire basic work skills. Facility job assignments include the kitchen, laundry, library, and maintenance.*

Agree

- 16) *Minimum Security inmates may be assigned to work outside the facility with other government agencies and non-profit organizations. Inmates provide the community with over 22,000 hours of service each year.*

Agree

- 17) *Inmates are not always thoroughly searched when they return from outside of WBCF, nor is the holding area or multi-purpose room routinely searched prior to or after their presence.*

Partially agree. Inmates returning from outside the facility are searched each time as allowed by law, policy, and their individual classification. Holding areas and multi-purpose rooms are searched as circumstances dictate and time allows.

RECOMMENDATIONS

- 1) *The Board of Supervisors should consider immediate expansion or alteration of the Wayne Brown Correctional Facility to alleviate the inmate classification issues.*

The recommendation requires further analysis. We agree with the recommendation and the issue has been brought to the Board of Supervisor's attention.

- 2) *The Sheriff should direct all officers entering an inmate housing area to be visually monitored.*

This recommendation has not yet been implemented, but will be implemented in the future. This is impractical at this time, until the technology is in place to do so. The security camera upgrade has been delayed until FY 2006/07 due to unforeseen costs to repair the showers in the Minimum Security Section. Central Control can audio monitor the sections and each Correctional Officer has a "Man Down" emergency device with them at all times when on duty. Staff makes every effort to visually monitor inmate activity as time allows.

- 3) *The Sheriff should direct the officers assigned to Wayne Brown Correctional Facility to thoroughly search all inmates upon return from outside the facility.*

This recommendation was already in existence. Existing policy addresses this issue. Inmates returning from outside the facility are searched each time as allowed by law and their individual classification.

- 4) *The Sheriff should direct the officers assigned to Wayne Brown Correctional Facility to thoroughly search all multi-purpose rooms and holding areas before and after inmates are present.*

This recommendation was already in existence. Existing policy addresses this issue. Holding areas and multi-purpose rooms are searched as circumstances dictate and time allows.

Sincerely,



Sheriff Keith Royal

cc: Pat Ward, Board Analyst
Ray Hoffman, Grand Jury Foreman

COUNTY OF NEVADA

STATE OF CALIFORNIA

950 Maidu Avenue • Nevada City • California 95959-8617

BOARD OF SUPERVISORS

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Cathy R. Thompson
Clerk of the Board

E-Mail: bdofsupervisors@co.nevada.ca.us
Web: www.mynevadacounty.com/clerkofboard

August 8, 2006

The Honorable Judge Al Dover
Presiding Judge of the Nevada County Courts
Nevada County Court House
Nevada City CA 95959

Subject: Board of Supervisors Responses to the 2005-2006 Nevada County Civil Grand Jury Report, *Grand Jury Inspection of Correctional Facilities in Nevada County - Wayne Brown Correctional Facility*

Dear Judge Dover:

The attached responses by the Board of Supervisors to the 2005-2006 Nevada County Civil Grand Jury Report, dated June 12, 2006, entitled, *Grand Jury Inspection of Correctional Facilities in Nevada County - Wayne Brown Correctional Facility*, are submitted as required by California Penal Code §933.

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on August 8, 2006. Responses to Findings and Recommendations are based on either personal knowledge, examination of official County records, information received from the Sheriff's Office, or the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the 2005-2006 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Sincerely

Nathan H. Beason
Chair, Board of Supervisors

Attachment

cc: Foreman, Grand Jury
Keith Royal, Sheriff
Rick Haffey, County Executive Officer

Response

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO
2005-2006 CIVIL GRAND JURY REPORT
DATED JUNE 12, 2006**

**INSPECTION OF CORRECTIONAL FACILITIES IN NEVADA COUNTY – WAYNE
BROWN CORRECTIONAL FACILITY**

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the Sheriff, County Executive Officer, or testimony from the Board of Supervisors and county staff members.

I. GRAND JURY INVESTIGATION:

Inspection of Correctional Facilities in Nevada County – Wayne Brown Correctional Facility

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

Findings:

1. **A Nevada County Sheriff's Captain directs and oversees Wayne Brown Correctional Facility.**

Agree

2. **WBCF provides a variety of programs and opportunities for the inmates, including educational programs. In 2005, inmates received 6 high school diplomas and 23 G.E.D.s.**

Agree

3. **WBCF contracts with the California Forensic Medical Group (CFMG) to provide and coordinate medical services for the inmates.**

Agree

4. **Many inmates have mental issues due to substance abuse.**

Agree

The combined effects of a secure Mental Health bed, Mental Health Court, and a continued close relationship with the Nevada County Behavioral Health Department, greatly help to mitigate these problems.

5. **WBCF contracts for a psychiatrist to be on site 5 hours per week and a psychologist 10 hours per week. When a mental health provider is not on site, services are obtained through the on-call provider and/or county behavioral health.**

Agree

The new contract with CFMG includes a tele-psychiatric component to enhance these services.

6. **The number of assaultive inmates is increasing due to methamphetamine use.**

Agree

7. **WBCF provides a grievance procedure for the inmates.**

Agree

8. **Installation of additional security cameras has been scheduled since last year's Grand Jury inspection.**

Agree

This project has been delayed until Fiscal Year 2006/07 due to unforeseen costs to repair the showers in the Minimum Security Section.

9. **All inmates go through a classification process to determine where they will be housed.**

Agree

10. **The Maximum Security section is used to house inmates who are violent offenders, on parole holds, are going through the court process, or inmates who have been sentenced to County jail but fail to meet the qualifications for Minimum Security housing.**

Agree

11. **The Minimum Security section has 94 beds in a dorm style setting. Male and female inmates are housed separately but share a co-ed dayroom.**

Agree

12. **On the date of the Grand Jury's inspection, 40 female inmates were housed in a facility designed for sixteen.**

Disagree

The Maximum/Medium Security housing area is designed to hold up to 16 female inmates. At the time of the Grand Jury visit, all Maximum/Medium housing was utilized to house male inmates due to classification issues. All Maximum/Medium security females were housed in the Minimum Security Unit dormitories, which house 8 to 16 inmates. Female inmates who qualify for minimum security housing are housed there. On the date in question, there were 43 females in custody. 13 females were housed in a dorm that can accommodate 16. 30 females were housed in three separate dorms that house a total of 32. Due to classification issues, the group of 13 females had to be separated from the group of 30 females. We do not, nor have we housed 40 inmates in space designed to house 16.

13. **Lone correctional officers perform inmate counts and room checks without being visually monitored.**

Agree

See response to Finding No. 8.

14. **WBCF operates with a "No Hostage" policy according to Nevada County Sheriff's Office, Corrections Division Directive; "Under no circumstances will weapons be given to any inmate, suspect, or hostage taker. Employees will NOT offer themselves in exchange for any hostage..."**

Agree

15. **Minimum Security inmates work at various job assignments inside and outside the facility and are given the opportunity to acquire basic work skills. Facility job assignments include the kitchen, laundry, library, and maintenance.**

Agree

16. **Minimum Security inmates may be assigned to work outside the facility with other government agencies and non-profit organizations. Inmates provide the community with over 22,000 hours of service each year.**

Agree

17. **Inmates are not always thoroughly searched when they return from outside of WBCF, nor is the holding area or multi-purpose room routinely searched prior to or after their presence.**

Partially agree.

Inmates returning from outside the facility are searched each time as allowed by law, policy, and their individual classification. Holding areas and multi-purpose rooms are searched as circumstances dictate and time allows.

Recommendations:

- 1. The Board of Supervisors should consider immediate expansion or alteration of the Wayne Brown Correctional Facility to alleviate the inmate classification issues.**

The recommendation has not yet been implemented.

Expansion of the facility is not possible until a Needs Assessment is completed, the project is designed and funding is secured. Although a date to expand the facility is presently unknown, an estimated date may be determined following completion of the Needs Assessment in the Fall 2007.

The Wayne Brown Correctional Facility expansion project has been recognized by the Board as a priority and has been included in the Capital Facilities Master Plan approved by the Board in January 2006. This was prompted not only by increasing trends in daily inmate population counts overall, but also rising female population trends, which makes segregating inmates more challenging. While the trends vary from month to month, the annual trend line indicates an upward progression in the inmate population. Immediate expansion or alteration of the facility is not possible due to the long time lines in constructing facilities with a specialized design such as a jail; however, the Board is already addressing the next step in the process which is to obtain a Needs Assessment. The Needs Assessment will (1) evaluate current operating conditions, (2) determine whether modifications to the facility or enhanced alternative sentencing programs can alleviate some of the current population stress now, and/or extend the time for expansion, (3) provide a site master plan for an expanded facility to meet County correctional needs 20 years out and (4) evaluate the operational costs required for such a plan. A request for proposal to perform a Needs Assessment is being prepared and will be released in the Fall 2006. The Needs Assessment report is anticipated to be completed in the Fall of 2007.

While the County attempts to look to State Bond funding for correctional facilities, the Needs Assessment may indicate expansion needs prior to a new State Bond issuance for this purpose. In January 2006, the Governor proposed an infrastructure improvement plan for the State. One component of this plan was funding for local jails. Conditions of this funding included a 50% county matching requirement and a provision for housing State prisoners with 90 days remaining on their sentences. The plan was not approved by the legislature. In the meantime, the Board has set aside planning funds in the 2006-07 budget for the potential expansion of the Wayne Brown Correctional Facility and is evaluating ways to fund capital costs as well as additional operating costs for an expanded jail. The Sheriff and County Executive Officer (CEO's) office will continue the planning process for this project and look for funding opportunities to support expansion of the Wayne Brown Correctional Facility and other county correctional facilities.

- 2. The Sheriff should direct all officers entering an inmate housing area to be visually monitored.**

This recommendation has not yet been implemented, but will be implemented by September 2006.

Additional security cameras were budgeted to be installed in the 2005-06 fiscal year but due to some staff turnover in the jail, the project was delayed. This project is back on track and camera installation is set for September 2006. Currently, the Central Control center can audio-monitor the sections and each correctional officer has a "Man Down" emergency device with them at all times on duty. In the meantime, staff is making every effort to visually monitor inmate activity.

- 3. The Sheriff should direct the officers assigned to Wayne Brown Correctional Facility to thoroughly search all inmates upon return from outside the facility.**

This recommendation has been implemented.

Under existing policy, inmates returning from outside the facility are searched each time as allowed by law and their individual classification.

- 4. The Sheriff should direct the officers assigned to Wayne Brown Correctional Facility to thoroughly search all multi-purpose rooms and holding areas before and after inmates are present.**

This recommendation has been implemented.

Under existing policy, holding areas and multi-purpose rooms are searched as circumstances dictate and time allows.

REQUIRED RESPONSES

Board of Supervisors – by September 11, 2006

Nevada County Sheriff's Department – August 13, 2006

Inspection of Truckee Holding Facility

GRAND JURY INSPECTIONS OF CORRECTIONAL FACILITIES IN NEVADA COUNTY TRUCKEE HOLDING FACILITY

REASON FOR INVESTIGATION

California Penal Code section 919(b) requires the Grand Jury to inquire annually into the condition and management of the public prisons within the county. An essential element of these inquiries is an inspection tour of each facility.

PROCEDURE FOLLOWED

The Grand Jury inspected the Nevada County Sheriff's Holding Facility located at 10879 Donner Pass Road, Truckee, on August 5, 2005 and October 17, 2005. The jury toured the facility, reviewed documents and interviewed representatives from the Sheriff's Department.

BACKGROUND

The Truckee Holding Facility is a low security risk, temporary holding facility. Confinement is limited to 96 hours. It also includes the 911 Dispatch Center for all Truckee area law enforcement agencies. The holding facility is used to house persons arrested in the Truckee area and inmates who are transported daily from Wayne Brown Correctional Facility for appearance before the Truckee Courts.

FINDINGS

1. The holding facility was built in the early 1960's and has an inmate capacity of 11.
2. The holding facility is staffed with six female correctional officers, one court bailiff and one transport officer.
3. The holding facility includes an outdoor inmate loading/unloading dock located in an unsecured open area in close proximity to a public library.
4. Inmates are walked, or driven, by an armed officer to and from the nearby courthouse. Inmates are handcuffed and in leg shackles during transport.
5. The Sheriff's Department has requested installation of a high-security fence enclosure around the loading/unloading area (sally port). The 2003-2004 Grand Jury recommended a security enclosure. The enclosure is scheduled for installation in the spring of 2006.

6. Inmates are generally not thoroughly searched due to gender-specific officer limitations.
7. The inmate worker housed in the facility is responsible for cooking, general cleaning, and other duties as assigned.
8. The inmate worker has unmonitored access to the outside area adjacent to the holding facility, including the parking lot, public library and courthouse.
9. The inmate worker is not searched for contraband on his return from the area outside the holding facility.
10. Construction of a new regional correctional facility has been informally discussed within the law enforcement community.

CONCLUSIONS

1. The public, including young children, is exposed to a potentially dangerous situation when prisoners are walked to and from the holding facility.
2. The public is exposed to potentially dangerous situations when the inmate worker is left unmonitored.
3. The high-security fence enclosure would enhance security of the holding facility and safety of the officers and public.
4. A new regional correctional facility would benefit the Town of Truckee and the counties of Nevada, Placer, Sierra and El Dorado.

RECOMMENDATIONS

1. The Sheriff's Department should direct that transportation of inmates between the holding facility and the courthouse is always done in a secure vehicle.
2. The Sheriff's Department should monitor the inmate worker at all times while he/she is outside the holding facility.
3. The Board of Supervisors should make every effort to expedite the Spring 2006 construction of the high-security fence enclosure at the holding facility.
4. The Board of Supervisors should continue to review the feasibility of a regional correctional facility in light of the rapidly growing population in the Truckee community and surrounding area.

RESPONSES REQUIRED

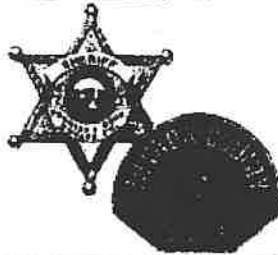
Nevada County Board of Supervisors - August 30, 2006

Nevada County Sheriff's Department – July 31, 2006

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Response

**NEVADA COUNTY
SHERIFF'S OFFICE**



**KEITH ROYAL
SHERIFF/CORONER
PUBLIC
ADMINISTRATOR**

June 27, 2006

Honorable Judge Al Dover
Presiding Judge of the Civil Grand Jury
Superior Court of Nevada County
201 Church Street
Nevada City, CA 95959

Re: 2005-2006 Grand Jury Report: Inspection of Correctional Facilities in Nevada
County-Truckee Sheriff's Holding Facility

Dear Judge Dover:

This correspondence is prepared in response to the 2005-2006 Grand Jury Report, dated May 30, 2006, relative their findings, conclusions and recommendations as they pertain to the Nevada County Sheriff's Office Correctional Facility in Truckee.

FINDINGS

Truckee Sheriff's Holding Facility

- 1) *"The holding facility was built in the early 1960's and has an inmate capacity of 11.*

Disagree partially. The facility was built in the early 1960's. The inmate capacity is 12; eight male, two female, one Nevada County trustee and one Placer County trustee.

- 2) *"The holding facility is staffed with six female correctional officers, one court bailiff and one transport officer.*

Agree.

- 3) *The holding facility includes an outdoor inmate loading/unloading dock located in an unsecured open area in close proximity to a public library.*

Agree

- 4) *Inmates are walked, or driven, by an armed officer to and from the nearby courthouse. Inmates are handcuffed and in leg shackles during transport.*

Agree

- 5) *The Sheriff's Department has requested installation of a high-security fence enclosure around the loading/unloading area (Sally Port). The 2003-2004 Grand Jury recommended a security enclosure. The enclosure is scheduled for installation in the spring of 2006.*

Disagree partially. The enclosure has not yet been installed. We are hoping for completion by mid-summer 2006.

- 6) *Inmates are generally not thoroughly searched due to gender-specific officer limitation.*

Agree. For clarification, inmates are pat-searched for contraband.

- 7) *The inmate worker housed in the facility is responsible for cooking, general cleaning, and other duties as assigned.*

Agree

- 8) *The inmate worker has unmonitored access to the outside area adjacent to the holding facility, including the parking lot, public library and courthouse.*

Disagree partially. The inmate is monitored, although not continuously. The inmate notifies correctional staff when exiting the facility and apprises them of his whereabouts. He needs to enter the courthouse as that is where he gets the supplies he needs for cleaning, etc.

- 9) *The inmate worker is not searched for contraband on his return from the area outside the holding facility.*

Agree.

- 10) *Construction of a new regional correctional facility has been informally discussed within the law enforcement community.*

Agree.

RECOMMENDATIONS

- 1) *The Sheriff's Department should direct that transportation of inmates between the holding facility and the courthouse is always done in a secure vehicle.*

This recommendation will not be implemented on a rare occasion. It is the procedure of the Nevada County Sheriff's Office to transport all inmates to and from court via a secured jail transport vehicle. Only on rare occasions do circumstances require that any inmate be escorted to the courthouse on foot (handcuffed and in leg shackles) from the Truckee Jail. There are occasions when the single jail transport vehicle is already in use when the judge requests another inmate be transported to court. Inmate security risk along with classification issues are always taken into consideration prior to escorting an inmate to court.

- 2) *The Sheriff's Department should monitor the inmate worker at all times while he/she is outside the holding facility.*

The recommendation will not be implemented because it is not reasonable. Correctional staff at the Truckee Jail Facility can not monitor the inmate worker at all times when he is outside the facility as we do not have the staff to do this. Inmate workers at the Truckee facility are low risk minimum-security sentenced inmates who do not pose a risk to the public or the facility. Their conduct and work performance are regularly monitored by staff. They can and will be returned to Wayne Brown Correctional Facility if they fail to abide by our rules.

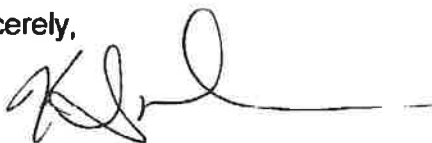
- 3) *The Board of Supervisors should make every effort to expedite the Spring 2006 construction of the high-security fence enclosure at the holding facility.*

The recommendation has not yet been implemented, but is to be completed by mid-summer 2006.

- 4) *The Board of Supervisors should continue to review the feasibility of a regional correctional facility in light of the rapidly growing population in the Truckee community and surrounding area.*

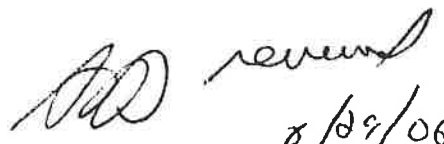
The recommendation requires further analysis. It is my opinion that the Board of Supervisors would be prudent to review the feasibility of a regional correctional facility in Eastern Nevada County. At this time there is no funding available. There would be many hurdles to overcome, relative community concerns, equitable cost-sharing among the contiguous counties and impact upon the current facility.

Sincerely,



Sheriff Keith Royal

cc: Pat Ward, Board Analyst
Ray Hoffman, Grand Jury Foreman



revised
8/29/06



Response

COUNTY OF NEVADA

STATE OF CALIFORNIA

950 Maidu Avenue • Nevada City • California 95959-8617

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Cathy R. Thompson
Clerk of the Board

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August 8, 2006

The Honorable Judge Al Dover
Presiding Judge of the Nevada County Courts
Nevada County Court House
Nevada City CA 95959

Subject: Board of Supervisors Responses to the 2005-2006 Nevada County Civil Grand Jury Report,
Grand Jury Inspection of Correctional Facilities in Nevada County - Truckee Holding Facility

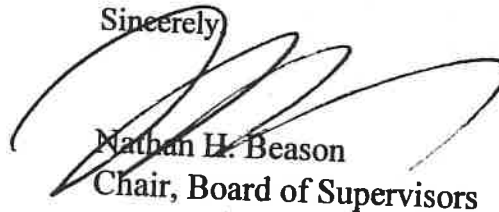
Dear Judge Dover:

The attached responses by the Board of Supervisors to the 2005-2006 Nevada County Civil Grand Jury Report, dated June 1, 2006, entitled *Grand Jury Inspection of Correctional Facilities in Nevada County - Truckee Holding Facility*, are submitted as required by California Penal Code §933.

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on August 8, 2006. Responses to Findings and Recommendations are based on either personal knowledge, examination of official County records, information received from the Sheriff's Office, or the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the 2005-2006 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Sincerely,



Nathan H. Beason
Chair, Board of Supervisors

Attachment

cc: Foreman, Grand Jury
Keith Royal, Sheriff
Rick Haffey, County Executive Officer

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO
2005-2006 CIVIL GRAND JURY REPORT
DATED JUNE 1, 2006**

**INSPECTION OF CORRECTIONAL FACILITIES IN NEVADA COUNTY – TRUCKEE
HOLDING FACILITY**

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the Sheriff or County Executive Officer, or testimony from the Board of Supervisors and County staff members.

I. GRAND JURY INVESTIGATION:

Inspection of Correctional Facilities in Nevada County – Truckee Holding Facility

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

Findings:

1. **The holding facility was built in the early 1960's and has an inmate capacity of 11.**

Partially agree.

The facility was built in the early 1960's. The inmate capacity is 12, eight male, two female, one Nevada County trustee and one Placer County trustee.

2. **The holding facility is staffed with six female correctional officers, one court bailiff and one transport officer.**

Agree

3. **The holding facility includes an outdoor inmate loading/unloading dock located in an unsecured open area in close proximity to a public library.**

Agree

4. **Inmates are walked, or driven, by an armed officer to and from the nearby courthouse. Inmates are handcuffed and in leg shackles during transport.**

Agree

5. **The Sheriff's Department has requested installation of a high-security fence enclosure around the loading/unloading area (sally port). The 2003-2004 Grand Jury recommended a security enclosure. The enclosure is scheduled for installation in the spring of 2006.**

Partially agree.

The enclosure has not yet been installed. On July 11, 2006 the Board approved a bid for construction of the fence. Completion is expected by August 31, 2006. See response to Recommendation No. 2.

6. **Inmates are generally not thoroughly searched due to gender-specific officer limitations.**

Agree

For clarification, inmates are pat-searched for contraband.

7. **The inmate worker housed in the facility is responsible for cooking, general cleaning, and other duties as assigned.**

Agree

8. **The inmate worker has unmonitored access to the outside area adjacent to the holding facility, including the parking lot, public library and courthouse.**

Partially agree.

The inmate is monitored, although not continuously. The escorted inmate notifies correctional staff when exiting the facility and apprises them of his whereabouts. He needs to enter the courthouse, as that is where he gets the supplies for cleaning, etc.

9. **The inmate worker is not searched for contraband on his return from the area outside the holding facility.**

Agree

10. **Construction of a new regional correctional facility has been informally discussed within the law enforcement community.**

Agree

Recommendations:

- 1. The Sheriff's Department should direct that transportation of inmates between the holding facility and the courthouse is always done in a secure vehicle.**

This recommendation has been implemented, with some exceptions.

It is the procedure of the Nevada County Sheriff's office to transport all inmates to and from court via a secured jail transport vehicle. Only on rare occasions do circumstances require that any inmate be escorted to the courthouse on foot (handcuffed and in leg shackles) from the Truckee Jail. There are occasions when the single jail transport vehicle is already in use when the judge requests another inmate be transported to court. Inmate security risk, along with classification issues, is always taken into consideration prior to escorting an inmate to court.

- 2. The Sheriff's Department should monitor the inmate worker at all times while he/she is outside the holding facility.**

The recommendation will not be implemented at this time.

Correctional staff at the Truckee Jail facility can not monitor the inmate worker at all times when he is outside the facility because the Sheriff does not have the staff to do this. Inmate workers at the Truckee facility are low-risk, minimum-security sentenced inmates who do not pose a risk to the public or the facility. Their conduct and work performance are regularly monitored by staff. They can and will be returned to Wayne Brown Correctional Facility if they fail to abide by Correctional Facility rules.

- 3. The Board of Supervisors should make every effort to expedite the Spring 2006 construction of the high-security fence enclosure at the holding facility.**

The recommendation has not yet been implemented, but will be implemented by August 31, 2006.

- 4. The Board of Supervisors should continue to review the feasibility of a regional correctional facility in light of the rapidly growing population in the Truckee community and surrounding area.**

The recommendation has been implemented.

The County reviews and prioritizes capital facility needs annually. While a regional Truckee correctional facility was not included in the plan approved by the Board in January 2006, it will be added to the facilities list for consideration in 2007.

The County is ever watchful for capital facility funding opportunities. Generally, county correctional facilities are funded at least partially by State bond funds because of high construction costs associated with the specialized design of correctional facilities. The recently constructed Juvenile Detention Facility was funded in this manner. In January 2006, the

Governor unveiled an infrastructure plan for the State. One component of this plan was funding for local jails. Conditions of this funding included a 50% county matching requirement and a provision for housing State prisoners with 90 days remaining on their sentences. The plan was not approved by the legislature.

In 2005, Placer County, Nevada County and the Administrative Office of the Court discussed the establishment of a Truckee shared court facility, including a regional jail. It was determined at that time that the cost to participate in such a facility exceeded the benefit. The Sheriff and the CEO's office will continue to review the feasibility of a regional correctional facility in Truckee while seeking funding opportunities to support such a facility. However, we see many challenges to such a project including community concerns relative to siting, equitable cost sharing among the contiguous counties, and impacts upon the current facility.

REQUIRED RESPONSES

Board of Supervisors – by August 30, 2006

Nevada County Sheriff's Department – July 31, 2006

Inspection of Carl F. Bryan II Juvenile Hall

**GRAND JURY INSPECTIONS OF
CORRECTIONAL FACILITIES IN NEVADA COUNTY
CARL F. BRYAN II REGIONAL JUVENILE HALL**

REASON FOR INVESTIGATION

California Penal Code section 919(b) requires the Grand Jury to inquire annually into the condition and management of the public prisons within the county. An essential element of these inquiries is an inspection tour of each facility.

PROCEDURE FOLLOWED

The Grand Jury inspected the Carl F. Bryan II Regional Juvenile Hall, located at 15434 State Hwy 49, Nevada City on September 16, 2005. The jury toured the facility, reviewed documents and interviewed several staff members including the Superintendent. The present facility was dedicated in 2002.

BACKGROUND

Juvenile Hall is a secure detention facility for juvenile offenders (wards). A juvenile, as defined by California Welfare and Institutions Code 602, "is any person under the age of 18 years when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court."

FINDINGS

1. The Juvenile Hall facility appears to be well maintained.
2. The facility includes a secure intake area for acceptance and transfer of juvenile offenders.
3. Juveniles must be arraigned within 72 hours of arrest.
4. The law prohibits booking status offenders such as runaways in Juvenile Hall.
5. The facility is designed to accommodate 60 wards.

6. Housing units are monitored from a sophisticated electronic central control station. Control is maintained over general areas, classrooms, individual cells, and an outside recreation yard. Surveillance includes broad, direct sightlines and remote television cameras.
7. During the grand jury inspection, the fence gate to the recreation yard was unlocked while a county employee mowed the grassy area.
8. Facility security has been improved since last year's grand jury inspection, but issues remain:
 - a) There is not enough outdoor lighting to allow 24-hour surveillance of the recreation yard.
 - b) The single video camera in the recreation yard does not have a direct line of sight to all points in the yard.
 - c) The area surrounding the recreation yard is not secure.
9. There is no emergency eyewash basin in the kitchen or laundry as required by California law.
10. Generally, a third of the wards have work detail in the kitchen, laundry, and general clean up.
11. Most juveniles are incarcerated because of criminal behavior due to drug or alcohol use. Common offenses include burglary, petty theft, and assault.
12. Those under the influence of drugs or alcohol at the time of arrest are transported to the Sierra Nevada Memorial Hospital for evaluation.
13. Most juveniles who are repeat offenders often "graduate" to the Wayne Brown Correctional Facility after the age of 18.
14. Juvenile Hall contracts with the California Forensic Medical Group (CFMG) to provide and coordinate medical services for individuals incarcerated in the County's correctional system. The services provided by CFMG include medical, mental health, and dental care for the ward population.
15. Juveniles receive a medical evaluation upon entering the facility. This evaluation often reveals the use of multiple medications prescribed by different physicians.
16. A contracted psychiatrist is available to evaluate the ward's medications and confer with the ward's personal physician. Parents must initiate any action or follow-up appointments.
17. The county provides on-site health care 4 to 5 hours per day, 5 days per week. Wayne Brown health care staff provides urgent health care needs at other times.

18. Health of the wards is monitored and determined by non-medical Juvenile Hall employees when an on-site health care professional is unavailable.
19. Contact visits are allowed, and juveniles are not always thoroughly searched after se visits.

CONCLUSIONS

1. Many juveniles entering juvenile hall are determined to be taking several prescription drugs that may be inappropriately prescribed (poly-pharmaceutical drug use).
2. Poly-pharmaceutical drug use can be a serious problem because many wards are in Juvenile Hall because of illegal drug use.
3. The use of non-medical Juvenile Hall staff in the absence of contracted health care providers could lead to misdiagnosis.
4. Lack of eyewash basins in the kitchen and laundry could lead to serious injury to the wards and staff.
5. Some security procedures need improvement.

RECOMMENDATIONS

1. Improvements should be made in facility security:
 - a) Outdoor lights should be installed in the recreation yard and the surrounding area.
 - b) An additional video camera should be installed in the recreation yard to complete line-of-sight coverage.
 - c) The recreation yard fence gate should be locked during yard maintenance.
 - d) Juveniles should be thoroughly searched after contact visits.
2. Improvements should be made for ward and staff safety and well being:
 - a) Eyewash basins should be installed in the kitchen and laundry.
 - b) Hours and days of medical coverage by professional health care providers should be increased.

REQUIRED RESPONSE

Nevada County Board of Supervisors August 09, 2006

Response

COUNTY OF NEVADA

STATE OF CALIFORNIA

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Cathy R. Thompson
Clerk of the Board

July 19, 2006

The Honorable Judge Al Dover
Presiding Judge of the Nevada County Courts
Nevada County Court House
Nevada City CA 95959

Subject: Board of Supervisors Responses to the 2005-2006 Nevada County Civil Grand Jury Report, Inspections of Correctional Facilities in Nevada County – Carl F. Bryan II Regional Juvenile Hall

Dear Judge Dover:

The attached responses by the Board of Supervisors to the 2005-2006 Nevada County Civil Grand Jury Report, dated May 11, 2006, entitled Inspections of Correctional Facilities in Nevada County – Carl F. Bryan II Regional Juvenile Hall, are submitted as required by California Penal Code §933.

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on July 18, 2006. Responses to Findings and Recommendations are based on either personal knowledge, examination of official County records, information received from the Chief Probation Officer, the County Executive Officer, or testimony from the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the 2005-2006 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Sincerely,

John C. Spencer

Vice-Chair, Board of Supervisors

Attachment

cc: Foreman, Grand Jury
County Executive Officer
Chief Probation Officer

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO
2005-2006 CIVIL GRAND JURY REPORT
DATED MAY 11, 2006**

**INSPECTIONS OF CORRECTIONAL FACILITIES IN NEVADA COUNTY – CARL F.
BRYAN II REGIONAL JUVENILE HALL**

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of information received from the Chief Probation Officer, the County Executive Officer, or testimony from the Board of Supervisors and County staff members.

I. GRAND JURY INVESTIGATION:

Inspection of Correctional Facilities in Nevada County – Carl F. Bryan II Regional Juvenile Hall.

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

Findings:

- 1. The Juvenile Hall facility appears to be well maintained**

Agree

- 2. The facility includes a secure intake area for acceptance and transfer of juvenile offenders.**

Agree

- 3. Juveniles must be arraigned within 72 hours of arrest.**

Agree

- 4. The law prohibits status offenders such as runaways in Juvenile Hall.**

Agree

- 5. The facility is designed to accommodate 60 wards.**

Agree

- 6. Housing units are monitored from a sophisticated electronic central control station. Control is maintained over general areas, classrooms, individual cells, and an outside recreation yard. Surveillance includes broad, direct sightlines and remote television cameras.**

Agree

7. **During the grand jury inspection, the fence gate to the recreation yard was unlocked while a county employee mowed the grassy area.**

Partially agree

No minors are allowed in the recreation yard while lawn maintenance is being done. The gate is opened to allow a trailer with the mower on it to pass into the recreation yard. A new procedure has been implemented to provide for the gate to be unlocked to allow the trailer to pass and then locked again while maintenance is performed. Procedures require staff to walk the perimeter of the recreation yard for a contraband check prior to letting minors out in the yard and to check the area after every maintenance event.

8. **Facility security has been improved since last year's grand jury inspection, but issues remain:**

- a) **There is not enough outdoor lighting to allow 24-hour surveillance of the recreation yard.**

Disagree

The facility currently uses the strongest allowable light and the maximum projection allowed by building codes and local ordinances and regulations addressing nighttime outside lighting requirements.

Even though minors are not permitted in the recreation yard after dark, an exterior camera was installed that is a low-light type camera that allows 24-hour video surveillance of the recreation yard.

Additionally, Title 24 of the California Code of Regulations establishes nighttime lighting levels permissible in the sleeping rooms. Any additional lights installed in the recreation yard have the potential to shine into the sleeping rooms at a level exceeding Title 24 regulations.

- b) **The single video camera in the recreation yard does not have a direct line of sight to all points in the yard.**

Partially agree

The area that is not covered by the camera is in an area of direct sight supervision of staff on a continuous random basis. This area is in an enclosed fenced area of the recreation yard. Staff is looking into options to install an additional camera for complete video surveillance of the recreation yard.

- c) **The area surrounding the recreation yard is not secure.**

Agree

Razor wire will be attached to the existing fence top to surround the entire recreation yard. This will be completed by September, 2006.

9. **There is no emergency eyewash basin in the kitchen or laundry as required by California law.**

Agree

At the time of the Grand Jury's inspection, there were no eyewash basins in the kitchen or laundry. These have now been installed in both the kitchen and laundry.

10. **Generally, a third of the wards have work detail in the kitchen, laundry, and general clean-up.**

Agree

11. **Most juveniles are incarcerated because of criminal behavior due to drug or alcohol use. Common offenses include burglary, petty theft, and assault.**

Agree

12. **Those under the influence of drugs or alcohol at the time of arrest are transported to the Sierra Nevada Memorial Hospital for evaluation.**

Agree

13. **Most juveniles who are repeat offenders often "graduate" to the Wayne Brown Correctional Facility after the age of 18.**

Partially agree

Approximately 8% of the minors booked into juvenile hall move on into the adult criminal justice system. The On-Track program and a stepped up case management program have been implemented this year to try and address the progression into the criminal justice system behavior area. Both programs assign juvenile hall staff to individual minors to look in depth at the reasons for the minors' incarceration and match counseling resources to these needs.

14. **Juvenile Hall contracts with the California Forensic Medical Group (CFMG) to provide and coordinate medical services for individuals incarcerated in the County's correctional system. The services provided by CFMG include medical, mental health, and dental care for the ward population.**

Agree

15. **Juveniles receive a medical evaluation upon entering the facility. This evaluation often reveals the use of multiple medications prescribed by different physicians.**

Partially agree

A review by CFMG indicates only about 15% of the minors booked fall into this category. Since this event happens outside the Hall there is very little that can be done because civilian doctors have the right to treat as they see fit. It is only when the minors come under the care of Juvenile Hall medical staff that a centralized evaluation of medicines can be accomplished and a plan developed to address the problems of multiple medications. When CFMG notes a particularly bad case they often contact the civilian doctor to advise them of the situation.

16. **A contracted psychiatrist is available to evaluate the ward's medications and confer with the ward's personal physician. Parents must initiate any action or follow-up appointments.**

Agree

Parents must give consent, absent a court order, for psychiatric treatment and medications. Parents are responsible for after release follow-up or appointments.

17. **The county provides on-site health care 4 to 5 hours per day, 5 days per week. Wayne Brown health care staff provides urgent health care needs at other times.**

Agree

Health care is provided by CFMG, Inc. the county-contracted health care provider. The contract specifies the hours of health care and health care staff are based out of the Wayne Brown Correctional Facility. Direct services are provided in the Juvenile Hall medical unit.

18. **Health of the wards is monitored and determined by non-medical Juvenile Hall employees when an on-site health care professional is unavailable.**

Partially agree

Staff takes sick call requests that are forwarded to CFMG medical staff. Any medical complaints or injuries are reported to staff and forwarded to CFMG staff for telephonic consultation when on-site health care professionals are not in the facility. A determination to have medical professionals come over to the facility to see the minor is made. Staff is trained annually on medical emergencies and policy and procedure is defined on staff response. This protocol is in accordance with Title 15 of the California Code of Regulations.

19. **Contact visits are allowed, and juveniles are not always thoroughly strip searched after these visits.**

Partially agree

(See response to Recommendation No. 1d.)

Recommendations:

1. Improvements should be made in facility security:

a) Outdoor lights should be installed in the recreation yard and the surrounding area.

The Recommendation requires further analysis to be completed by January 31, 2007.

The outdoor lighting installed at the facility is at the brightest and maximum projection permitted under currently permissible building code regulations and local ordinances and regulations addressing nighttime outside lighting requirements. Title 24 regulations also require consideration of light shining into the sleeping rooms and establishes limits for the nighttime lighting levels in sleeping rooms.

By this response, the Board of Supervisors directs the Chief Probation Officer, through the County Executive Officer (CEO) to conduct a review of outdoor lighting at the Carl F. Bryan II Regional Juvenile Hall to determine if additional lighting can be installed and if so, identify the best locations, given building code and Title 24 limitations. Following this review, the CEO is directed to present a report to the Board of Supervisors by January 31, 2007.

b) An additional video camera should be installed in the recreation yard to complete line-of-sight coverage.

The Recommendation has not yet been implemented but should be completed by October 2006.

A project is currently underway to secure an additional camera for the recreation yard and outside perimeter area. The estimated date of installation is October 2006, based on completion of the scope of work, submittal of quotes, procurement of the camera and time needed to complete the installation.

c) The recreation yard fence gate should be locked during yard maintenance.

The Recommendation has been implemented.

Juvenile Hall policies and procedures have been reviewed and revised to lock the gate during yard maintenance.

d) Juveniles should be thoroughly strip searched after contact visits.

The Recommendation has been partially implemented.

All juvenile wards are not strip searched after contact visits. In situations where legally permitted, some juveniles are strip-searched.

Statutory law and case law define when minors may be strip-searched. Not all instances allow for the lawful strip search of minors. The Juvenile Hall strip search policy underwent extensive rewriting and review by County Counsel in March 2005. The policy has been monitored for current case law compliance. There is also a difference between Federal law and State law with regard to strip searches, which further adds issues as to when a permissible strip search may be done. Title 15 of the California Code of Regulations was recently

amended to reflect a direction more in accordance with Federal law. The Juvenile Hall policy is reflective of this change regarding strip searches.

The Superintendent of the Hall monitors the policy for compliance with current case law and statutory law via attendance at quarterly California Association of Probation Institution meetings and updates. Staff has also been trained on current strip search procedures and receive on-going training as State law changes and court decisions continue to address this issue.

2. Improvements should be made for ward and staff safety and well being:

a) Eyewash basins should be installed in the kitchen and laundry.

The Recommendation has been implemented.

Eyewash basins have been installed in the kitchen and laundry area. All detergents within the laundry and kitchen area are dispensed through automated dispensers thus eliminating the chance for minors or staff to have contact with chemicals. Juvenile Hall Policy does not allow minors to dispense any cleaning chemicals.

b) Hours and days of medical coverage by professional health care providers should be increased.

The Recommendation will not be implemented for reasons as explained.

An increase in physician hours was discussed with our medical services contractor (CFMG) in developing the scope of work for our new contract with them. CFMG indicated that the current physician hours were adequate to see all consults and they would not recommend increasing physician hours. We believe 4 to 5 hours a day, 5 days per week on-site health care for an average of 30 wards is adequate and that urgent care needs are handled in a timely manner. Further amendments will be made to the medical services contract as the population levels increase in the Juvenile Hall.

REQUIRED RESPONSES

Board of Supervisors – by August 9, 2006

**SCHOOLS
And
LIBRARIES**

**Nevada County Library
A Golden Carnegie Legacy**

NEVADA COUNTY LIBRARY A GOLDEN CARNEGIE LEGACY

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury has the responsibility to investigate the functions of government and tax-supported agencies within the County. The Grand Jury elected to review the Nevada County Library and determine if its services meet the needs of a growing community.

BACKGROUND

The State of California groups public libraries into 7 categories by population. The Nevada County Library is in Group 4, serving a population between 60,000 and 100,000 people.

There are six Nevada County Library locations:

- Doris Foley Library of Historical Research
- Grass Valley Library-Royce Branch
- Truckee Library
- Madelyn Helling Library
- Penn Valley Library
- Bear River Library

The Nevada City – Doris Foley Library of Historical Research

On December 19, 1857, a far-sighted group of men in the little mining town of Nevada City initiated a plan for a public library association. Gifts from six residents of the city set in motion the libraries Nevada County enjoys today. The first library was housed on the corner of Broad and Pine Streets in the Kidd and Knox building. Within two years it had accumulated over 1000 books.

In 1901 the Andrew Carnegie Foundation contributed \$10,000 for the construction of a new library building located on the corner of Pine and York Streets. On October 4, 1907, a festive formal opening of the Nevada City Library was held with many citizens donating cash, furniture, and books to the new library.

In August 1972, the Nevada City, Grass Valley and Truckee Libraries were incorporated into the new Nevada County Library system. In 1997 the Nevada City Library was renamed the Doris Foley Library of Historical Research. It remains a research library that houses a wealth of information on the history of Nevada County.

The Grass Valley Library

The Grass Valley Library was built in 1916 on Mill Street near Neal Street. It too received a construction grant of \$10,000 from the Carnegie Foundation. In 1992 the library was listed in the National Register of Historical Places and was renamed the Grass Valley Library-Royce Branch in 2005.

The Truckee Library

The Truckee Library opened in 1970. It was located at several sites until a library building was constructed in 1976. The library expanded in 1985 and again in 2003 adding more space for circulation materials and a new children's reading area.

Madelyn Helling Library

The Madelyn Helling Library, opened in 1991, is the main Nevada County library. Madelyn Helling, who was then the Nevada County Librarian, was instrumental in obtaining several grants for the construction of the library located at the County Government Center in Nevada City. Her 17 years of leadership proved to be very valuable in the growth of the Nevada County Library.

The Penn Valley Library

The Penn Valley Library was added to the Nevada County Library in March 2002. It is located in a leased facility on Pleasant Valley Road. The library is open two days a week and has experienced significant increases in circulation.

The Bear River Library

In August 2002, the Bear River High School and the Nevada County Library joined forces and opened a new library. It provides services to the Bear River High School students and limited hours to the general public.

METHOD OF INVESTIGATION

The Grand Jury inspected the six county libraries with tours provided by librarians and the Nevada County Librarian. The Grand Jury reviewed and compared the library budget allocations from fiscal year (FY) 2000-2001 through FY 2005-2006. The County Librarian and several Branch Librarians were interviewed. Previous Grand Jury library reports were reviewed.

FINDINGS

1. In FY 2004-2005 all libraries in Nevada County had a combined annual circulation of approximately 650,000¹ books, books on tape and CD, videos, CD's, DVD's, and magazines. This is a 4.5% increase from FY 2003-2004² and a 230% increase from FY 1997-1998³.
2. The Nevada County Library currently employs a staff of 28.85 Full Time Equivalency (FTE) to serve three full service libraries, two part-time station libraries, one historical research library, and a literacy service. The library staff has experienced a net reduction of 5.00 FTE from FY 2002-2003.
3. In 2002 the voters approved Measure "C", a countywide 1/8th cent sales tax augmentation to improve library services. In FY 2005-2006, it will provide an estimated \$1,570,000, approximately two-thirds of the annual library revenues. Measure "C" expires in FY 2018-2019.
4. The County General Fund allocated \$685,900 to Library Services in FY 2005-2006. This included a one-time special allocation of \$120,000 toward the purchase of books and materials, and for carpet replacement. The annual County library allocations, as illustrated in Table A, have not changed significantly over the past 5 years.

Table A

Nevada County Budget – General Fund Library Allocations

2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
\$573,708	\$601,502	\$601,402	\$565,902	\$570,902	\$685,902

5. Fund Balance Reserves are intended for unusual financial circumstances such as sales tax receipt fluctuations, and/or to provide matching funds for potential future facility expansions. Table B lists the annual increases and decreases to the Library Fund Balance Reserve. After adding to these reserves for several years, the Library has been using these funds for normal operational expenditures since FY 2002-2003.

Table B

Annual Increases/Decreases to Library Fund Balance Reserve⁴

1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
\$101,264 Actual	\$176,348 Actual	\$32,315 Actual	(-\$106,727) Actual	(\$-172,827) Actual	(-\$84,207) Projected	(-\$120,484) Proposed

¹ Nevada County Library Circulation Statistics, FY 2004-2005

² California State Public Library Services, FY 2003-2004

³ California State Public Library Services, FY 1997-1998

⁴ County Budget Library Overview, FY 2005-2006

6. Table C illustrates the annual Nevada County Library allocations from the State of California. There has been a significant decrease in those allocations from FY 2001-2002 to the present.

Table C

State Library Allocations to Nevada County Library⁵

1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
\$247,213 Actual	\$292,229 Actual	\$323,051 Actual	\$137,509 Actual	\$125,770 Actual	\$75,160 Projected	\$75,160 Proposed

7. The data in Table D lists productivity and performance indicators of the Nevada County Library compared to other California public libraries throughout the state.

Table D

FY 2003-2004 Data⁶

	Nevada County Library	Statewide Average ⁷
Annual Operating Expenditures	\$1,476,754	\$5,632,166
Annual expenditures per capita	\$15.37	\$27.35
Annual materials expenditures per capita	\$1.15	\$2.81
Number of Books	174,902	391,537
Total books per capita	1.83	2.15
Annual total materials available for circulation per capita	1.94	2.32

8. The data in Table E compares and ranks the Nevada County Library with the other 32 Libraries in Group 4⁸.

Table E

FY 2003-2004⁹

	Total Revenue Per Capita	Children Material Expenditures Per Capita	FTE Staff Per 10,000 Population	Annual Circulation Per Capita	Annual Open Service Hours Per Capita
Group 4 Median	\$28.30	\$0.64	4.6	6.27	674
Nevada County	\$17.31	\$0.35	3.0	6.57	1,407
Nevada County Ranking	27 th	27 th	24 th	16 th	3 rd

⁵ County Budget Library Overview, FY 2005-2006

⁶ Fiscal Year 2003-2004 is the most recent year for which these library statistics are available.

⁷ Average of 175 California public library systems.

⁸ Group 4: Libraries serving populations ranging from 60,000 to 100,000.

⁹ The comparison indicators are based on data for FY 2003-2004, the most recent year that statistics are available for all 33 Group 4 Libraries.

9. The Nevada County Library's annual population served per FTE staff is 3,378 compared to the statewide average of 2,995. The six library locations and the literacy service are open to the public a total of 13,520 hours per year, 1,000 hours more than the next highest library in Group 4.
10. There are approximately 62,000 active library cardholders, or about 65% of the total county population.
11. The Grass Valley, Penn Valley and Doris Foley Libraries are extremely short on space for circulation materials, reading areas and computers. In addition there is a lack of adequate parking at the Grass Valley and Doris Foley Libraries.
12. Library facility requirements are not addressed in the *Nevada County Facilities Master Plan 1988-2020*. The County updates this plan annually, however, it has not addressed library facility needs for additional space in each Master Plan revision.
13. The library provides literacy services to the general public at no cost to the participants. A half-time Literacy Coordinator was reinstated in the FY 2004-2005 County budget. The coordinator oversees a tutorial staff of over 40 volunteers, many of whom are retired teachers.
14. The literacy program actively advertises to reach prospective students, many of whom are reluctant to admit their reading and writing difficulties. There are currently about 35 participants in the literacy program.
15. The literacy program utilizes *AmeriCorps* volunteers who actively solicit small and medium businesses to encourage their employees with reading problems to contact the library for help.
16. The Nevada County Library and The Nevada County Superintendent of Schools sponsor a countywide community reading program called *Nevada County Reads*. The project's goal is to encourage the entire community to read and discuss with others a selected work of literature.
17. *The Friends of the Nevada County Library* and *The Friends of the Truckee Library* are volunteer, non-profit 501(c)(3) organizations with over four hundred members. They collect and sell used books, seek out gifts of materials, services, monetary contributions, and raise funds for the purchase of new books and source materials.
18. *The Nevada County Library Foundation* accepts, manages and disburses funds from gifts and bequests. This volunteer organization helps the Library sustain a level of excellence and expands resources, public services, and facilities.
19. The Library provides children's activities at each location. These include reading programs and materials for toddlers, pre-school children, elementary grade youths, teens and young adults.

20. The *Paws to Read at the Library* program is a unique way of reaching out to children who are reluctant readers. It provides a child an opportunity to read to a “Therapy Dog” in an unthreatening environment.

CONCLUSIONS

1. The Nevada County Library is well managed and allocates resources effectively compared to libraries throughout the state. The scope of services provided, the public support evidenced by the numbers of patrons visiting the libraries, the large and active circulation of books and materials, are indicative of a highly successful library system and program.
2. The Nevada County Library revenues rank near the bottom when compared to the operating budgets of other libraries in Group 4.^{C1}
3. The Nevada County Library is under-budgeted, and therefore, must rely on its reserve funds for normal operations. The Library should be in a financial position to save these funds for unforeseen circumstances and future facility expansions.
4. The decrease in the library allocations from the State of California has had a detrimental effect on the Nevada County Library.
5. The Nevada County Library has fewer available books per capita, ranking it near the bottom when compared to other libraries in Group 4.
6. The Nevada County Library staff ratios rank near the bottom when compared to other libraries in Group 4.
7. In spite of the fact that three locations are significantly space limited and “bursting at the seams”, the annual *Nevada County Facilities Master Plan* does not include library expansion in the scope of future facility needs.
8. An increase in open hours would improve library services and accessibility to more citizens of Nevada County.
9. The literacy program, while underutilized, is valuable to the community. It enlists numerous volunteer instructors, and could be expanded.
10. Library facilities designated for children and their corresponding programs are exemplary, well staffed and extensively used. The *Paws to Read* program is an example of a great way to help reluctant reading children want to read.

^{C1} Group 4: Libraries serving populations ranging from 60,000 to 100,000.

11. *The Nevada County Friends of the Library, The Friends of the Truckee Library, and The Nevada County Library Foundation* are unique volunteer organizations that contribute to a variety of Library projects. Their programs are commendable in terms of longevity, consistent substantial fund raising, and broad services support to the Libraries.
12. *The Nevada County Reads* project is a valuable service to the community.

RECOMMENDATIONS

1. The Board of Supervisors should continue to support the Nevada County Library by augmenting the Library General Fund budget as specific needs are identified and defined.
2. The Board of Supervisors should petition the State of California to reinstate library allocations to fiscal year 2001-2002 levels.
3. The Board of Supervisors should seek other sources of revenues for Library services.
4. The Board of Supervisors should fund additional library staff as required to increase library open hours in the branch satellite libraries and extend the weekend hours coverage in the three main libraries.
5. The Board of Supervisors should fund the expansion of the literacy program with the reinstatement of the Literacy Coordinator to a full time position.
6. The Board of Supervisors should draw attention to illiteracy in the County and provide the means for the expansion of services to participants in the literacy program.
7. The Board of Supervisors should ensure that children's programs are provided adequate staff, physical space, books, films, materials and equipment.
8. The Board of Supervisors should ensure that future Library Facilities requirements are an integral part of the County's Capital Facilities Master Plan.

RESPONSES REQUIRED

Board of Supervisors

August 28, 2006

Response

COUNTY OF NEVADA

STATE OF CALIFORNIA

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Clerk of the Board

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August 8, 2006

The Honorable Judge Al Dover
Presiding Judge of the Nevada County Courts
Nevada County Court House
Nevada City CA 95959

Subject: Board of Supervisors Responses to the 2005-2006 Nevada County Civil Grand Jury Report,
Nevada County Library – A Golden Carnegie Legacy

Dear Judge Dover:

The attached responses by the Board of Supervisors to the 2005-2006 Nevada County Civil Grand Jury Report, dated May 30, 2006, entitled *Nevada County Library – A Golden Carnegie Legacy*, are submitted as required by California Penal Code §933.

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on August 8, 2006. Responses to Findings and Recommendations are based on either personal knowledge, examination of official County records, information received from the County Executive Officer, or from the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the 2005-2006 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Sincerely,

Nathan H. Beason
Chair, Board of Supervisors

Attachment

cc: Foreman, Grand Jury
Rick Haffey, County Executive Officer
Nevada County Librarian

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO
2005-2006 CIVIL GRAND JURY REPORT
DATED MAY 30, 2006**

NEVADA COUNTY LIBRARY – A GOLDEN CARNEGIE LEGACY

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the County Executive Officer, County Librarian, or testimony from the Board of Supervisors and county staff members.

I. GRAND JURY INVESTIGATION:

Nevada County Library – A Golden Carnegie Legacy.

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

Findings:

- 1. In FY 2004-2005 all libraries in Nevada County had a combined annual circulation of approximately 650,000¹ books, books on tape and CD, videos, CD's, DVD's, and magazines. This is a 4.5% increase from FY 2003-2004² and a 230% increase from FY 1997-1998³.**

Agree

- 2. The Nevada County Library currently employs a staff of 28.85 Full Time Equivalency (FTE) to serve three full service libraries, two part-time station libraries, one historical research library, and a literacy service. The library staff has experienced a net reduction of 5.00 FTE from FY 2002-2003.**

Agree

Prior to the passage of Measure B in 1997-98 (Measure C's predecessor), the Library had a total of 12 FTE's.

- 3. In 2002 the voters approved Measure "C", a countywide 1/8th cent sales tax augmentation to improve library services. In FY 2005-2006, it will provide an estimated \$1,570,000, approximately two-thirds of the annual library revenues. Measure "C" expires in FY 2018-2019.**

Partially agree.

Measure "C", the 1/8th cent sales tax augmentation to improve library services brought an estimated \$1.7 million in revenues to the library in 2005-06.

¹ Nevada County Library Circulation Statistics, FY 2004-2005

² California State Public Library Services, FY 2003-2004

³ California State Public Library Services, FY 1997-1998

4. The County General Fund allocated \$685,900 to Library services in FY 2005-2006. This included a one-time special allocation of \$120,000 toward the purchase of books and materials, and for carpet replacement. The annual County Library allocations, as illustrated in Table A, have not changed significantly over the past 5 years.

Table A
Nevada County Budget – General Fund Library Allocations

2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
\$573,708	\$601,502	\$601,402	\$565,902	\$570,902	\$685,902

Partially agree. See Table A below for adjusted allocations:

Table A
Nevada County Budget – General Fund Library Allocations

2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
\$565,902	\$565,902	\$565,902	\$565,902	\$570,902	\$685,902

* In addition, \$300,000 in 04-05 and \$125,000 in 05-06 was contributed from General Fund for an offset in cost plan charges.

5. Fund Balance Reserves are intended for unusual financial circumstances such as sales tax receipt fluctuations, and/or to provide matching funds for potential future facility expansions. Table B lists the annual increases and decreases to the Library Fund Balance Reserve. After adding to these reserves for several years, the Library has been using these funds for normal operational expenditures since FY 2002-2003.

Table B
Annual Increases/Decreases to Library Fund Balance Reserve⁴

1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
\$101,264 Actual	\$176,348 Actual	\$32,315 Actual	(-\$106,727) Actual	(-\$172,827) Actual	(-\$84,207) Projected	(-\$120,484) Proposed

Partially agree.

Fund balance reserves are usually used for unusual financial circumstances or one-time expenditures. In 2002-03 and 2003-04 the use of reserves reflects capital project expenditures for the Truckee Library expansion project. During 2004-2005 audited financial statements indicate that \$145,229 was added to Library reserves. Projections for 2005-06 indicate \$250,000 will be added to Library fund balance reserves at June 30, 2006 and the total Library

⁴ County Budget Library Overview, FY 2005-2006

fund balance is expected to be \$1,031,250 at the close of the 2005/06 fiscal year. See Table B below for details.

Table B
Annual Increases/Decreases to Library Fund Balance Reserve⁵

1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
\$101,264	\$176,348	\$32,315	(-\$106,727)	(-\$172,827)	\$145,229	\$259,251
Actual	Actual	Actual	Actual	Actual	Actual	Estimated

6. **Table C illustrates the annual Nevada County Library allocations from the State of California. There has been a significant decrease in those allocations from FY 2001-2002 to the present.**

Table C
State Library Allocations to Nevada County Library⁶

1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
\$247,213	\$292,229	\$323,051	\$137,509	\$125,770	\$75,160	\$75,160
Actual	Actual	Actual	Actual	Actual	Projected	Proposed

Agree

7. **The data in Table D lists productivity and performance indicators of the Nevada County Library compared to other California public Libraries throughout the state.**

Table D
FY 2003-2004 Data⁷

	Nevada County Library	Statewide Average ⁸
Annual Operating Expenditures	\$1,476,754	\$5,632,166
Annual expenditures per capita	\$15.37	\$27.35
Annual materials expenditures per capita	\$1.15	\$2.81
Number of Books	174,902	391,537
Total books per capita	1.83	2.15
Annual total materials available for circulation per capita	1.94	2.32

Agree

The productivity and performance indicators measure the amount of materials available and library spending per capita rather than customer satisfaction and service with library programs and operations that may not directly correlate with the size of library budgets, especially when

⁵ County Budget Library Overview, FY 2005-2006

⁶ County Budget Library Overview, FY 2005-2006

⁷ Fiscal Year 2003-2004 is the most recent year for which these library statistics are available

⁸ Average of 175 California public library systems

compared to a statewide average that includes county, city, and district public libraries. Out of 179 public libraries, there are 49 county and 115 city libraries. Of these, 15 are either combined or district-run, all with varying government functions and resources available to them. County governments support more functions than cities and library districts. County discretionary resources must support more services, limiting the value of statewide comparisons especially when the majority of the libraries in the pool are cities that have greater discretion over their municipal budgets.

2003-2004 County Library Data

	Nevada County	Median
Annual expenditures per capita	22.77	19.75
Annual materials expenditures per capita	1.85	1.79
Total books per capita	1.83	1.83
Population served per FTE	3,378	4,498

8. The data in Table E compares and ranks the Nevada County Library with the other 32 Libraries in Group 4⁹.

Table E
FY 2003-2004¹⁰

	Total Revenue Per Capita	Children Material Expenditures Per Capita	FTE Staff Per 10,000 Population	Annual Circulation Per Capita	Annual Open Service Hours Per Capita
Group 4 Median	\$28.30	\$0.64	4.6	6.27	674
Nevada County	\$17.31	\$0.35	3.0	6.57	1,407
Nevada County Ranking	27 th	27 th	24 th	16 th	3rd

Agree

Group 4 includes five counties and 17 cities. Nevada County ranks highest in almost all categories when compared to the other four counties in this group (see attachment A).

9. The Nevada County Library's annual population served per FTE staff is 3, 378 compared to the statewide average of 2,995. The six library locations and the Literacy Service are open to the public a total of 13,520 hours per year; 1,000 hours more than the next highest library in Group 4.

Agree

⁹ Group 4: Libraries serving populations ranging from 60,000 to 100,000

¹⁰ The comparison indicators are based on data for FY 2003-2004, the most recent year that statistics are available for all 33 Group 4 libraries.

While Nevada County's annual population per FTE staffing is 3,378 compared to the statewide average of 2,995 for 2003-2004, this improves when compared to the statewide county average, which is 4,585. Nevada County ranks third in open hours per capita among Group 4 libraries. When compared to county libraries statewide, Nevada County's hours of operations rank 15th out of 49 counties. The high number of service hours is partially due to the fact that Nevada County has 6 facilities, more than almost any other library system in Group 4. With the move of Literacy Service from a separate location to the Madelyn Helling Library in 2004-2005, the Nevada County Library offers 11,232 public service hours per year according to the latest 2006 edition of *California Library Statistics*. The number of annual public service hours the Library offers is still very high. In fact, it is the second highest amount in Group 4 of the brand new edition.

(See Response to Recommendation No. 4)

10. **There are approximately 62,000 active library cardholders, or about 65% of the total county population.**

Agree

11. **The Grass Valley, Penn Valley and Doris Foley Libraries are extremely short on space for circulation materials, reading areas and computers. In addition, there is a lack of adequate parking at the Grass Valley and Doris Foley Libraries.**

Agree

12. **Library facility requirements are not addressed in the Nevada County Facilities Master Plan 1988-2020. The County updates this plan annually, however it has not addressed library facility needs for additional space in each Master Plan revision.**

Agree

13. **The Library provides literacy services to the general public at no cost to the participants. A half-time Literacy Coordinator was reinstated in the FY 2004-2005 County budget. The coordinator oversees a tutorial staff of over 40 volunteers, many of whom are retired teachers.**

Agree

14. **The Literacy program actively advertises to reach prospective students, many of who are reluctant to admit their reading and writing difficulties. There are currently about 35 participants in the literacy program.**

Agree

15. **The literacy programs utilize AmeriCorps volunteers who actively solicit small and medium businesses to encourage their employees with reading problems to contact the library for help.**

Agree

16. **The Nevada County Library and the Nevada County Superintendent of Schools sponsor a countywide community reading program called Nevada County Reads. The project's goal is to encourage the entire community to read and discuss with others a selected work of literature.**

Agree

17. **The Friends of the Nevada County Library and The Friends of the Truckee Library are volunteer, non-profit 501(c)(3) organizations with over four hundred members. They collect and sell used books, seek out gifts of materials, services, monetary contributions, and raise funds for the purchase of new books and source materials.**

Agree

18. **The Nevada County Library Foundation accepts, manages and disburses funds from gifts and bequests. This volunteer organization helps the Library sustain a level of excellence and expands resources, public services, and facilities.**

Agree

19. **The Library provides children's activities at each location. These include reading programs and materials for toddlers, pre-school children, elementary grade youths, teens and young adults.**

Agree

20. **The *Paws to Read at the Library* program is a unique way of reaching out to children who are reluctant readers. It provides a child an opportunity to read to a "Therapy Dog" in an unthreatening environment.**

Agree

Recommendations:

- 1. The Board of Supervisors should continue to support the Nevada County Library by augmenting the Library General Fund budget as specific needs are identified and defined.**

This recommendation has been implemented.

The Board of Supervisors provides additional resources for unmet needs identified by the Library during the budget process. The Board must weigh these needs against other competing priorities. All County departments submit their unmet needs during the budget process, where they are considered and prioritized. Due to limited resources, not all unmet needs are funded. However, in 2004-05, an additional \$5,000 was provided to the Library to fund the summer intern program and \$300,000 to support cost plan charges. In 2005-06, \$120,000 in general funds was provided to purchase materials and replace carpet, and \$125,000 to offset cost plan charges.

- 2. The Board of Supervisors should petition the State of California to reinstate library allocations to fiscal year 2001-2002 levels.**

This recommendation will not be implemented.

During the California Library Association's Library Legislative Day in Sacramento earlier in the year the Nevada County Librarian, on behalf of the Board of Supervisors, visited the offices of State Legislators to advocate for increased funding for public libraries through the Public Library Fund (PLF) and transaction-based reimbursement (TBR). Packets of information were left with, and follow-up letters sent to, the legislative offices.

The PLF has never been fully funded in its history, but its high-water mark was 2000/2001 when it reached \$56 million statewide. During 2001/2002, the statewide PLF amount was \$52,970,000 and Nevada County Library's share was \$143,087. Both amounts are far above what the public libraries in the state and Nevada County Library can respectively expect to receive during 2006/2007, even with the \$7 million above the original \$7 million request statewide contained in the Governor's May Revise budget. As it now stands, the statewide PLF amount is expected to be \$14 million and the Nevada County Library should receive about \$36,000, which is about \$18,000 over the original request. In addition, the May Revise contains another additional \$7 million for TBR that will support the inter-library loan program. This enhancement may provide upwards of \$5,000 for the Nevada County Library.

- 3. The Board of Supervisors should seek other sources of revenues for Library services.**

This recommendation has been implemented.

The Friends of the Nevada County Libraries, The Friends of the Truckee Library and the Nevada County Library Foundation are consistently raising funds for library uses, and the Board continues to seek new funding opportunities for all County programs, including the Library.

- 4. The Board of Supervisors should fund additional library staff as required to increase library open hours in the branch satellite libraries and extend the weekend hours coverage in the three main libraries.**

This recommendation has been implemented.

The Board has approved an additional \$85,000 in temporary salaries for the Library's FY 06/07 Budget. In addition, the Nevada County Library is open more service hours than any other county library of similar population size and provides more public service hours than almost any other public library in Group 4 of the California Library Statistics, 2005. Of the 33 public libraries in Group 4, which includes counties, cities and districts, Nevada County ranks third in the number of hours open per 100 population. In looking at expenditures per capita, the top two libraries (Palo Alto and Newport Beach) with more operating hours than Nevada County have operating funds 4-5 times that of Nevada County.

- 5. The Board of Supervisors should fund the expansion of the literacy program with the reinstatement of the Literacy Coordinator to a full time position.**

This recommendation will not be implemented at this time.

The Literacy Program originated as a grant-funded program through the California Library Literacy Service Act. Originally, the grant funds were sufficient to fund the program in its entirety. In 1999, Nevada County Library received \$400,000 over a five year period but as grant funding was reduced, so was the program. Today, the funding expected for 2006/07 will be \$30,000, and is a percentage match depending upon local monies raised. Currently, the Library operates a half-time program utilizing county funds and the grant funding available. The program has been sustained another year due to the fiscal prudence the Library has shown by moving the program to the Madelyn Helling Library and reducing overhead costs. The number of learners in the Literacy Service has remained relatively static, at around 40 at any given time, for the last few years. One-on-one Literacy Service is relatively expensive, and County funds coupled with State Library funds spent during 2005/2006 totaled \$60,000.

Should the need increase, and as additional grant funding may become available, the Board of Supervisors would then consider expansion of the Literacy program and staffing as appropriate.

- 6. The Board of Supervisors should draw attention to illiteracy in the County and provide the means for the expansion of services to participants in the literacy program.**

This recommendation will be implemented by January 2007.

The Nevada County Library is currently advertising this program. Specifically, the Literacy Coordinator has used a grant from the Tahoe-Truckee Community Foundation to pay for media advertising Truckee and Western Nevada County. Plans to be completed by January 2007

include more programming with community access television, the development of an article for mynevadacounty.com and more coverage from local radio and newspapers.

- 7. The Board of Supervisors should ensure that children's programs are provided adequate staff, physical space, books, films, materials and equipment.**

The recommendation has been implemented.

The Nevada County Library staffing ratios compare very favorably with other County libraries in Group 4. It's important to add that Nevada County Library offers more locations and open hours than the other County Libraries in Group 4. The Truckee Library was expanded with County funds in 2004. Most of the new addition went for an expanded children's area. Although all of the areas at the Grass Valley Library-Royce Branch location are small, the children's room at the historic location occupies almost the entire downstairs area of the branch. The situation is similar for the Doris Foley Library for Historical Research. The facility isn't that spacious for school class visits but, unfortunately, space is at a premium for all visitors of the Library. The Bear River and Penn Valley Library stations, although not full-service libraries, do serve to extend library services to adults and children living in the unincorporated areas of the County. In addition, Nevada County ranks highest in available children's materials per capita among other Group 4 County libraries and above the average overall.

- 8. The Board of Supervisors should ensure that future Library Facilities requirements are an integral part of the County's Capital Facilities Master Plan.**

The recommendation will be implemented by January 2007.

While Library Facility needs were not included in the plan approved by the Board in January 2006, they will be added to the facilities list for consideration in 2007. The 2006 Capital Facilities Master Plan approved by the Board in January 2006 acknowledges in its executive summary that the plan is intended to be a "Living Document" and a tool to be reevaluated and refined annually as new information, needs and resources are identified. Although not formalized in a Capital Facilities Plan, the Board has continually supported Library facility needs and supported Library facility funding opportunities. In 2003, the Board approved an application for State Bond funding under Proposition 14, the Library Bond Act of 2000, for the expansion of the Grass Valley Branch. It was not funded. Only 16 out of 66 projects were funded that year. In 2002, the Board approved the Truckee Children's Library expansion project which was completed October 2003.

REQUIRED RESPONSES

Board of Supervisors – by August 28, 2006

SPECIAL DISTRICTS

A Current Look at N.I.D.

A CURRENT LOOK AT NID

REASON FOR INVESTIGATION

Nevada Irrigation District (NID) is the largest Special District in Nevada County and is responsible for providing water for both household and agricultural use in portions of Western Nevada County and parts of Placer, Yuba and Sutter Counties. California Penal Code Section 933.5 authorizes all civil grand juries with oversight of special districts. The Nevada County Civil Grand Jury was concerned by the continuation of annual rate increases combined with the acknowledged large reserves retained by NID.

BACKGROUND

The Nevada Irrigation District is an independent Special District operated for the landowners within its 287,000 acre boundaries which include portions of Western Nevada County and Northwestern Placer County. NID has approximately 160 employees who provide service to some 22,000 customers of both raw (agricultural) and treated (household) water. NID also supplies raw water to Grass Valley and Nevada City. NID is managed by a five member Board of Directors elected by district voters.

NID operates dams, reservoirs, flumes, ditches, and pipelines to store and transport water as well as eight water treatment plants and seven hydroelectric plants. NID provides recreational facilities at Rollins and Scotts Flat reservoirs as well as at Faucherie and Jackson Meadows.

METHOD OF INVESTIGATION

The Grand Jury interviewed senior management of NID including the General Manager and the Finance Manager and members of the Board of Directors. Grand Jury members also attended four Board of Directors meetings at which both the proposed 2006 rate increase and the proposed 2006 budget were discussed and at which the public was given the opportunity to comment on both the rate increase and the budget.

The Grand Jury reviewed financial and operational data for the period from 1999 through 2006 provided by NID. These included proposed and approved budgets, actual financial results, audit reports and construction plans.

The Grand Jury reviewed previous Grand Jury reports issued in 1999, 2001 and 2003.

FINDINGS

1. NID has made substantial changes to its budgeting process in recent years. The major change was made in the 2005-2007 budget when separate budgets were created for Operations and Maintenance (O&M) and Capital. The O&M budget supports normal

day-to-day service and repair work. The Capital budget supports construction of new facilities including treatment plants and pipelines.

2. The annual NID budget includes specific line items for withdrawals from or deposits to reserves.
3. NID has repeatedly reported that expenses continue to exceed revenues for the O&M portion of the budget resulting in increased rates for both agricultural and treated water in each of the last five years.
4. In each year from 1999 to 2004, the original approved NID budget substantially underestimated revenues. The total amount of the underestimation of revenue for the six year period was \$24,000,000, which represents an average of 20% of budgeted revenues over the same time period.
5. For 2004, the amount of the underestimation of revenues was \$3,100,000. NID staff stated at a Board of Directors meeting that a 1% change in rates is roughly equivalent to \$150,000 in revenues. Therefore, the \$3,100,000 underestimation has an equivalent impact of a 20% rate increase.
6. During recent public hearings on the rate increase process, NID did not clearly state the amount of additional revenues required to balance the budget or the amount intended to be raised by the proposed rate increase.
7. In 2006, NID formally made proactively expanding water services to the existing and new customers within its service territory its top priority.
8. NID has been charging all labor costs to the O&M budget even if the labor was related to the Capital budget. As part of the 2006 proposed rate increase process, NID stated that the amount of labor that should be assigned to Capital rather than O&M was \$1,200,000 for 2006.
9. According to NID, the State of California took approximately \$1,600,000 in assessment revenues from NID in 2004, \$3,200,000 in 2005, and will take an additional \$1,600,000 in 2006. The money transferred from NID to the State amounts to approximately \$6,400,000.
10. Under current NID procedures, if a construction project cannot be completed on schedule, the moneys assigned to the project remain unspent resulting in under running current year capital outlays.
11. More than 50% of NID projects over the last five years have not been completed on schedule.
12. The costs of construction materials and labor have continued to increase over the last five years.

CONCLUSIONS

1. NID's \$24,000,000 underestimation of revenues over the last six years has had a substantial impact on the rate setting process.
2. Delays in completing more than 50% of scheduled projects have resulted in increasing the cost of projects.
3. The current NID practice of under-running the Capital budget due to delays in project schedules has contributed significantly to year end surpluses.
4. A perceived under-funding of the Operations and Maintenance (O&M) budget has been the basis of much of NID's proposed rate increases.
5. The recently adopted process of budgeting day-to-day operations separately from construction program requirements appears to be a valid way to manage and control revenues and expenses.

RECOMMENDATIONS

1. NID should review the process used to estimate water sale revenues, service connections and interest revenues to ensure that budgeted revenues more closely approximate actual revenues.
2. NID should implement a tighter control over construction projects including a documented five year construction program complete with a list of current year approved projects with schedules and budgets.
3. NID needs to improve overall management of its construction program in order to accomplish work identified in the Capital budget in a timely manner.
4. NID should allocate day-to-day labor costs to the O&M budget and labor associated with construction projects to the Capital budget to support the process of setting rates to properly support associated costs.
5. NID rate increases should be tied directly to the need for balancing revenues against expenses.

REQUIRED RESPONSE

NID Board of Directors – July 18, 2006

Response

NID Nevada Irrigation District

1036 W Main St • Grass Valley, CA 95945 • (530) 273-6185
From Auburn & Lincoln: 1-800-222-4102 FAX: 477-2646 www.nid.dst.ca.us

September 20, 2006

*David
10/22/06*

RECEIVED

SEP 21 2006 *HLB*

Honorable Albert P. Dover
Presiding Judge of the Superior Court
201 Church Street
Nevada City, CA 95959

RE: Response to the Grand Jury's Report dated April 17, 2006

To the Honorable Judge Dover:

The District wishes to thank the Grand Jury for its recommendations. Our required response is as follows:

FINDINGS

1. NID has made substantial changes to its budgeting process in recent years. The major change was made in the 2005-2007 budget when separate budgets were created for Operations and Maintenance (O&M) and Capital. The O&M budget supports normal day-to-day service and repair work. The Capital budget supports construction of new facilities including treatment plants and pipelines.

Agree

NID continues to refine and improve its budgeting process. The Capital budget supports construction of new facilities including treatment plants and pipelines AND major repairs and replacement of existing infrastructure.

2. The annual NID budget includes specific line items for withdrawals from or deposits to reserves.

Agree

The annual NID budget does include specific line items for withdrawals from or deposits to reserves.

The District will provide a dependable, quality water supply, strive to be good stewards of the watersheds and conserve the available resources.

M:\Ron Nelson\Correspondence - Letters\Grand Jury Response September 21 2006.doc

287,000 ACRES SITUATED IN NEVADA, PLACER, SIERRA & YUBA COUNTIES

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3. NID has repeatedly reported that expenses continue to exceed revenues for the O&M portion of the budget resulting in increased rates for both agricultural and treated water in each of the last five years.

Agree

In accordance with the information included on the attached Exhibit A, NID's externally audited financial statements support this statement.

4. In each year from 1999 to 2004, the original approved NID budget substantially underestimated revenues. The total amount of the underestimation of revenue for the six year period was \$24,000,000, which represents an average of 20% of budgeted revenues over the same time period.

Disagree

The statement "the original approved NID budget substantially underestimated revenues" is a dichotomy. The analysis compares an estimated budgeted revenue amount calculated in December of one fiscal year to an actual amount finalized in December of the following fiscal year. Budgets are evolving documents. The use of the word "substantially" is very subjective. Additionally, the assertion that the individual "annual" underestimations can or should be accumulated is incorrect. Annual budget underestimations are not cumulative. Audited operating losses are, however, cumulative. It should be noted that for the year ended December 31, 2005, NID's budgeted water revenues were within four percent (4%) of actual water sales. It is estimated that NID's budgeted water revenues will be within ten percent (10%) of actual water sales for the year ended December 31, 2006.

5. For 2004, the amount of the underestimation of revenues was \$3,100,000. NID staff stated at a Board of Directors meeting that a 1% change in rates is roughly equivalent to \$150,000 in revenues. Therefore, the \$3,100,000 underestimation has an equivalent impact of a 20% rate increase.

Partially agree

The amount of the total underestimation of the originally budgeted revenues for 2004 was \$3,041,000. However, only \$1.1 million of the \$3.0 million related directly to water sales. The statement that "a 1% change in rates is roughly equivalent to \$150,000 in revenues" cannot not be directly correlated to the conclusion it is "an equivalent impact of a 20% rate increase". The mathematical model utilized by the District to project future revenues consists of a variety of assumptions and factors some of which are known and many of which are assumed. The number of new connections, the quantity of water consumed by

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each type of customer and weather conditions are all very subjective yet critical factors in predicting "future water revenues". NID generated losses on its operations, after depreciation, for each of the six years in the period from 1999 to 2004. Additionally, the District experienced a net operating loss, after depreciation, of \$2.3 million in fiscal year ended 2005. Continued actual operating losses compelled the District to raise its operating water sales rates. In fact, as recommended by the Grand Jury in 1999, the District hired a consultant to perform a cost of service study and has been phasing in the recommendations from that study with the goal of balancing operating revenues with operating expenses.

6. During recent public hearings on the rate increase process, NID did not clearly state the amount of additional revenues required to balance the budget or the amount intended to be raised by the proposed rate increase.

Disagree

At the October 12, 2005 Board meeting, it was stated the "operations and maintenance revenues are increasing 4.1% and expenditures are increasing 5.1%". At the October 26, 2005 Board meeting "Ms. Andrews reviewed the treated water rate blocks and the number of customers affected by each block. Very few customers are at the 1 hcf level per month (average consumption). The proposed rate increase for this block is 4%. A majority of the District's customers fall into the 2 to 30 hcf block (average monthly consumption). The proposed rate increase for this block is 9%. The average increase for a 5/8-inch meter based on usage is \$2.13 per month, including mandated fees. The average increase for a 3/4-inch meter based on usage is \$2.61 per month, including mandated fees".

7. In 2006, NID formally made proactively expanding water services to the existing and new customers within its service territory its top priority.

Agree

8. NID has been charging all labor costs to the O&M budget even if the labor was related to the Capital budget. As part of the 2006 proposed rate increase process, NID stated that the amount of labor that should be assigned to Capital rather than O&M was \$1,200,000 for 2006.

Partially agree

The 2006 NID adopted budget reflects \$720,000 of estimated salary and related benefits expenditures to be transferred from the O & M budget to the capital budget. While the District "began" to reflect the capitalization of its internal

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salaries to projects on the 2006 budget, the District has been capitalizing the actual salaries in its audited financial statements for many years.

9. According to NID, the State of California took approximately \$1,600,000 in assessment revenues from NID in 2004, \$3,200,000 in 2005, and will take an additional \$1,600,000 in 2006. The money transferred from NID to the State amounts to approximately \$6,400,000.

Agree

The amount of ERAF III (education revenue augmentation fund) revenue withheld was \$1,620,924, \$3,241,848 and \$1,620,924 for each of the fiscal years 2004, 2005 and 2006, respectively.

10. Under current NID procedures, if a construction project cannot be completed on schedule, the moneys assigned to the project remain unspent resulting in under running current year capital outlays.

Partially agree

The term "under running" is not understood. If a construction project cannot be completed on schedule, the money assigned to the project remains unspent. This results in reduced capital outlays during the year in which the project is not completed.

11. More than 50% of NID projects over the last five years have not been completed on schedule.

Agree

The primary reason for the delays has been directly related to the rapidly expanding and ever increasing regulatory arena over which the District has very little control. Complying with new environmental regulations, considering public opinion/input and overcoming unanticipated obstacles has severely hampered the District's ability to complete many of its forecasted projects in a timely manner.

12. The costs of construction materials and labor have continued to increase over the last five years.

Agree

RECOMMENDATIONS

1. NID should review the process used to estimate water sale revenues, service connections and interest revenues to ensure that budgeted revenues more closely approximate actual revenues.

The recommendation has not yet been implemented but will begin to be with the preparation of its 2007 – 2009 budget. The District is exploring new and different ways to more accurately estimate water sales, service connections and interest revenues. The District expresses its commitment to produce its best estimates during the annual budget process.

2. NID should implement a tighter control over construction projects including a documented five year construction program complete with a list of current year approved projects with schedules and budgets.

The recommendation has not yet been implemented but will begin to be with the preparation of its 2007 – 2009 budget. The District is in the process of investigating different alternatives to improve its construction projects projection procedures including the purchase of project management software and training. The District is of the opinion this will take approximately three years to acquire, implement and complete such a model.

3. NID needs to improve overall management of its construction program in order to accomplish work identified in the Capital budget in a timely manner.

The recommendation has not yet been implemented but will begin to be with the preparation of its 2007 – 2009 budget. Please see the response immediately above. The recent adoption of a strategic plan by the Board of Directors identifies the District's intent to define its goals and objectives and the means by which to accomplish those goals and objectives.

4. NID should allocate day-to-day labor costs to the O&M budget and labor associated with construction projects to the Capital budget to support the process of setting rates to properly support associated costs.

The recommendation was attempted to be implemented during the preparation of the 2006 – 2008 budget and will continue to be improved during the preparation of its 2007 – 2009 budget.

5. NID rate increases should be tied directly to the need for balancing revenues against expenses.

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The recommendation is currently in place. NID rate increases are tied directly to the need for balancing revenues against expenses. The District has engaged in several cost of service studies over the years and has implemented recommended rate increases as necessary. The audited financial statements of the District over the last seven years clearly shows that operating expenditures have consistently exceeded operating revenues generating net operating losses.

The Grand Jury concluded that recently adopted budgeting practices of segregating and allocating costs between operations and capital budgeting appear to be appropriate. It is the District's intent to continue to improve upon these processes, implementing tighter management, supervision and reporting controls to ensure timely completion of such projects.

In closing, and in addition to the commitments made above, the District will strive to provide understandable, transparent and consistent descriptions of all of the District's business activities.

Sincerely,

NEVADA IRRIGATION DISTRICT



Ron Nelson
General Manager

cc: NID Board of Directors
Marie G. Owens

NEVADA IRRIGATION DISTRICT
Water Fund
Statement of Operating Revenues versus Operating Expenses
Years Ended December 31, 2005, 2004, 2003, 2002, 2001, 2000 and 1999

	12/31/2005	12/31/2004	12/31/2003	12/31/2002	12/31/2001	12/31/2000	12/31/1999
	Water Actual	Water Actual	Water Actual	Water Actual	Water Actual	Water Actual	Water Actual
Operating revenues:							
Water sales	\$ 14,017,291	\$ 13,390,812	\$ 11,821,502	\$ 10,992,386	\$ 10,830,458	\$ 10,121,388	\$ 9,839,801
Standby charges	150,201	135,848	145,590	150,732	226,843	94,926	166,475
Insurance settlements & refunds	-	-	-	-	-	1,264,372	34,781
Capacity fees	2,044,108	916,016	1,545,827	1,154,484	872,439	523,138	1,001,161
Reimbursable costs	7,032	4,350	1,301	14,017	2,998	5,029	2,759
New connections and installations	496,762	442,201	455,418	412,049	336,623	365,704	500,441
Campgrounds	534,001	536,557	549,410	-	-	-	-
Other income	232,600	228,886	211,262	712,739	693,648	718,102	697,059
Total operating revenues	17,481,995	15,654,670	14,730,310	13,436,407	12,963,009	13,092,659	12,242,477
Operating expenses:							
Departments	4,690,618	4,584,374	3,509,980	3,172,355	5,705,868	4,709,483	-
Canals	5,170,680	6,366,713	4,494,413	4,728,075	3,373,025	3,076,977	-
Treatment plant costs	2,097,426	2,357,184	2,091,803	1,331,409	1,636,985	1,247,583	-
Treated water systems	2,406,452	3,206,855	2,978,419	3,139,400	2,056,970	1,322,337	-
Other facilities	583,386	611,529	575,794	440,085	641,434	218,279	-
Routine maintenance	74,657	35,105	15,267	1,700	-	-	-
Administration	30,448	8,241	6,964	3,842	11,751	6,424	783,402
Depreciation and amortization	4,120,693	3,927,073	3,350,910	2,268,329	2,129,364	2,551,996	2,360,555
Campgrounds	633,866	594,120	597,780	-	-	-	-
Salaries and Wages	-	-	-	-	-	-	4,767,074
Employee Benefits	-	-	-	-	-	-	2,134,237
Materials and Supplies	-	-	-	-	-	-	1,535,085
Outside services and fees	-	-	-	-	-	-	300,085
Other expenses	-	-	(186,178)	627,035	608,142	619,842	656,788
Total operating expenses	19,808,226	21,691,194	17,435,152	15,712,230	16,163,539	13,752,921	12,537,226
Net Operating Loss	\$ (2,326,231)	\$ (6,036,524)	\$ (2,704,842)	\$ (2,275,823)	\$ (3,200,530)	\$ (660,262)	\$ (294,749)

November 26, 2003

Approved the Offer of Dedication with Marianne Combs for the Mount Vernon Road Waterline Extension. M/S/C Leipzig/Williams

WATER RATES - 2004

The President of the Board opened the hearing for public comments.

Finance Manager, Tess Andrews, presented the Water Rates Committee proposed recommendation to the District's Schedules of Water Rates and Charges as follows:

1. That the water rates be increased by:
 - a. Treated Water = 2.5% in the minimum
= 9% in usage – block 2
= 11% in usage – block 3
= 15% in usage – block 4
 - b. Raw Water = 7% First Miner's Inch
= 7% Additional Miner's Inches
2.
 - a. Treated Water - Inside = 6.43% (from 4.35% change of 2.08%)
 - b. Treated Water – Outside = 5.04% (from 3.00% change of 2.04%)
 - c. Raw Water – Inside = 3.01% (from 1.47% change of 1.54%)
 - d. Raw Water – Outside = 1.62% (from 0.11% change of 1.51%)
3. That the following schedules be changed by reviewing actual costs:
 - a. Schedule 4-A Treated Water System Installation Fees
 - b. Schedule 5-B Raw Water Service Outlet Installation
 - c. Schedule 8-A Public Fire Hydrants
 - d. Schedule 8-B Private Fire Service Installation
 - e. Schedule 8-C & D Private Fire Service – Bi-monthly Charges
 - f. Schedule 9-B Backflow Prevention Device – Installation Charges
 - g. Schedule 9-C & D Backflow Prevention Device – Bi-monthly Charges
 - h. Schedule 10-A District Constructed Mainline Extensions

Note: Schedule 4-A Treated Water System Capacity Fees were adopted on August 27, 2003 to be effective January 1, 2004.

The Finance Manager quoted the new treated water system connection fees for a 5/8-inch meter with capacity plus installation going from \$3,990 to \$5,600. The projection for a low-use customer conserving water and using 5 hcf (hundred cubic feet) of water would see a monthly increase of about \$1.59, or 5.16 percent. A more typical customer, using 30 hcf, would see a bi-monthly increase of \$5.02 or 8.78 percent.

Irrigation water customers would see an across the board increase of 7 percent plus added fees for state and federal mandated programs, for an average increase of 8.6 percent.



